



Department of State

TELEGRAM

R
Pol 19 PAC TT
680
10/7

CONFIDENTIAL 978

PAGE 01 232105Z

83
ACTION IO-13

INFO OCT-01 SS-14 NSC-10 PM-06 INR-06 EA-11 R-03 PRS-01

E-11 L-03 SA-03 RSR-01 RSC-01 7084 W

R 230044Z DEC 71
FM HICOMTERPACIS SAIPAN
TO SECINTERIOR
INFO SECSTATE
SECDEFENSE
COMTWELVE SAN FRAN CALIF
WHITE HOUSE
CINCPAC
CINCPACREP GUAM/TPI

DEPARTMENT OF STATE A/006/201	
FEB. 25 1987	
REVIEWED BY <u>Steel</u>	DATE _____
RDS <input type="checkbox"/> on XDS <input type="checkbox"/> EXT. DATE _____	
TS AUTH. _____	REASON(S) _____
ENDORSE EXISTING MARKINGS <input type="checkbox"/>	
DECLASSIFIED/RELEASABLE <input checked="" type="checkbox"/>	
RELEASE DENIED <input type="checkbox"/>	
PA or FOI EXEMPTIONS _____	

SAIPAN #
12/23/71

CONFIDENTIAL SECTION ONE OF TWO SECTIONS
 FROM POLAD 96C. INTERIOR FOR OFFICE OF MICRONESIAN STATUS NEGOTIATIONS
 AND ASST. SECRETARY LOESCH. COMTWELVE FOR AMBASSADOR WILLIAMS. STATE
 FOR IO/UNP AND S/PC. DEFENSE FOR OSD/ISA AND JCS. WHITE HOUSE FOR MR.
 HOLDRIDGE (NSC). CINCPAC FOR POLAD.
 SUBJECT: TPI FUTURE POLITICAL STATUS - STATUS COMMITTEE REPORT
 REF: POLAD 94C
 1. FOLLOWING IS FULL TEXT SUMMARY OF MICRONESIAN POSITION AT HANA AS
 CONTAINED IN DRAFT STATUS COMMITTEE REPORT (SEE REFTEL).
 2. SUMMARY OF JOINT COMMITTEE'S POSITION IN HANA, MAUI

PAGE TWO RUHJOSA9739 CONFIDENTIAL
 THE MICRONESIAN DELEGATION (JOINT COMMITTEE ON FUTURE STATUS) WENT
 TO HANA, MAUI TO DISCUSS "SELF-GOVERNMENT" AND "INDEPENDENCE". THESE
 HAVE BEEN THE REAL SUBJECTS OF THE MICRONESIAN QUEST FOR FREEDOM IN
 THE
 PAST FOUR YEARS SINCE THE CONGRESS OF MICRONESIA STARTED THE PROCESS
 OF
 DECOLONIZATION IN MICRONESIA.
 THE POSITION OF THE JOINT COMMITTEE HAS NOT CHANGE SINCE 1969
 WHEN CONGRESS OF MICRONESIA ADOPTED THE FORM OF FREE ASSOCIATION AS
 THE
 FIRST CHOICE FOR ANY FUTURE RELATIONSHIP WITH THE UNITED STATES.
 THE JOINT COMMITTEE WAS COGNIZANT OF THE POLITICAL ASPIRATIONS OF THE

CONFIDENTIAL

05-419621



Department of State

TELEGRAM

CONFIDENTIAL

PAGE 02 232105Z

PEOPLE OF THE MARIANAS AND TRUK FOR DIFFERENT POLITICAL STATUSES. ITS UNIFIED POSITION AT HANA, MAUI, HOWEVER, WAS AGAIN "FREE ASSOCIATION"

THE FOUR BASIC PRINCIPLES AND LEGAL RIGHTS ENDORSED BY THE CONGRESS OF MICRONESIA WERE THE GUIDING PRINCIPLES THROUGHOUT THE NEGOTIATION AT HANA.

HOWEVER, AS INDICATED EARLIER, THE JOINT COMMITTEE'S MAIN POSITION RESTS WITH THE FOUR BASIC PRINCIPLES WHICH, IN THE BELIEF OF THE JOINT COMMITTEE, ARE NOT SUBJECT TO NEGOTIATION. CONSEQUENTLY, THE JOINT COMMITTEE'S POSITION AT HANA, MAUI, CONSISTED MAINLY OF A SERIES OF QUESTIONS PUT TO THE UNITED STATES DELEGATION.

A. COMPACT

PAGE THREE RUHJOSA9739 C O N F I D E N T I A L
ON THE PROPOSED COMPACT BETWEEN THE UNITED STATES AND MICRONESIA, THE JOINT COMMITTEE'S INITIAL REACTION IS THAT IT SHOULD HAVE THE LEGAL STATUS OF A TREATY. IN THIS LIGHT, THE FOLLOWING SERIES OF QUESTIONS WERE PROPOSED TO THE UNITED STATES DELEGATION TO HAVE THEM FURTHER CLARIFIED:

(A) WHAT PROCEDURES WERE ENVISAGED BY THE UNITED STATES FOR HEARING OF ANY DISPUTE THAT MIGHT ARISE AS TO THE MEANING OR EFFECT OF ANY OF ITS PROVISIONS?

(B) WOULD SUCH DISPUTE BE BROUGHT BEFORE THE WORLD COURT OF JUSTICE?

(C) IF THE COMPACT HAS A DIFFERENT LEGAL CHARACTER, WHAT WOULD BE THE PROCEDURE, ON UNITED STATES SIDE FOR SIGNATURE AND RATIFICATION?

(D) WITH RESPECT TO REVOCATION "AFTER CERTAIN PERIOD OF YEARS", WHAT IS THE FIXED PERIOD IN MIND?

(E) WITH RESPECT TO DEFENSES, WHAT FORCE AGREEMENT IS PROPOSED? WHAT COURTS IS PROPOSED THAT OFFENSES INVOLVING UNITED STATES SERVICEMEN WILL BE TRIED? WHAT CONNECTION WILL THERE BE BETWEEN LEASES OF LAND FOR DEFENSE PURPOSES AND THE CONTINUANCE OF THE COMPACT?

PAGE FOUR RUHJOSA9739 C O N F I D E N T I A L

CONFIDENTIAL

05-419622



Department of State **TELEGRAM**

CONFIDENTIAL

PAGE 03 232105Z

THE JOINT COMMITTEE MAINTAINED THAT WHEN THE COMPACT SHALL COME INTO FORCE, ALL MILITARY RETENTION LAND SHOULD BE RETURNED TO THE PUBLIC DOMAIN. FURTHERMORE, THOSE AREAS DESIGNATED BY THE COMPACT FOR MILITARY USE WOULD BE LEASED TO THE UNITED STATES. IF THE COMPACT WAS TO BE TERMINATED, THE UNITED STATES AND MICRONESIA COULD ENTER INTO NEGOTIATIONS FOR A RENEWAL OF THESE LEASES. IN ADDITION, THE JOINT COMMITTEE INQUIRED AS TO THE ROLE OF THE UNITED STATES REPRESENTATIVE IN MICRONESIA AFTER THE COMPACT HAS COME INTO FORCE.

(1.) FOREIGN AFFAIRS AND DEFENSE:

THE JOINT COMMITTEE FEELS THAT BOTH AREAS OF FOREIGN AFFAIRS AND DEFENSE ARE OF VITAL CONCERN TO MICRONESIA, BUT THAT THE UNITED STATES

HAS NOT SPELLED OUT IN DETAILS THE NATURE OF ITS BASIC APPROACH TO THESE MATTERS.

THE COMMITTEE MAINTAINED THE POSITION ON THE FOLLOWING POINTS:

(A) THE UNITED STATES WOULD SEEK MICRONESIA'S CONCURRENCE BEFORE ASSUMING INTERNATIONAL LEGAL OBLIGATIONS IN ITS BEHALF. HOWEVER, IN THE

EVENT OF NON-CONCURRENCE, THE UNITED STATES WOULD ENSURE THAT THE TREATY

OR PACT SPECIFY THAT IT WAS NOT APPLICABLE TO MICRONESIA. FINALLY, MICRONESIA WOULD EXPECT THAT THE UNITED STATES WOULD CONSULT WITH THE GOVERNMENT OF MICRONESIA BEFORE TAKING STEPS THAT WOULD HAVE A DIRECT

PAGE FIVE RUHJOSA9739 C O N F I D E N T I A L

IMPACT ON MICRONESIA'S INTERESTS.

(B) IN THE COMPACT BETWEEN THE UNITED STATES AND MICRONESIA, MICRONESIA

WOULD ASSUME THAT THE COMPACT WOULD EMPOWER MICRONESIA TO MAKE ARRANGEMENTS OR AGREEMENTS ON ITS OWN BEHALF WITH NATIONS OTHER THAN THE

UNITED STATES AND OTHER INTERNATIONAL INSTITUTIONS IN MATTERS OF ECONOMIC, CULTURAL AND EDUCATIONAL, SOCIAL AND SCIENTIFIC CHARACTER.

(2.) COMMERCE:

THE JOINT COMMITTEE MAINTAINED THAT THE COMPACT WOULD PROVIDE MICRONESIA

PRODUCTS FREE ENTRY TO THE AMERICAN MARKET AND REQUESTED ASSURANCE OF

CONFIDENTIAL

05- 419623



Department of State **TELEGRAM**

CONFIDENTIAL

PAGE 04 232105Z

THIS. BECAUSE OF LIMITED RESOURCES AND PROBLEMS OF BALANCE OF PAYMENT S,
MICRONESIAN DELEGATION PROPOSED THAT IN THE COMPACT, THE UNITED STATES WILL NOTE ITS READINESS TO ACCEPT RESTRICTIONS ON THE ENTRY OF UNITED STATES GOODS INTO MICRONESIA PROVIDED IT IS NO MORE SEVERE THAN THOSE IMPOSED ON THE PRODUCTS OF ALL OTHER COUNTRIES.

(3.) CITIZENSHIP:

THE JOINT COMMITTEE PROPOSED THAT ALL PERSONS QUALIFIED UNDER THE TERMS OF THE MICRONESIAN CONSTITUTION BE RECOGNIZED AS CITIZENS OF MICRONESIA. MORE, IT PROPOSED THAT THE UNITED STATES WILL ACCORD MICRONESIAN CITIZENS THE SAME PROTECTION ABROAD THAT IT ACCORDS UNITED STATES CITIZENS.

(4.) IMMIGRATION:

PAGE SIX RUHJOSA9739 C O N F I D E N T I A L
THE JOINT COMMITTEE MAINTAINED AND PROPOSED THAT MICRONESIAN CITIZENS WOULD BE PERMITTED FREE ENTRY TO THE UNITED STATES AS STUDENTS, VISITORS, AND IMMIGRANTS, AND NOT BE RESTRICTED IN MATTERS OF EMPLOYMENT. FURTHERMORE, MICRONESIAN WOULD BE EXEMPTED FROM SELECTIVE SERVICE BUT THAT SOME MICRONESIANS MAY ELECT TO SERVE IN THE ARMED FORCES OF THE UNITED STATES.

IN VIEW OF MICRONESIAN'S LIMITED RESOURCES, THE JOINT COMMITTEE PROPOSED THAT THE COMPACT WOULD NOTE THE UNITED STATES READINESS TO ACCEPT RESTRICTIONS ON THE RIGHT OF UNITED STATES CITIZENS TO ENTER, RESIDE AND TAKE EMPLOYMENT IN MICRONESIA, PROVIDED THAT SUCH RESTRICTIONS WOULD NOT BE MORE SEVERE THAN THOSE IMPOSED ON CITIZENS OF ALL OTHER COUNTRIES.

B. CONTROL OF LAWS

THE JOINT COMMITTEE ACKNOWLEDGED AND WELCOMED THE UNITED STATES RECOGNITION OF THE RIGHT OF THE PEOPLE OF MICRONESIA TO MAKE AND ADOPT

CONFIDENTIAL

05- 419624



Department of State

TELEGRAM

CONFIDENTIAL

PAGE 05 232105Z

THEIR OWN CONSTITUTION AND THAT SUCH A CONSTITUTION WOULD NOT BE LIMITED BY ANY REQUIREMENT OF CONSISTENCY WITH THE LAW AND CONSTITUTION OF THE UNITED STATES.

HOWEVER, THE JOINT COMMITTEE SEEKED CLARIFICATION ON THE FOLLOWING POINTS:

(A) FROM WHAT SOURCE WOULD THE MICRONESIAN CONSTITUTION DERIVE
GP-3

EOT

CONFIDENTIAL

05-419625



Department of State

TELEGRAM

CONFIDENTIAL 980

PAGE 01 232107Z

50
ACTION IO-13

INFO OCT-01 SS-14 NSC-10 PM-06 INR-06 EA-11 P-03 PRS-01

E-11 L-03 SA-03 RSR-01 RSC-01 /084 W

004715

R 230044Z DEC 71
FM HICOMTERPACIS SAIPAN
TO SECINTERIOR
INFO SECSTATE
SECDEFENSE
COMTWELVE SAN FRAN CALIF
WHITE HOUSE
CINCPAC
CINCPACREP GUAM/TTP:

See 17:00:17

C O N F I D E N T I A L FINAL SECTION OF TWO
ITS LEGAL FORCES?

(B) BY WHAT MEANS WOULD THE UNITED STATES DIVEST ITSELF OF ALL
RESIDUAL POWER TO LEGISLATE MICRONESIA?
THE JOINT COMMITTEE MAINTAINED THAT THE CONSTITUTION OF MICRONESIA
SHOULD DERIVE FROM THE PEOPLE ITS POWER, AND THAT POWER OF THE UNITED
STATES IN MICRONESIA AFTER THE CHANGE IN STATUS SHOULD BE LIMITED TO
THOSE SET OUT IN THE COMPACT.

(1.) APPLICATION OF UNITED STATES LAWS IN MICRONESIA:

PAGE TWO RUHJOSA9740 C O N F I D E N T I A L
THE UNITED STATES DELEGATION PROPOSED THAT SOME AMERICAN LAWS WOULD
APPLY TO AND IN MICRONESIA -- LAWS THAT ARE RELATED TO AREAS OF
AMERICAN

RESPONSIBILITY AS SPECIFIED IN THE COMPACT AND THOSE UNITED STATES
GOVERNMENT SERVICES OPERATED IN MICRONESIA.

THE JOINT COMMITTEE REJECTED THIS APPROACH AND THUS OFFERED AN
ALTERNATE APPROACH IN THE FOLLOWING MANNER:

(A) MICRONESIA WOULD ENACT A BODY OF LAWS NEEDED TO FOR THE
CONDUCT OF UNITED STATES RESPONSIBILITIES IN MICRONESIA. THESE LAWS
WOULD BE MICRONESIAN LAWS. THESE LAWS WOULD EITHER DUPLICATE,
VERBATIM OR WOULD BE CLOSE APPROXIMATION OF THOSE LAWS, DIFFERING
ONLY INSOFAR AS THEY REFLECTED MUTUALLY AGREED UPON AMENDMENTS.

CONFIDENTIAL

42

05-419626



Department of State **TELEGRAM**

CONFIDENTIAL

PAGE 02 232107Z

C. CONTROL OF LAND

THE JOINT COMMITTEE TOOK NOTE OF THE IMPORTANCE OF LAND TO MICRONESIA.

IT MAINTAINED THREE POSITIONS WITH RESPECT TO THE CONTROL OF LAND IN MICRONESIA:

FIRST, THAT SINCE THE UNITED STATES ENVISIONED TO OBTAIN TEMPORARY USE OF LAND "IN THE EVENT OF AN EMERGENCY", THE JOINT COMMITTEE ASKED CLARIFICATION AS TO PROCEDURE AND NEGOTIATION BETWEEN THE TWO GOVERNMENTS

WITH REGARD TO LANDS. IT ASKED THAT MICRONESIAN CONSENT BE REQUIRED NOT

PAGE THREE RUHJOSA9740 C O N F I D E N T I A L

ONLY OF THE CONGRESS OF MICRONESIA BUT ALSO OF THE LOCAL LEGISLATURES WHO

MIGHT BE AFFECTED. IT WILL BE NECESSARY TO KNOW THE PROCEDURE BY WHICH

THE STATE OF EMERGENCY WILL BE TERMINATED, AND THAT A STATE OF EMERGENCY

SHALL BE DEEMED TO HAVE ENDED AFTER A FIXED PERIOD.

WITH RESPECT TO THE PAYMENT OF RENTAL ON LANDS LEASED TO THE UNITED STATES AND ON THE PAYMENT OF COMPENSATION, THE COMMITTEE MAINTAINED THAT

ALL SUCH PAYMENTS FOR LANDS USED BY THE UNITED STATES SHOULD BE HANDLED

BY THE CENTRAL GOVERNMENT OF MICRONESIA. IT WILL BE THE FUNCTION OF THAT

CENTRAL GOVERNMENT TO MAKE ARRANGEMENTS WITH LOCAL GOVERNMENTS OR OTHER.

SECOND, THE JOINT COMMITTEE TOOK THE POSITION THAT IT DEEM NOT APPROPRIATE AT THIS STAGE TO DISCUSS THE AMOUNTS TO BE PAID IN RENTALS

OR IN COMPENSATION FOR LAND USE BY THE UNITED STATES.

LAST, THE JOINT COMMITTEE ALSO TOOK THE POSITION THAT ALL THE MAJOR ISSUES REGARDING LEGAL AUTONOMY, FUTURE STATUS, AND THE CONSTITUTIONAL

CHANGE MUST ALL BE RESOLVED BEFORE LAND POLICIES CAN BE FINALLY DETERMINED.

IT FURTHER URGED THAT THESE ISSUES SHOULD RECEIVE THE HIGHEST PRIORITY.

CONFIDENTIAL

05-419627



Department of State

TELEGRAM

CONFIDENTIAL

PAGE 03 232107Z

3. MESSAGE PREPARED DECEMBER 21. DORRANCE
GP-3

EOT

CONFIDENTIAL

05-419628