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ON JUL 10 1985 UNDER PRO-

VISIONS OF E.O. 12356 MEMORANDUM FOR THE PRESIDENT

YNCS D.K. DOLAN, USN

SPECIAL ASSISTANT, OMSW

date?
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January 27, 1972

Subject: Request for Additional Negotiating Instructions

Ref: Dr. Kissinger's memorandum to me on July 20, 1971.

In accordance with the authority given to me to carry out negotiations concerning the future status of the Trust Territory of the Pacific Islands, I wish to ask for clarification and extension of my instructions.

ACTION REQUESTED

I. That I be authorized to negotiate an agreement with Micronesia in which we would recognize that sovereignty resides in the people of Micronesia, and hence that if this agreement were ever terminated they would have the right to choose their own political future including the right to elect independence. Our agreement on these points would be clearly contingent upon Micronesian recognition of the full authority of the United States over foreign affairs and defense as well as the conclusion of base agreements which would survive termination of the political agreement.

Express recognition that sovereignty resides in the Micronesian people appears essential to precipitate Micronesian agreement on the points of major U.S. interest. Your consent to this recognition seems already implied by my present authority to agree to unilateral termination, but express authorization would be most helpful on this issue.

II. That I be authorized to discuss the implications of independence for Micronesia and to present the possibility that if the present negotiations fail to establish a relationship acceptable to us the United States may offer the Micronesian voters a choice between independence and some form of permanent association to be proposed by the U.S. Government.

In order to provoke more serious consideration of our present proposals we must make the Micronesian delegation fully aware of the hazards and losses with which independence would confront them, and that if they continue to press for a looser relationship than would be of interest to the United States they could not presume our willingness to grant them the special support and privileges we are now offering.

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DISCUSSION

I. Since my original instructions were issued on July 20, 1971, the issues of importance to each side have been substantially clarified, and in a number of respects those instructions no longer fit the situation as I now see it.

First, the Marianas delegates have clearly stated that the people of the Marianas wish to become a territory of the United States and not to become part of a new Micronesia. Our most important base requirement therefore seems assured.

Second, the Micronesian delegation has made it unmistakably clear that a prerequisite to surrendering full powers over foreign affairs and defense to the United States is assurance that if the relationship does not work well for them they will have the legal right to opt out after a period of time and then to choose their own political future.

My instructions authorize agreement on a circumscribed unilateral termination provision which implicitly would satisfy the Micronesian concerns, but their delegation of the principles adamantly insists on explicit recognition/that "sovereignty

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in Micronesia resides in the people of Micronesia and their duly constituted government," and that "the people of Micronesia possess the right of self determination and may therefore choose independence or self-government...."

Providing that we concurrently assure that the United States will have full control over foreign affairs and defense and that we have secured base rights which would survive termination of the political agreement, I strongly recommend that we expressly recognize the principles expressed above.

Under these circumstances the Micronesian people would possess sovereignty in the sense that they would have ultimate control over their internal self-government and over their political future, but meanwhile the United States would have in effect sovereign authority over the areas that are of significance to us, namely foreign affairs and defense.

Furthermore, recognition of the sovereignty of the Micronesian people would amount merely to recognition (a) that they may govern their internal affairs as they see fit, and (b) that if this relationship with the United States is

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eventually ended the Micronesians will have the right to choose their own political future, including the right to choose independence. As we have already essentially agreed to (a), and as (b) is as a practical matter inevitable should our relations with the Micronesians deteriorate enough to provoke termination of the agreement, I see no harm and considerable good in acknowledging those facts, by expressly accepting these principles as suggested above.

I request this authorization for express acceptance because the present instructions are vague on this issue and because of the significant emotional if not substantive connotations that reference to sovereignty evokes.

I recognize the potential difficulties we might confront in Congress concerning the use of the terms sovereignty or independence, but I consider our acceptance of these terms as used here merely recognition of reality, and not a compromise of important U.S. interests, quite possibly essential to avoid a breakdown in the negotiations. I repeat that this recognition would be made only in the context of equal recognition of full U.S. authority over foreign affairs and

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defense and the conclusion of basing agreements which would survive termination of the political relationship.

II. A significant number of Micronesian leaders are agitating for full independence, and I believe that the best way to diminish their substantial influence on the status negotiations would be to talk in blunt terms of the consequences of independence, particularly of the level of U.S. support that an independent Micronesia minus the Marianas might expect.

We have, as I have indicated above, good assurances that we can maintain U.S. sovereignty over the Marianas in a territorial arrangement. Our most vital and urgent military base needs will thus be safeguarded. The Marshalls district will doubtless wish to ensure the continued operation of our missile range facility at Kwajalein, whatever the future relationship between the U.S. and Micronesia and we feel, with somewhat less certainty, that the benefits which would accrue to Palau would convince that district that the options

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we seek are more than worthwhile. This would complete the list of our Defense land requirements in Micronesia and would guarantee a continuing major U.S. military presence in the area regardless of the political status of the Micronesian central government.

The very real prospect under independence of Micronesian fragmentation or at best of a very weak central government resulting from diminution of U.S. support and the divisive pressures generated by strong district and weak national identification should be compared with the cohesive influence and reliable prospects for political and economic development that would be generated by the benefits of free association on terms acceptable to the United States.

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