



DEPARTMENT OF STATE

Washington, D.C. 20520

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MEMORANDUM

March 5, 1975

TO: OMSN - Ambassador Williams

FROM: L - O. Thomas Johnson *OTJ*

SUBJECT: Consistency of Commonwealth Status with U.S. Obligations Under Trusteeship Agreement to "Promote the development of the inhabitants of the territory towards self-government or independence."

You have asked for guidance in responding to assertions that, in acquiring sovereignty over the Northern Mariana Islands, the United States will be in violation of its obligations under the Trusteeship Agreement. Following are some suggestions in this regard.

1. Both under Article 6 of the Trusteeship Agreement and under Article 76(b) of the United Nations Charter, the United States is under an obligation to promote the development of the inhabitants of the Trust Territory toward "self-government or independence." That self-government is something other than independence seems obvious, in that it is presented as an alternative to independence in both the Trusteeship Agreement and the U.N. Charter.

2. This difference between self-government and independence was recognized by the General Assembly in 1960 when, in its resolution 1541, it defined three ways in which a dependent territory could reach self-government. These were:

- (1) emergence as a sovereign independent state;
- (2) free association with an independent state;
and
- (3) integration with an independent state.

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The Commonwealth status proposed for the Northern Mariana Islands would appear to fall within the third category.

3. For those who still question whether commonwealth status constitutes "self-government" for purposes of the Trusteeship Agreement and the U.N. Charter, General Assembly resolution 748 (Nov. 27, 1953) may usefully be cited. This resolution, which had the effect of terminating Puerto Rico's status as a non-self-governing territory under Chapter XI of the Charter, recognized:

"that, in the framework of their Constitution and the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity."

Inasmuch as the political status of the Northern Mariana Islands will be, under the Covenant, identical in all important respects with that of Puerto Rico, the conclusion is inescapable that in bringing the Northern Mariana to commonwealth status the U.S. will have discharged its obligation under both Article 6 of the Trusteeship Agreement and Article 76 of the U.N. Charter to promote the development of the inhabitants of the trust territory toward "self-government or independence." 1?

Of course, the above line of argument presumes approval of the Covenant in a plebiscite which constitutes a valid exercise of the people's right of self-determination.