

UNCLASSIFIED

1/29/72 (b)(3)



United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

January 28, 1972

*Harry - Good Summary of the points and where going!*

To: Chairman, NSC Under Secretaries Committee

From: The President's Personal Representative for Micronesian Status Negotiations

Subject: Background Memorandum; Micronesian Status Negotiations

Ref: (1) USC memo to the President 31 March 1971  
(2) Kissinger memo (Instruction) 20 July 1971  
(3) Report to the USC on the Hana talks 21 October 1971

*SECRET*

I. Background Information

A. Developments and actions since the Hana talks in October

1. The appropriate House and Senate Committees have been briefed in executive session on the third round of talks. Written classified summary statements were also presented to both subcommittees.
2. Ambassador Hummel has visited the Trust Territory. While in Guam and Saipan he held quiet talks with key leaders on the question of separate status for the Marianas and possible union with Guam.
3. More recently a private meeting was held between a Marianas delegation and the Governor of Guam and members of his administration. Both sides reported that these talks went well. It has been reported that the Marianas delegation intends to introduce a resolution in the current session of

*For free copy... visit...*

*TIP!*

UNCLASSIFIED/RELEASED ON  
6/29/88 UNDER PRO.  
VISIONS OF E.O. 12356 BY  
HARRY DELASHMUTT, CHIEF  
BRANCH OF SECURITY, DOI  
SIGNED: [Signature]

UNCLASSIFIED

427334  
9139

259

UNCLASSIFIED

[REDACTED]

the Micronesian Congress calling for approval, or at least acknowledgment, that the Marianas will be seeking a separate settlement and a permanent association with the United States.

4. The Congress of Micronesia is now in session and debate is about to begin on the draft report of the Micronesian Joint Committee on Status on the Hana talks. The Independence Coalition may make a determined bid to win further support and, at a minimum, to succeed in stiffening the Micronesian position on "sovereignty" within the context of Free Association and their four "non-negotiable principles."
5. The Fourth Round of Talks are now tentatively scheduled for the first week in April in Micronesia.

B. Summary of the respective positions of the two delegations at the conclusion of the third round:

1. The U.S. proposals, if accepted, would satisfy the essential indices of U.S. sovereignty. (Position I)
  - a.) U.S. control over foreign affairs and defense,
  - b.) U.S. access for military purposes and denial of the area to others for similar purposes, and
  - c.) Termination of agreement only by mutual consent.
2. The Micronesian position continued to be based on their four principles and acceptance, or at least tacit acknowledgment, of their sovereignty and their right to enter

-2-

UNCLASSIFIED

A- 427335

DECLASSIFIED/RELEASED ON  
6/29/88 UNDER PRO-  
VISIONS OF E.O. 12356 BY  
HARRY DELASHMUTT, CHIEF  
BRANCH OF SECURITY, DOI  
SIGNED:

*Harry Delashmutt*



into or to reject a future association with the U.S. as an act of self-determination as provided for in the Trusteeship Agreement. In brief, the Joint Status Committee proposed a "Free Association" arrangement with the U.S. that went beyond any of the positions authorized in my present negotiating instructions.

- 3. Despite the above mentioned differences, progress was made in reaching preliminary agreement in some important areas due largely to new American positions on land matters and laws relating to self-government. Minimum DOD land needs were also set forth and it was made clear that termination of the Trusteeship Agreement was conditional upon pre-negotiated land arrangements that would meet these minimums.

II. Major remaining areas of disagreement of substantive importance

A. Foreign Affairs Powers

- 1. The American proposals call for U.S. plenary powers in foreign affairs with the understanding that some responsibilities would be delegated to the Micronesians and that the U.S. would consult them on all foreign affairs matters directly affecting their interests.
- 2. The Micronesians would agree to grant the U.S. certain responsibilities for foreign affairs; would reserve others to themselves, including the right to veto any U.S. action in foreign affairs directly affecting their interests to



*Harry DeLashmutt*

UNCLASSIFIED

7/27/82 UNDER PRO-  
VISIONS OF E.O. 12356 BY  
HARRY DELASHMUTT, CHIEF  
BRANCH OF SECURITY, DOI  
SIGNED: *Harry De Lashmutt*

which they had not given their consent.

B. Defense Powers

1. While "Defense powers" has not as yet become a significant issue, the Micronesians have asked for elaboration on this subject and it could produce considerable friction especially in the area of emergency Defense powers.
2. Of immediate concern is the insistence that Micronesian concurrence be required prior to any "storage of dangerous military materials on Micronesian soil."
3. Another unresolved issue is the Micronesian demand for termination and re-negotiation of leases for military land uses at the time of the termination of the Trusteeship Agreement and upon the termination of any future Compact of Association.
4. There are still grave doubts whether the Congress of Micronesia and/or the Joint Status Committee is in a position to deal with authority for all landholders of Micronesia. While this is an internal family matter, it could become a thorn in the negotiations.

C. Termination

1. At Hana the U.S. held that any future relationship that might be established upon termination of the Trusteeship Agreement should be amendable and revocable only by the consent of the two parties.

UNCLASSIFIED

04-427337

UNCLASSIFIED

2. The Micronesians insisted that any future association be terminable at any time by unilateral action of either party, within the framework of mutually agreed procedures.

3. This difference is the most important one separating the two delegations according to statements from the Micronesian side. While the new American proposal on termination by mutual consent may receive some support in the Congress of Micronesia it would appear that the great majority will hold out for unilateral termination as a matter of principle. The Chairman of the Micronesian delegation in a post-Hana private statement has said that termination is the key issue; that if the U.S. accepts unilateral termination all of the other questions can be easily negotiated. On the other hand, if the U.S. were to refuse to accept unilateral termination, the odds for Micronesian leaders calling for early full independence will be greatly increased, according to Senator Salii.

D. The issue of "who has sovereignty"? The outcome of the talks and the acceptance of any negotiated agreement by the Congress of the U.S. and the Congress of Micronesia could hinge on this question.

-5-

UNCLASSIFIED

DECLASSIFIED/RELEASED ON  
6/29/88 UNDER PRO-  
VISIONS OF E.O. 12356 BY  
HARRY DELASHMUTT, CHIEF  
BRANCH OF SECURITY, DOI  
SIGNED:

*Harry Delashmutt*

04-427338

UNCLASSIFIED

DECLASSIFIED/RELEASED ON  
6/29/88 UNDER PRO-  
VISIONS OF E.O. 12356 BY  
HARRY DELASHMUTT, CHIEF  
BRANCH OF SECURITY, DOD  
SIGNED: *Harry Delashmutt*

1. The United States does not now have, nor has it ever had, legal sovereignty over Micronesia.
2. The leadership of the Congress of Micronesia has taken the firm position that sovereignty over Micronesia rests with the people and their duly elected government. This position was reaffirmed with emphasis by the Joint Micronesian Status Committee at the Hana talks.
3. This position is in basic conflict with U.S. policy as put forward in May 1970 which called for extending on a permanent basis full U.S. sovereignty over all of Micronesia upon the termination of the Trusteeship Agreement.
4. The Under Secretaries Committee Option Paper of March 31, 1971, suggested that under the initial preferred position, the aim should be to extend U.S. sovereignty over the territory as a whole. However, certain concessions would be offered which would have the practical effect of limiting U.S. sovereignty largely to control over foreign affairs and defense, with internal sovereignty clearly resting in the hands of the Micronesians. (Divided sovereignty)
5. The first fall-back position suggested by the USC paper (Position II) would authorize an additional concession which would further limit U.S. sovereignty. The right of the Micronesians to unilaterally withdraw from any future relationship with the U.S. would seem to be incompatible with the usual interpretation of U.S. sovereignty.

UNCLASSIFIED

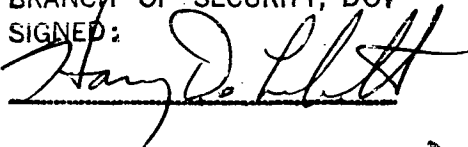
UNCLASSIFIED

6. The sovereignty issue as it now stands is a fuzzy and muddy one. At the moment we are not talking the same language and the crunch may come early during the fourth round of talks over principle and language rather than the substance and practical aspects of the sovereignty issue.
7. A possible solution would be to find a formula which provides essential protection for our vital interests and authority over Micronesian foreign affairs and defense while at the same time acknowledging the psychological needs of the Micronesians for recognition that ultimate sovereignty resides in the people of Micronesia.

III. Tentative plans for the Fourth Round of Talks (They must be flexible and may indeed be modified by the results of the Congress of Micronesia's reaction to the Hana talks.)

- A. As a first objective we will hold essentially to the position taken at Hana: e.g., U.S. plenary powers in foreign affairs and defense; satisfaction of minimum U.S. military land needs; and termination by mutual consent. We will be prepared to negotiate and make some concessions on some of the other unresolved issues in return for an accommodation of our basic interests (Position I).
- B. In all likelihood the Micronesians will hold out for unilateral termination. As a fall-back we will be prepared to trade off a carefully circumscribed formula for unilateral termination for

DECLASSIFIED/RELEASED ON  
6/29/88 UNDER PRO-  
VISIONS OF E.O. 12356 BY  
HARRY DELASHMUTT, CHIEF  
BRANCH OF SECURITY, DOI  
SIGNED:



UNCLASSIFIED

04-427340

CLASSIFIED

an agreement that meets our minimum in foreign affairs and defense, including land-use arrangements and a firm commitment that such arrangements will survive termination. (Position II)

C. Agreement within the outer limits of these two positions may well necessitate our acceptance of the title Free Association in return for a Compact which meets our minimum basic requirements.

D. Tactics for the Fourth Round

1. Will again concentrate initially on issues

- a.) Foreign affairs
- b.) Defense and military land requirements
- c.) Financial and budgetary issues
- d.) Termination.

2. While we will make it clear that we have our minimums and certain basic interests which must be served, we intend to focus more attention on what we are prepared to grant rather than what we must withhold. This is especially true in the area of foreign affairs.

3. To what extent we can turn their obvious dependence upon outside financial support to our advantage is something that we need to give more attention to. However, our ability to hold out this kind of a carrot is limited to our inability to commit the Congress (or the administration) to any future level of financing. More thought has to be given to this most important matter before April.

DECLASSIFIED/RELEASED ON  
6/29/88 UNDER PRO-  
VISIONS OF E.O. 12958 BY  
HARRY DELASHMUTT, CHIEF  
BRANCH OF SECURITY, DOI  
SIGNED:



UNCLASSIFIED

04-427341



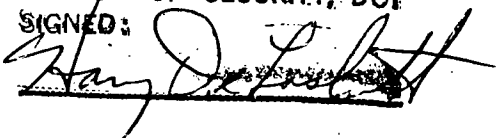
UNCLASSIFIED

IV. Present Negotiating Instructions and the Fourth Round of Talks

- A. At Hana the talks were deliberately centered on issues. Titles and labels were studiously avoided by the U.S. side and certain highly controversial issues such as sovereignty were not dealt with directly. Our strategy was to break the impasse that had existed while attempting at the same time to strengthen the hands of the moderate element and weaken the independence movement faction.
- B. The next round of talks will undoubtedly force into the open certain questions of definition and nomenclature that were not faced up to in Hawaii. These issues have the potential for breaking up the talks.
- C. One such issue will center on the "title" of the new relationship. The overwhelming majority of Micronesian leadership in the Congress favors the label Free Association. The name Commonwealth is unpopular and generates strong anti-U.S. feelings in many quarters throughout Micronesia.
1. My instructions from the White House are not clear on what name we should call Position I and II.
  2. For the sake of distinction and clarification I would like permission to call Position I Commonwealth and Position II free Association.

UNCLASSIFIED

-9-

DECLASSIFIED/RELEASED ON  
6/29/88 UNDER PRO-  
VISIONS OF E.O. 12356 BY  
HARRY DELASHMUTT, CHIEF  
BRANCH OF SECURITY, DOI  
SIGNED: 

04 427342

D. A second area of ambiguity in my instructions centers around the issue of sovereignty. The scenario as found in Dr. Kissinger's memo is unclear as to whether it was intended that U.S. sovereignty over Micronesia had to be explicitly put forward under Position I and II. In fact, the instructions do not mention the word sovereignty at all. The USC Options Paper of 31 March 1971 is clearer on this question but still leaves room for some variations of interpretation.

1. The consensus of those in the government concerned with Micronesian status is that there is little or no chance of reaching an agreement explicitly extending full U.S. sovereignty over Micronesia. They believe rather that what the Micronesians are seeking is a tacit or token acknowledgment of their sovereignty and that the problem is one of form, pride, and nomenclature rather than substance.
2. Given the emotional and erratic behavior patterns of the Micronesians the talks could easily break down over the sovereignty issue and could swing the balance of votes to the pro-independence camp, irrational as such action might be.
3. To prevent this I would like to have the flexibility under Positions I and II to permit me to negotiate a Compact which would openly and clearly acknowledge that sovereignty resides in the people of Micronesia---with the understanding that agreement on this point would be clearly contingent upon

DECLASSIFIED / RELEASED ON  
 4/29/88 UNDER PRO-  
 VISIONS OF E.O. 12356 BY  
 HARRY DELASHMUTT, CHIEF  
 BRANCH OF SECURITY, DOI  
 SIGNED:

*[Handwritten Signature]*

-10-

UNCLASSIFIED

04-427343

UNCLASSIFIED

(1) Micronesian recognition and acceptance of the full authority of the U.S. over foreign affairs and defense and (2) the conclusion of base agreements which would legally survive any termination of the political relationship.

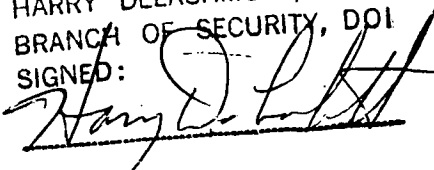
4. Under these circumstances the Micronesian people would possess sovereignty in the sense that they would have ultimate control over their internal self-government and over their long-term political future. At the same time the U.S. would in a practical sense be exercising de facto sovereign authority over the areas of primary significance to its interests--foreign affairs and defense.

V. Conclusion

- A. It is my intention to do all we can in the next round to win acceptance of Position I and termination by mutual consent. The odds are heavily against this goal being achieved.
- B. It is not my intention to go beyond Position II at Palau with the major concession being unilateral termination carefully circumscribed. If it is possible for me to use the term "Free Association" and acknowledge that sovereignty over Micronesia resides in the people of Micronesia, the chances of agreement within the limits of Position I/II will be greatly enhanced.

- 11 -

UNCLASSIFIED

DECLASSIFIED/RELEASED ON  
6/27/88 UNDER PRO-  
VISIONS OF E.O. 12356 BY  
HARRY DELASHMUTT, CHIEF  
BRANCH OF SECURITY, DOI  
SIGNED: 

04-427344

UNCLASSIFIED

- C. The immediate question is how far can I go within the limits of my present negotiating instructions with respect to (1) title and (2) acknowledging Micronesian sovereignty within the framework of Positions I and II.
- D. Your advice on this matter would be appreciated.

*Haydn*

Franklin Haydn Williams

DECLASSIFIED/RELEASED ON  
*4/29/88* UNDER PRO-  
VISIONS OF E.O. 12356 BY  
HARRY DELASHMUTT, CHIEF  
BRANCH OF SECURITY, DOI

SIGNED:

*Harry D. Lashutt*

UNCLASSIFIED

04-427345