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FILE DESIGNATION

Air Priority CONFIDENTIAL A-4

HANDLING INDICATOR

TO : Department of State (for IO/UNP, EA/ANZ, S/PC) UNP/SP

DEPARTMENT PASS TO: Interior Dept. for Asst. Secretary Loesch and Office of Territories. Defense Dept. for OSD/ISA. White House for Mr. Levin. USUN New York.

FROM : HICOMTERPACIS POLAD; Saipan DATE December 5, 1970

SUBJECT : TTPI Future Political Status - Negotiating Tactics

REF : Mytel 290700Z Oct. 70 sent by CINCPACREP/GUAM/TTPI

1. The enclosure to this airgram was originally prepared as a telegram. On reflection, it hardly seems to deserve the status of a telegram at this stage, nor does the substance warrant telegraphic transmission in terms of urgency. Nevertheless, it is being sent in this form since it does provide some elaboration on two key topics covered in the referenced telegram: (a) possible new negotiating tactics; and, (b) the question of whether the Marianas should be treated separately from the rest of the TTPI when sorting out the future of the Territory.

2. Although the enclosure has been cleared by High Commissioner Johnston, who concurs in its substance, neither this airgram nor the enclosure is signed by him. As a point of procedural information for the Inter-Agency Committee, the High Commissioner has asked that I sign all messages I draft on status and related issues, unless those messages are from him personally. All important messages will, of course, be reviewed by the High Commissioner or, in his absence, the Deputy High Commissioner.

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FORM 10-64 DS-323

Drafted by: POLAD: JCDorrance;jcd

Drafting Date: 12/4/70

Clearances: HICOM - Mr. Johnston (in draft)

DORRANCE

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY Hep DATE 3/17/87

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Enclosure one  
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TO: SECSTATE  
SECINTERIOR  
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INFO: USUN NEW YORK  
CINCPAC

FROM HICOMTERPACIS POLAD THROUGH HICOM. INTERIOR FOR ASST. SECRETARY LOESCH AND OFFICE OF TERRITORIES. STATE FOR IO/UNP, EA/ANZ, AND S/PC. DEFENSE FOR OSD/ISA. WHITE HOUSE FOR MR. LEVIN. CINCPAC FOR POLAD

SUBJECT: TTPI FUTURE POLITICAL STATUS - NEGOTIATING TACTICS

REF: Mytel 290700Z Oct 70 sent by CINCPACREP/GUAM/TTPI

1. Para 14(c) reftel offered suggestion that, when negotiations on TTPI future status recommence, it might be better avoid presentation "package" proposals and attempt first negotiate on specific issues with view to building from ground up. In light past Micronesian insistence on giving priority to discussion their "non-negotiable" principles, above suggestion perhaps requires some clarification and justification.

2. Both prior to preparation reftel, and in more recent conversations (last on December 4), Senator Salii (Chairman last Micronesian Status Delegation) has repeatedly insisted key to successful conclusion of negotiations is willingness on our part to discuss "non-negotiable" principles and how they might be interpreted and implemented, and then, when we are satisfied our requirements can be met within framework those principles, give formal recognition to them. Although not said in so many words, it seems clear that in reality recognition of principles is what is "non-negotiable." Interpretation and application principles are wide open to negotiation. (In fact, Micronesians themselves have only vague ideas on how they might be interpreted.) In pressing these points, Salii and others maintain pride is major factor.

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"Once recognition given principles, and to Micronesians as equal negotiating partners, there can be very rapid agreement on form of association which will meet U.S. requirements on land, military installations, defense, foreign affairs, etc."

3. In all of these conversations I have pointed <sup>out</sup> / recognition principles causes problems for many reasons, but one of more difficult is uncertainty on what recognition would lead to. Salii's response (and that of others, such as Legislative Counsel Kaleb Udui) has been that there is no problem in first exploring informally (outside framework formal negotiations) and reaching agreement in principle on those questions of critical importance to both TTPI and U.S., e.g. land, military bases, form of government, application of U.S. legislation, banking and currency, form of U.S. financial assistance, etc.. Both Salii and Udui <sup>also</sup> maintain that major mistake in May negotiations was absence more thorough preliminary informal talks leading up to a detailed agenda for formal talks.

4. Salii and others also have emphasized that introduction "four non-negotiable" principles at May talks was in large measure bargaining tactic developed ~~as consequence~~ their understanding (prior to talks) that Commonwealth package would be introduced on "all or nothing" basis. Salii now admits that Micronesian Delegation may have been too rigid on these principles in May. It is in that connection that he consistently drives home point of negotiability of substance or interpretation principles. Udui has made this point in separate conversations.

5. Against above background, my tentative thinking on a possible approach to next round is as follows.

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(a) Once new Micronesian Status Delegation formed, we could propose informal exploration views of both sides on major issues. Wherever possible, effort should be made to reach broad agreement in principle on specific points. Exchanges of complex written position papers and proposals should be avoided, although joint drafts on points of agreement should be prepared as consequence these talks. Possibly some of initial exploration of issues could be done here with guidance from Washington.

(b) Above should result in clarification of how "non-negotiable" principles could be interpreted in practice. Assuming (and I have some reservations even on this score) that recognition <sup>all</sup> four principles is in fact "non-negotiable," and an essential preliminary to formal negotiations, at some point toward end of ~~of~~ informal exploratory talks we could indicate willingness to give public recognition to those principles coupled with a statement on their interpretation. (This, of course, assumes we can be satisfied with respect their interpretation and application.) To tie Micronesians down, perhaps recognition should be part of joint statement which would include protective interpretations on issues critical to us. Better yet, it could include agreements ~~in~~ principle on various key points.

(c) At this time, talks could move to more formal stage with pre-arranged agenda covering all major issues. With formal recognition of Micronesian principles out of way, interpretation of application broadly defined, and agreement on basic issues nailed down, at least in principle, outline of form of association will have emerged and now could be formally worked out and agreed to. Agreement on association might then be submitted to drafting committee for ironing out of details. ~~Final detailed draft, including~~

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implementing legislation, would be resubmitted to both delegations, hopefully agreed to with minimum changes, and then be presented to respective legislative branches. (On latter point, I assume next status delegation will wish obtain stamp of approval of full Congress of Micronesia before arrangement is put to U.S. Congress. Needless to say, there would still be the processes of a constitutional convention and an act of self-determination.)

6. As to timing next round of negotiations, there obviously is no possibility formal talks until after Congress of Micronesia appoints new status delegation and then recesses in March. In that regard, Legislative Counsel Kaleb Udui tells me he has picked up rumors from "Washington sources" to effect we plan do nothing for some period of time. I have told him that I have no instructions and no specific information on timing next round, but clearly we can do nothing until their side advises it is ready negotiate. Udui then remarked that, "as one of those who believes association with U.S. essential, I hope there is no long delay. A form of association satisfactory to you and to us will be more difficult to achieve as time passes by."

7. All of foregoing is, of course, based on conversations here without benefit of district travel and talks with other key members of last status delegation. It also assumes attitudes of next status delegation will be similar to those of last. I will be on field trip to Palau and Yap between December 6-17 and, shortly after Christmas, will make brief visits to Marshalls, Ponape, and Truk districts. I should have opportunity explore views of other key figures on negotiating tactics and substance association.

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In that regard, it would be helpful have Inter-Agency Committee's reaction to this and previous telegrams on status prior visit to ~~western~~ districts, and in any event before Congress of Micronesia convenes here on January 11.

8. On separate but related topic, para 13 reftel made passing mention of possibility splitting Marianas from TTPI and retaining those islands as Commonwealth, while allowing remainder of Territory to go independent. If I can be a bit presumptuous for a few lines, the more I think of this approach, the less it appeals to me. About the only thing that can be said for that approach is that it might permit us to retain eminent domain (and sovereignty) in the Marianas. But, assuming we would still wish to exclude potentially inimical foreign influences in other districts, and also would wish retain firm control of installations in the Marshalls, we would still have to pick up the financial tab for the independent districts. We would have the disadvantages of financial responsibility with few of the compensating advantages which flow from any form of association. While I wish to reserve right to revise my views following district tours, I am increasingly convinced that we can negotiate a form of association which would tie whole territory to us in such a way as to preserve our essential interests. Although this might mean loss of eminent domain in Marianas, I see no problem in getting land we may need here at any time through negotiations. (Marianas are literally begging for military installations with an eye to their economic benefits.) Further, it seems likely form of association could be devised which would permit us to deal with individual districts on land for U.S. Government purposes. (No district has any particular desire

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✓to let politicians and bureaucrats from other districts have a finger in their land dealings.) Finally, with respect to risk of future unilateral termination of association (assuming we are ultimately stuck with this), Marianas and possibly several other districts would insist on numerous safeguards, including that individual districts must have right to continue association with U.S. . Most certainly Marianas would never agree to form of association which would permit other districts drag them into independence.

9. Above not intended preclude totally concept of separate arrangement for Marianas, but only to suggest this be held as ace up our sleeves if all else fails.

10. Foregoing reviewed and cleared by High Commissioner Johnston.

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