

March 8, 1972

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TO: Ambassador Williams
FROM: John C. Dorrance *J. Dorrance*
SUBJECT: Micronesia's Transition to Self-Government

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This is a subject to which neither we nor the Micronesians have given adequate attention -- and which will be critical to successful implementation of Micronesia's future status. To my mind, any transitional arrangements must take into consideration the following basic principles.

a) There should be an agreed-upon time-frame for transition to termination of the trusteeship agreement -- say two, three, four, or five years from initial agreement on a compact (between the U. S. executive branch and the Micronesian Congress) to actual termination of the trusteeship. The time-frame need not be rigid, but rather should serve as a goal for the purpose of timing the various steps to ultimate status.

b) The transitional changes should step-by-step take Micronesia to the edge of full self-government so that termination will be a simple shift rather than a traumatic shock.

c) The transitional changes, given (b) above, will require a shift in TTPI development policies, major administrative reorganization, and changes in financial arrangements and in laws to assure that a self-governing Micronesia will inherit a body of laws, development trends and policies, programs, and governmental institutions which will "fit in" with the new constitutional and other arrangements.

d) Factors (b) and (c) above in turn require that Micronesians, in the Congress and ultimately in a Constitutional Convention, provide guidance to us on the likely nature of Micronesia's ultimate political, economic, constitutional, and social structure.

Turning to the categories of change in a transition, the following appear to be areas of critical importance.

a) The relationships between the Congress of Micronesia and the TTPI Executive Branch -- i.e. continuation of separation of powers, or implementation of the executive council concept?

b) Micronization of policy-making at the Territorial level. This relates to (a) above but more basically concerns the degree to and rate at which Micronesians, from whatever source, take over the key policy-making positions in the Executive Branch, and to what extent policy controls are shifted from Washington to Saipan.

c) The possibility of Congressional authority to over-ride Hicom vetoes.

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d) Congressional involvement in the selection of Hicoms, Deputy Hicoms, and Justices of the TTPI High Court.

e) Congressional budgetary authority -- some of the financial arrangements envisaged for Micronesia's future status (i.e. matching grants) could be implemented as transitional steps.

f) Personnel policies -- there must be a joint U.S.-Micronesian examination of positions to be retained by Americans and those to be held by Micronesians with a view to stepping up Micronization in the latter area to the extent practicable.

g) Development policies - policies in the areas of education, social services, economic development, infrastructure development, etc. must be redirected to the extent necessary to assure that present priorities and goals are in line with the realities (especially anticipated levels of U. S. assistance) of a self-governing Micronesia.

h) U. S. services -- Once we know what institutions and services will or will not continue after termination of the Trusteeship Agreement, we should start phasing out those services which will not continue after the trusteeship and assist the Micronesians in developing replacement institutions and services.

i) District Governments -- The present district governments are no more than administrative arms of the High Commissioner's Office. It will be necessary to charter and organize responsible, elected district governments.

j) District-Headquarters relationships -- Once the Micronesians have made up their minds (in a constitutional convention or otherwise) on the division of responsibilities between the central and district governments, our administration should be remolded in the directions decided upon.

k) Location of Micronesian Capital -- Separation of the Marianas from Micronesia on termination of the trusteeship will require a shift of the Micronesian capital to another district (probably Ponape or Truk). This is a capital cost which a self-governing Micronesia could not absorb, and is a requirement that will take several years to implement. Consequently, assistance should be provided to Micronesia in the remaining years of the trusteeship with respect to the provision of buildings and other infrastructure necessary to a new capital of a self-governing Micronesia.

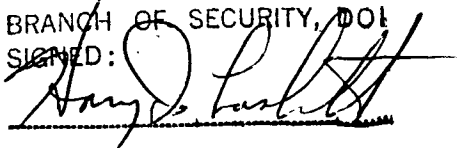
l) Land -- control of public lands will undoubtedly revert to the districts after the trusteeship is terminated. This highly complex process should start in the near future, but with the lead coming from the Congress of Micronesia.

m) Laws -- there should be establishment of a joint U.S.-Micronesian law commission to review the entire TTPI code and presently applicable U.S. laws and regulations with a view to an orderly revision thereof. A self-governing Micronesia must inherit a workable body of law suitable to the new status.

n) Foreign Affairs -- regular consultations with the Micronesians on foreign affairs decisions affecting Micronesia will be an element of Micronesia's new status. This process should be established in the near future so that the kinds can be ironed out, and future friction areas minimized.

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The above provides little in the way of detail but rather outlines important areas that will be involved in transitional change. Further memoranda will be provided with specific recommendations on change.

What is most clear is that transitional changes must be of a character to assure that what is being done today in Micronesia will assure a functioning and stable Micronesia tomorrow. This, if nothing else, requires considerable input from Micronesians on how they see their own future. It also requires guidance and assistance from us to assure that Micronesia is "tracking" in a direction which will tend to support our own interests and requirements. Both of these elements in turn require an orderly examination of possible changes, and a mechanism to assure appropriate consideration and implementation of desired changes.

Some Micronesians have already given thought to the mechanism for promoting transitional changes. Carl Heine has prepared a paper on the subject which he has given to Senator Salii. I understand from Carl that this paper, or one similar to it, will be discussed with you and DASTA Carpenter by Senator Salii. A copy of the paper is attached. I personally endorse the concepts and suggestions therein.

Some additional thoughts.

a) Although there has been some talk by Salii and others about wrapping up the trusteeship in 18 to 24 months, I believe most Members of the Congress will be in no hurry to end the trusteeship so long as there is a basic agreement on future status, and there is steady movement toward termination in the form of transitional change. Our real problem will be that of maintaining momentum in terms of getting the Micronesians to take those steps which only they can be responsible for, e.g. the holding of a constitutional convention. From our point of view, it would seem desirable to wrap up the trusteeship as rapidly as possible -- primarily to assure that the agreement on future status does not come unravelled through emergency of new pressures in the interim. This in turn will require that we hold Micronesian feet to the fire to assure they take those steps which are essential to termination. In this regard, a Micronesian constitutional convention, as well as district "charter" conventions should be held as soon as possible.

b) With regard to the latter point, one of the real problems in the status equation is that Micronesians at all levels have given little thought to the nature of their future internal arrangements. When they do, the problems (e.g. centrifugal divisive forces) quickly surface, and the typical Micronesian pulls back and puts his head in the sand. In short, Micronesians will need some pushing, some guidance, and some first-class advice in bringing them to consideration of their future constitutional arrangements. One concept that could help here is that of a seminar, to be held in Micronesia, on Micronesia's future constitutional arrangements, and on Micronesia's future social and economic infrastructure. If such a seminar were properly organized to include qualified academics, U. S. Government experts, and Micronesian leaders, it could provide an enormously valuable service in terms of forcing Micronesians to think about their future, and in terms of providing useful

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input to any future constitutional convention. Some thought should be given to promoting such a seminar with the assistance and sponsorship of the Congress of Micronesia, interested universities, and concerned foundations. The seed already exists in Micronesia. Carl Heine has made unsuccessful efforts in this direction (efforts blocked by Leo Falcam). I am convinced that such a seminar would be welcomed by both the Status Committee and the Congress provided it is not seen as being a U. S. Government effort to channel Micronesia's future in any particular direction.

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The following represents some very tentative thoughts on the means of assuring the smoothest possible transition from trusteeship to self-government. In this regard, the goal should be assurance that ultimate termination of the trusteeship agreement will represent no more than a de jure recognition of a de facto situation. In other words, on the eve of that termination, Micronesia will already be largely self-governing; the termination will be a smooth and relatively minor change, and not an abrupt shift from one form of government to another.

The foregoing requires implementation in the fairly near future of major changes of institutions and policy within the Trust Territory -- mainly in terms of placing in the hands of Micronesians the policy-making apparatus of the Trust Territory.

The transition period will also require massive changes in or preparations for change in such areas as (a) public lands control and handling thereof, (b) economic development institutions and policy, (c) education, (d) budgetary institutions and procedures; (e) personnel policies, and so on. There is also a requirement to commence a review of the Trust Territory Code to effect whatever changes may be necessary to assure that a self-governing Micronesia will inherit a body of law suited to Micronesia's new status. The list can be almost endless, and many of the issues and problems cannot be foreseen at this moment.

The above requirements argue for the establishment of an office with a small staff whose sole purpose is to assure the orderly consideration and implementation of transitional changes and procedures acceptable to both Congress of Micronesia's Joint Committee on Future Status and the

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administering authority. The following suggestions relate to the possible establishment of such an office, or a position solely responsible for all transitional affairs.

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Location of Office -- Since the ultimate authority for any basic changes is within the Department of Interior, the office dealing with transitional change should be located in the Department of Interior where it will have ready access to sources of authority.

Staffing -- The permanent staff of such an office need not be large as it will operate primarily as a "think-tank" capable of drawing on the personnel resources of both Micronesia and the United States Government. Initially, perhaps, it should consist of one Micronesian who is thoroughly familiar with the political and transitional problems of Micronesia, and with the thinking of Micronesia's political leadership within and without the Congress of Micronesia. There should also be one American attached to the office who is not only familiar with Micronesia, but also with the ins and outs of Washington's bureaucracy. The two officials should have a secretary. The office should have full access, on a priority "on-call" basis, to legal, constitutional, administrative, and other expertise available in the Department of Interior, State, and Justice, and in the Trust Territory of the Pacific Islands Administration.

"Chain of Command" -- In terms of whom the office will be responsible to, there appear to be three basic possibilities worthy of consideration -- each with advantages and disadvantages.

a) The office could be established as a function within either the Office of Micronesia Status Negotiations or the Office of the Deputy Assis-

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tant Secretary for Territorial Affairs and be fully responsible to the Director, OMSN, or to DASTA. The lines of authority would then be "clean", clear, and unquestioned.

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b) The office could be in the Interior Department, but would be the forerunner of an "Office of the Representative of the Micronesian Government" in Washington. The office, in terms of working on transitional affairs, would represent the views of the Congress of Micronesia, and attempt to press those views on those in the United States Government working on transitional affairs. Again the authority lines and responsibility would be clear, but such an arrangement could lead to a situation of protagonism rather than cooperation.

c) The office would again be in the Interior Department, but could serve as an independent agency or liaison office between Micronesia's JCFS and the U.-S. Government with a view to assuring the fullest possible cooperation and, where necessary, compromise between the two sides. Such an arrangement would have obvious advantages, but could have problems in terms of funding -- who pays the bills under such an arrangement?

Funding -- Funding arrangements would largely depend on which of the alternatives above is operative. Under (a) above, the Interior Department would fund the operation. Under (b), the funding would probably have to be by the Congress of Micronesia. Under (c), the funding could be shared by Micronesia and the United States Government.

Responsibilities and Duties -- Under any of the alternatives described above, the primary duty of the office would be to think out, negotiate, and see to the implementation of the transitional steps leading to the termination of the trusteeship. In large measure, it will be a think-tank operation

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dedicated to identification of transitional problems, and to the solution of those problems.

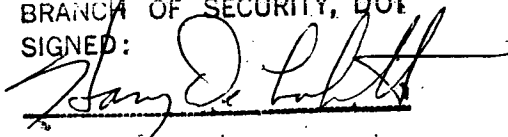
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In connection with the above, it is possible that the office could also handle one other major and vital function -- if the office is set up as the representative of the Congress of Micronesia in Washington (option B above). Following a basic agreement in principle on Micronesia's future political status, a major problem will be the negotiation of the implementing legal, financial, and other arrangements, i.e. the "nuts and bolts." This will be primarily a task for the lawyers of both sides, though any agreements they may reach must be ratified by the respective delegations. Conceivably this task could be done in Washington, by the lawyers of both delegations, with the Joint Committee's legal counsel taking guidance from the Office representing the Congress of Micronesia. The latter office would, of course, be in constant touch with the Joint Committee in terms of basic guidance.

Operations -- It is clear that however the office is organized and whomever it may ultimately be responsible to, there will be a requirement for frequent travel between Micronesia and Washington for consultation purposes. Too, the transitional phase being entered into will bring up problems and issues with which neither the United States Government nor Micronesia has any real experience. Consequently, consideration should be given to the possibility of the staff of the office visiting countries in the Pacific and elsewhere which have recently undergone similar transitions, and which might be able to offer experienced guidance. In this regard, it is also probable that the office will require access to consultants, outside of government, experienced in constitutional and other transitional problems.

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