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THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20301

JCSM-77-72
24 February 1972

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subject: Micronesian Status Negotiations--Adequacy of
Approved Negotiating Scenario (U)

1. (S) Reference is made to:

a. A memorandum for the Assistant Secretary of Defense (International Security Affairs) (ASD(ISA)), I-21782/71, dated 18 March 1971, subject: "Trust Territory of the Pacific Islands - Future Political Status; Telephone Vote by NSC Under Secretaries Committee (U/SM-86H) (U)," which recorded a concurrence by the Office of the Secretary of Defense and the Joint Chiefs of Staff on a draft National Security Council/Under Secretaries Committee (NSC/USC) memorandum for the President which proposed a negotiating track (scenario) for the next round of Micronesian status negotiations.

b. A memorandum by the Chairman, NSC/USC, NSC-U/DM 62A, dated 28 July 1971, subject: "Trust Territory of the Pacific Islands--Negotiating Scenario and Dr. Williams' Terms of Reference," in which the Chairman quoted a memorandum forwarded to him on 20 July 1971, subject: "Future Political Status of the Trust Territory of the Pacific Islands--Negotiating Scenario and Dr. Williams' Terms of Reference." This memorandum specified a negotiating scenario for use in status negotiations with the Micronesians.

c. A memorandum by the ASD(ISA), I-2111/72, dated 10 February 1972, subject: "Micronesian Status Negotiations," which requested the comments or concurrence of the Joint Chiefs of Staff on an attached draft memorandum for the President proposed by the Office of Micronesian Status Negotiations which requested a change in Presidential guidance to permit an offer of Micronesian sovereignty with Position II (modified commonwealth with unilateral termination).

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2. (S) The Joint Chiefs of Staff consider that modifying the US negotiating position, in a manner similar to that proposed by Ambassador Williams, is essentially a matter of form that may be necessary to provide adequate flexibility to achieve a viable agreement in the Micronesian Status Negotiations. Further, they agree with Ambassador Williams' assessment that US objectives would be satisfied, provided that such an agreement clearly guarantees: (a) US authority over foreign affairs and defense, (b) access to Micronesian lands to meet minimum US military requirements, (c) denial of the area to third countries for military and other purposes contrary to US interests, and (d) termination procedures that would protect US interests and insure that defense interests and military basing rights would survive any future change in the relationship. These guarantees must be maintained as essential elements of any status agreement concluded with the Micronesians.

3. (S) It is understood that the substitution of the term "free association" for "modified commonwealth" is a change more of form than substance and that Ambassador Williams will continue to press for the closest association of the Micronesians with the United States that he can achieve, in addition to obtaining the above guarantees. In this regard, it would appear a prudent negotiating tactic for the US side to hear what the Micronesians may have to offer as a result of their deliberations since the Hana talks before presenting the US position.

4. (S) The Joint Chiefs of Staff note that Position II, as Ambassador Williams would modify it, is virtually the same as Position IV, except for the matter of termination. However, the unilateral termination aspect of the current Position II was in the context of a meaningfully closer association than Position IV and possibly closer than that which may devolve from the modified Position II. For this reason, the Joint Chiefs of Staff recommend that the United States adopt a two-phase modified Position II which would propose termination only with the mutual consent of the United States and Micronesia, falling back, if necessary and following Washington concurrence, to unilateral termination.

5. (S) Regarding the negotiating track, it would appear that significant elements of Position IV have been presented to the Micronesians during the discussion of issues at Hana. Nevertheless, in the actual negotiations leading to a status agreement, Ambassador Williams states that he intends to lead off for the US side by pressing for Position I. The Joint Chiefs of Staff concur and recommend the following negotiating track:

- a. Present Position I.
- b. If necessary, move to the current Position II.

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c. If necessary, move to Position II as modified per Ambassador Williams' request but with bilateral termination.

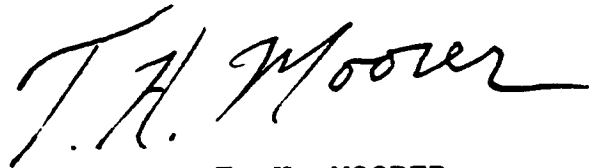
d. If necessary and following Washington concurrence, move to unilateral termination under this modified Position II.

(In order to derive full advantage of the desire of the Marianas for a closer association, it may be advisable to assure separate negotiations on their status before moving to the position in subparagraph d.)

6. (S) It is essential that any arrangements involving unilateral termination be carefully circumscribed to protect US basing agreements and to prevent precipitous action by some future Micronesian government. Similarly, while it may prove necessary to acknowledge the principle that sovereignty resides in the people of Micronesia, those essential elements of sovereignty involving foreign affairs, defense, access, and denial must be firmly retained by the United States, as well as sufficient control over the internal affairs of Micronesia to insure that the United States can effectively exercise these elements of sovereignty. It is realized that, in the long term, it will be the tenor of the interrelationship and the shared sense of mutual interests that will bind the Micronesians to the United States; however, the vicissitudes of the shorter term must be guarded against by adequate binding guarantees and US control over essential Micronesian affairs.

7. (S) Subject to the considerations outlined above, the Joint Chiefs of Staff recommend that the Department of Defense concur, in substance, with the modification of the negotiating instructions for the Micronesian Status Negotiations as proposed by Ambassador Williams.

For the Joint Chiefs of Staff:



T. H. MOORER

Chairman

Joint Chiefs of Staff

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