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16 March 1973

MEMORANDUM FOR CAPTAIN GORDON SCHULLER, USN
EA&PR, ISA, OSD

MR. PHILIP E. BARRINGER
DIRECTOR, FMRA, ISA

MR. R. STOWE
DEPARTMENT OF STATE, L/UNA

SUBJECT: Working Plan - Micronesian Negotiations - Unilateral
Bilateral Termination of the Strategic Trust Agreement.

The purpose of the attached - working draft - has already been discussed in some detail with Mr. Stowe and Capt. Schuller. Our present posture as to Micronesia requires careful consideration of the procedures to be taken, and the instructions to be given, in moving through the Congress here and in the Congress of Micronesia, as well as within the United Nations, and within the delegation.

The concern which I have raised with respect to what is the best legal approach to be taken as to "unilateral termination" is or should be clear enough from the attached. That concern is to present - in the strongest terms - the position of the United States that we have fully complied with the obligations and "duties" concerning the Micronesian people. This is both a legal and policy conclusion. It is not so analogous to the ICJ-Namibia opinion) to be "governed" by that case.

We must first seek in a separate and discrete step, through consultation with the United Nations (preferably informally), the position of the Security Council - testing its members for possible

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SUBJECT TO GENERAL DECLASSIFICATION SCHEDULE OF
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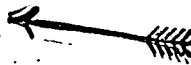
political positions which some might take, hostile to our position. Once this has been done, we can then determine whether approval of the Security Council should be attempted or not. We can assess possible "bad faith". This is not simply a legal question, but is clearly also a political question and we must bear in view the limited mandate of the Security Council, and the particular interests of the United States in the "strategic" trust agreement.

SIGNED

Attachment

Harry H. Almond, Jr.
Office of Assistant General Counsel
International Affairs

cc: GC
Chron
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File: ILP - TTP



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