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DEPARTMENT OF STATE  
Washington, D.C. 20520

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March 17, 1972

MEMORANDUM

To: Captain William Crowe  
From: IO/UNP - Charles Sylvester  
Subject: Statement on Talks with the Marianas

We should have no basic problems in stating our position on the initiation of separate talks with the Marianas. Pangelinan and Guerrero in their March 6 conversation with John Dorrance indicated that the ground is well prepared for a statement by us that should meet our several and disparate requirements. We must ensure, for our position vis-a-vis the Trusteeship Council, that our eventual initiation of talks with the Marianans does not appear to be part of a U.S. attempt to split the TTP1 to meet our base needs conveniently but comes "from the freely expressed wishes of the peoples concerned." Although there seems little likelihood that the Marianas leaders could shift their stance on separate talks, we also want to leave it clearly understood that we are ready and willing to negotiate with the Marianas as soon as they are fully prepared to do so.

Pangelinan and Guerrero have told us that:

- They prefer to avoid entering into any serious talks with us before the next session of the Marianas District Legislature in August.
- Someone on the Status Committee (either they or Sali or Tmetuchl) will ask Ambassador Williams directly whether the U.S. was prepared to have separate talks with the Marianas.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY J. F. [unclear] DATE 1/8/86

RDS  or XDS  EXT. DATE \_\_\_\_\_

TS AUTH. \_\_\_\_\_ REASON(S) \_\_\_\_\_

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-- A formal statement of the Marianas aspirations accompanied by a supporting letter signed by all the key elected leaders in the district will become part of the official transcript of the Palau talks.

Our formal reply to direct inquiries on our position on separate talks should be that:

We have interpreted Senator Salii's remarks at Hana as indicating the general approval of the Joint Status Committee for a separate course for the Marianas. We stand ready to enter into negotiations with a Marianas District Status Committee fully empowered by representatives of the people of the Marianas in their District legislature. Our understanding is that until such time as the Trusteeship is terminated for all of Micronesia, Marianas representatives will continue to cooperate with those of the other five districts in all matters—except those directly involved in their future political status.

A statement of this sort should provide us some protection at the next meeting of the Trusteeship Council. We have a fair amount of ground to cover between our statement at last year's session and our present position. Last year Ambassador Phillips stated that:

"We have told them (the Marianas leadership) that, while we feel that all of the people of Micronesia, including the citizens of the Marianas, are entitled to self-determination, we are committed to discussions on a Territory-wide basis at this time, and that we could not now contemplate separate discussions with the Marianas. We have urged them to participate in the over-all discussions and to avoid precipitate actions which make more difficult the attachment of a satisfactory agreement and which are not necessary to ensure their self-determination. This continues to be our stated position."

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United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

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March 17, 1972

Memorandum

To: OSN - Captain Crowe  
From: TTPI POLAD - John C. Dorrance  
Subject: TTPI - Legal Problems of Transition from Trusteeship to Self-Government

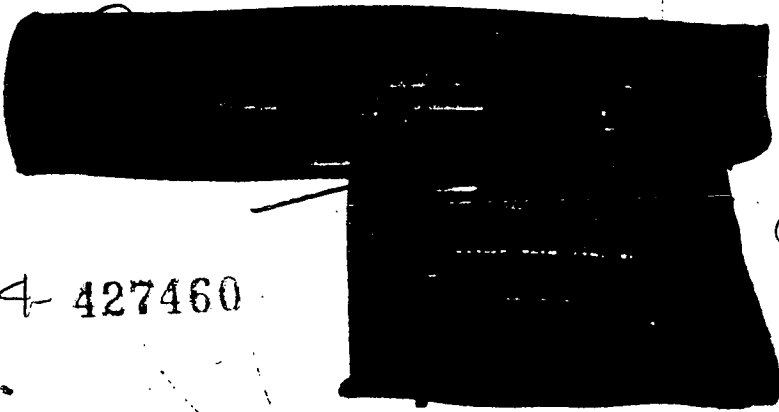
As you are aware, the Trukese members of the Status Committee, and some other members of the Congress (especially the Independence Coalition) have maintained that Micronesia must literally go independent for a brief period before signing a compact of association: two sovereign and independent states would enter into the Compact.

To support this particular point of view, Senators Nakayama, Amaraich and others suggest that no legal entity exists in Micronesia which would have the right to commit the future government and state of Micronesia to a compact, land leases, etc. Therefore, though the compact, leases, etc., can be prenegotiated, they can be signed and ratified only by the government of a sovereign and independent Micronesia.

It is possible that the Trukese members may prevail upon the Status Committee to adopt this line at the Palau talks. We should have a ready response prepared by our legal experts. I would assume that we could argue, amongst other things, that a sovereign act of self-determination (approval of the Compact and associated leases) by the whole people of Micronesia would carry as much or more weight, in terms of binding legal acts, as that of any government. I am sure there are precedents in international law.

A related issue that may arise in Palau, which the lawyers should address themselves to, is the question of agreements, contracts, etc., entered into by the present Trust Territory Administration. Will these apply, unless otherwise agreed, following termination of the trusteeship? What about employment contracts between the TT administration and its personnel? What about contracts with outside investors providing franchise and other rights, including leases of land for hotel development? The list is almost endless. In any event, we should have some ready answers on the question of whether these various commitments are binding on the successor government.

JDorrance:TTPI



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