



## Trusteehip Council

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COMMUNICATION FROM THE HOUSE OF REPRESENTATIVES, SECOND NORTHERN  
MARIANAS COMMONWEALTH LEGISLATURE, CONCERNING THE TRUST TERRITORY  
OF THE PACIFIC ISLANDS

(Circulated in accordance with rule 24 of the rules of procedure  
of the Trusteeship Council)

House of Representatives  
SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
P.O. Box 586  
Saipan, Mariana Islands 96950

3 September 1981

The President  
United Nations Trusteeship Council  
United Nations  
New York, N.Y. 10017

Dear Mr. President:

I transmit herewith a certified copy of House resolution 138, resolution "requesting the Governor to direct the Attorney General to institute appropriate legal action to remedy the unfair and inequitable decision of Acting Deputy High Commissioner Daniel J. High refusing to transfer or allot any of the Trust Territory Government's field trip ships to the Government of the Northern Mariana Islands in the List of Distribution of Trust Territory Ships of 24 July 1981", adopted by the House of Representatives, Second Northern Marianas Commonwealth Legislature, fourth regular session, 1981.

Hafa Adai,

(Signed) Esteban I. PANGELINAN  
Clerk  
House of Representatives

Enclosure

SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
FOURTH REGULAR SESSION, 1981

HOUSE RESOLUTION 138

A HOUSE RESOLUTION

Respectfully requesting the Governor to direct the Attorney General to institute appropriate legal action to remedy the unfair and inequitable decision of Acting Deputy High Commissioner Daniel J. High refusing to transfer or allot any of the Trust Territory Government's field trip ships to the Government of the Northern Mariana Islands in the List of Distribution of Trust Territory Ships of 24 July 1981.

WHEREAS, Section 801 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America 1/ (United States Public Law 94-241, 48 U.S.C. 1694) provides that all the right, title and interest of the Government of the Trust Territory of the Pacific Islands in and to all personal property will be distributed equitably to the Micronesian entities that had constituted the Trust Territory of the Pacific Islands, including the Government of the Northern Mariana Islands; and

WHEREAS, Section 903 of the Covenant, effective 24 March 1976, provides that such undertakings and obligations of the Government of the United States will be enforceable in the courts established by the Constitution or laws of the United States; and

WHEREAS, the people of the Northern Mariana Islands overwhelmingly ratified the Covenant on 17 June 1975; and

WHEREAS, as a result of this ratification the Northern Mariana Islands were administratively separated and governed by a Resident Commissioner on 1 April 1976; and

WHEREAS, upon this separation the Acting High Commissioner of the Trust Territory Government and the Resident Commissioner of the Northern Mariana Islands entered into accords known as Memorandum of Understanding; and

WHEREAS, these understandings provided many separation policies and procedures whereby both Governments facilitated transitional matters; and

WHEREAS, Memorandum of Understanding No. 18 approved on 8 December 1976, guarantees that the Northern Marianas Government shall receive "funds, equipment and parts provided for in its fiscal year 1977 authorized budget for the operation of such marine crafts in the Northern Marianas based upon the Trust Territory Government's fiscal year 1977 budget justification presented to and approved by the United States Congress"; and

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1/ For the text of the Covenant, see Official Records of the Trusteeship Council, Forty-second Session, Sessional Fascicle, annexes, document T/1759.

WHEREAS, the Trust Territory Government, on 19 January 1977, entered into a contract with Namura Shipbuilding Company, Ltd., to build seven twin screw inter-island cargo ships; and

WHEREAS, the names of the ships Namura Shipbuilding Company, Ltd., delivered to the Trust Territory Government are Micro Spirit, Micro Dawn, Micro Glory, Micro Palm, Micro Chief, Micro Trader, and Micro Pilot; and

WHEREAS, the construction of such ships was financed by an appropriation bill of the United States Congress in 1977, using the needs and requirements of the Government of the Northern Mariana Islands as a justification for such appropriation; and

WHEREAS, by virtue of Presidential Proclamation 4534 of 24 October 1977, Section 801 of the Covenant was effective as of 9 January 1978; and

WHEREAS, Article 6 of the Trusteeship Agreement 2/ for the former Japanese mandated islands imposes upon the Government of the United States and its Administering Authority, the Government of the Trust Territory of the Pacific Islands, the trust duty, obligation and undertaking to promote the economic advancement and self-sufficiency of the inhabitants, to protect against the loss of their resources, to improve the means of transportation and communication and to protect their health; and

WHEREAS, the List of Distribution of Trust Territory Ships of 24 July 1981, issued by Acting Deputy High Commissioner Daniel J. High, transfers or allots no ships to the Government of the Northern Mariana Islands; and

WHEREAS, the sense of the House on this matter was expressed in House Resolution No. 2-24, adopted 6 March 1980; and

WHEREAS, by virtue of Section 801 of the Covenant, Article 6 of the Trusteeship Agreement and such Memorandum of Understanding with the Trust Territory Government, the Government of the Northern Mariana Islands deserves and has the right to at least one of such ships in an equitable distribution; now, therefore,

BE IT RESOLVED by the House of Representatives of the Second Northern Marianas Commonwealth Legislature, fourth regular session, 1981, that the Governor is hereby respectfully requested to direct the Attorney General to protect the rights, privileges, resources and welfare of the people of the Northern Mariana Islands by instituting appropriate legal action against the Government of the United States and its administering authority, the Government of the Trust Territory of the Pacific Islands, to obtain an equitable distribution of ships for the Government of the Northern Mariana Islands; and

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2/ Trusteeship Agreement for the Trust Territory of the Pacific Islands  
(United Nations publication, Sales No. 1957.VI.A.1).

BE IT FURTHER RESOLVED that the Speaker of the House shall certify and the House Clerk shall attest to the adoption hereof and thereafter transmit certified copies to the Governor of the Commonwealth of the Northern Mariana Islands; to the President of the Senate of the Second Northern Marianas Commonwealth Legislature; to the Attorney General of the Commonwealth of the Northern Mariana Islands; to the Trusteeship Council of the United Nations; to the Secretary of Interior; and to the High Commissioner of the Trust Territory Government.

ADOPTED: 21 August 1981

(Signed) Joaquin I. PANGELINAN  
Speaker of the House

ATTESTED:

(Signed) Esteban I. PANGELINAN  
House Clerk

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