

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

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### Department of State TELEGRAM

### CONFIDENTIAL

PAGE 02 2321052

PEOPLE OF THE MARIANAS AND TRUK FOR DIFFERENT POLITICAL STATUSES. ITS UNIFIED POSITION AT HANAD MAUL, 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, MAUL, 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 COMPACTY

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

CONFIDENTIAL

05-419622



-**64** 

### Department of State TELEGRAM

### CONFIDENTIAL

#### PAGE Ø3 2321052

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 MILTTARY 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 FOLLROWING 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, MICRONES I A 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 EDUCATIONALS SOCIAL AND SCIENTIFIC CHARACTER. (2.) COMMERCE: THE JOINT COMMITTEE MAINTAINED THAT THE COMPACT WOULD PROVIDE MICRONE SIA PRODUCTS FREE ENTRY TO THE AMERICAN MARKET AND REQUESTED ASSURANCE OF





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# Department of State TELEGRAM

#### CONFIDENTIAL

PAGE 04 2321052

THIS. BECAUSE OF LIMITED RESOURCES AND PROBLEMS OF BALANCE OF PAYMENT 59 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 TER MS OF THE MICRONESIAN CONSTITUTION BE RECOGNIZED AS CITIZENS OF MICRONES IA. MORE, IT PROPOSED THAT THE UNITED STATES WILL ACCORD MICRONESIAN CITI ZENS 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, VISIT ORS, 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 THÊ UNITED STATES. IN VIEW OF MICRONESIAN'S LIMITED RESOURCES, THE JOINT COMMITTEE PRO-POSED THAT THE COMPACT WOULD NOTE THE UNITES 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 STVERE 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 MECRONESIA TO MAKE AND ADOPT

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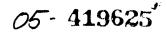
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PAGE 05 2321052

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 PDINTS: (A) FROM WHAT SOURCE WOULD THE MICRONESIAN CONSTITUATION DERIVE GP-3

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Department of State

CONFIDENTIAL 980

PAGE Ø1 232107Z

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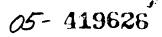
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CONFIDENTIAL FINAL SECTION OF TWO ITS LEGAL FORCES? (B) BY WHAT MEANS WOULD THE UNITES STATES DIVEST ITSELF OF ALL RESIDUAL POWER TO LEGISLATE MICRONESIA? THE JOINT COMMITTEE MAINTAINED THAT THE CONSTITUTION OF MICRONESIA SHOULD DERIVE FROM THE PEOPLE 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 MOULD 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.

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TELEGRAM

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### Department of State TELEGRAM

#### CONFIDENTIAL

PAGE 02 2321072

C. CONTROL OF LAND THE JOINT COMMITTEE TOOK NOTE OF THE IMPORTANCE OF LAND TO MICRONESIA. IT MAINTAINED THREE POSITONS WITH RESPECT TO THE CONTROL OF LAND IN MICRONESIAL 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 t 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 MANDLED 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 POSITON 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.

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PAGE 03 2321072

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