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INFO OCT-01 EA-10 SS-20 NSC-10 CIAE-00 INR-07 NSAE-00

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FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC 5785

C O N F I D E N T I A L CANBERRA 3408

SUBJ: TRUST TERRITORY OF PACIFIC ISLANDS

REF: CA-3446 - POL 19 PAC

DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <i>[Signature]</i>	DATE FEB. 25 1987
RDS <input type="checkbox"/> or XDS <input type="checkbox"/> EXT. DATE	
TS AUTH. _____	REASON(S) _____
ENDORSE EXISTING MARKINGS <input type="checkbox"/>	
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Canberra 3408
7/16/70

1. DURING TWO SEPARATE CONVERSATIONS WITH EMBOFF THIS WEEK PROF. J.W. DAVIDSON (CONSULTANT TO MICRONESIAN FUTURE POLITICAL STATUS COMMISSION) MADE FOLLOWING POINTS ON NEGOTIATIONS BETWEEN USG AND MICRONESIANS.

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2. HE SAID HE HAD BEEN ASKED BY MICRONESIANS TO RETURN TO SAIPAN (HE IS LEAVING CANBERRA THIS FRIDAY) TO BE PRESENT WHEN COMMISSION REPORTS TO CONGRESS OF MICRONESIA. ALTHOUGH HE HAS NOT SEEN FINAL VERSION WRITTEN REPORT, HE WAS INVOLVED IN DRAFTING (BY MAIL) AND CLAIMS REPORT WILL BE STRAIGHTFORWARD PRESENTATION RESPECTIVE POSITIONS STATUS COMMISSION AND USG ON FUTURE OF TTPI, WITH RECOMMENDATION THAT CONGRESS ENDORSE POSITION TAKEN BY COMMISSION DURING MAY NEGOTIATIONS.

3. REFERRING TO MICRONESIAN DEMAND FOR RIGHT UNILATERALLY TO OPT OUT OF ANY FREE ASSOCIATION WITH US, HE SAID THAT PRINCIPLE RATHER THAN SUBSTANCE WAS IMPORTANT. HE BELIEVES MICRONESIANS QUITE PREPARED ACCEPT SOME SORT OF CONSTITUTIONAL ARRANGEMENT WHICH WOULD PROVIDE THEORETICAL RIGHT TO OPT OUT, BUT WHICH WOULD BE PRACTICALLY IMPOSSIBLE IMPLEMENT, E.G. LEGISLATIVE AND OTHER SAFEGUARDS WHICH WOULD REQUIRE SERIES OF TWO-THIRDS VOTES IN LEGISLATURE OVER LONG PERIOD OF TIME, FOLLOWED BY TWO-THIRDS VOTE IN A TERRITORIAL REFERENDUM, AFTER A "FIXED" COOLING OFF"

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PERIOD. HE FELT MICRONESIANS NOT PREPARED BUDGE ON LAND ISSUE, IN PARTICULAR THEIR REJECTION USG "RIGHT OF EMINENT DOMAIN."

5. SPEAKING IN VERY GENERAL TERMS, DAVIDSON SAID MAJOR UNCERTAINTY AND CONCERN OF MICRONESIANS WITH RESPECT CONSTITUTIONAL ARRANGEMENT PROPOSED BY US DELEGATION ON SAIPAN IN MAY WAS NATURE AND EXTENT USG'S "UNSPECIFIED OR RESERVED" POWERS UNDER US CONSTITUTION BEYOND THOSE SET FORTH IN PROPOSAL OR IN ANY ORGANIC ACT. PUT ANOTHER WAY, DAVIDSON SAID THAT IDEALLY MICRONESIANS WOULD LIKE HAVE CONSTITUTIONAL AGREEMENT OR ARRANGEMENT IN WHICH USG AUTHORITY AND RIGHTS WOULD BE STRICTLY LIMITED TO THOSE SPECIFIED IN "AGREEMENT" BETWEEN TTPI AND US. HE BELIEVED MICRONESIAN MISAPPREHENSIONS AND FEARS MIGHT BE LAID TO REST IF US DELEGATION AT NEXT ROUND COULD MAKE CLEAR WHAT "UNSPECIFIED RIGHTS AND POWERS" WOULD BE RESERVED TO US UNDER US CONSTITUTION, BEYOND THOSE SPECIFIED IN CONSTITUTIONAL ARRANGEMENT PROPOSED BY US DELEGATION. APPLING

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