



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

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5,8

May 4 1973
(Answer)

UNCLASSIFIED

Memorandum

TO: Ambassador Williams
FROM: Captain William J. Crowe, Jr.
SUBJECT: May 4-5 Meeting with Senator Salii

1. Purpose. In my opinion there are a number of valid purposes which may be served by subject meeting.

a. To impress upon Salii in a face-to-face confrontation why the next round must be postponed and exactly what the U.S. Government's future plans are.

b. To elicit Salii's specific views on the public land problem and to determine exactly what he requires from the U.S. before he will agree to resume negotiations.

c. To deliver the U.S. response to salii's demands regarding TTPI public land.

d. To discuss the substantive issues which remain to be resolved.

e. To signal to Micronesia and third parties that the U.S.-Micronesian negotiations are proceeding and that the heads of the two delegations are in personal contact. In addition, the meeting can act as a peg on which to hang any public statements you wish to make about the progress of the negotiations.

f. To alert Salii as to what you are planning to say at Majuro and to inquire as to his plans for Majuro.

g. To inform Salii of your mechanical plans for the forthcoming Marianas negotiations.

2. Approach. I believe you should approach this meeting in an optimistic but aggressive mood. Salii is plagued with problems on the home front and, if Mary reads the situation correctly, may be rather depressed as to his prospects. In turn, he may very well interpret recent events as improving your position or at least enhancing your leverage. In any event, I would advise you to act as if that was the case. The U.S. still wants an agreement; events suggest strongly that it would be wise for the two delegations to push ahead; the U.S. is determined to get an agreement and believes we are close; but introduction of new elements is causing delays; both sides must keep their eye on the main objective and push ahead, otherwise the unified solution Salii wants may elude us.

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ON JUN 27 1985 UNDER PRO-
VISIONS OF E.O. 12356 BY
YNCS D.K.DOLAN, USN
SPECIAL ASSISTANT, OMSN

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3. Substantive Comments

a. Public land issue. This in my judgment is the single most important topic you have to talk to Salii about and should be discussed from a number of perspectives:

-- The introduction of the public land issue at this point in the negotiations has injected an entirely new element. Just as with the Ponape independence resolution the United States is forced to reassess its position in the light of this new demand. Unfortunately, the net effect of this development is to postpone the next round until reassessment is complete.

-- The United States is prepared and has been anticipating continuing the effort to complete the draft compact. But we cannot proceed when a new proposition is put on the table until the impact of that new proposition on all of our negotiating positions is determined.

-- Let me say first, the United States land needs described in Annex B of the partial draft compact represented the U.S. position then and there has been no change in that position. These are minimum land needs and these must be met if there is to be a successful agreement on a change in status. It should be absolutely clear, that, just as you are putting forth a rather rigorous demand, the United States has some minimum positions and the extent of the U.S. land needs in Palau is one of these.

-- With that in mind the U.S. Government is looking seriously at your proposal. The very fact that the Chairman of the JCFS has made such a demand means that my government will examine it carefully. However, let us both be clear, the public land problem is a complex and difficult one.

-- Frankly we are sympathetic to your proposal. But the U.S. Government is charged with administrative responsibility for all the TTPI and must consider the impact of such a move on every district and every inhabitant. We will have to develop a fair and uniform policy that applies equally to the whole TTPI.

-- There are a number of legal questions involved that must be answered. Particularly when considering the implementation of such a scheme the legalities become important.

-- We are extremely interested in the attitudes of the COM, the districts and people toward such a move. Also I must bring in the TTPI Administration.

-- In essence, we are studying the problem and hope that it can be worked out. In this regard it would be helpful to me, if you can answer a number of questions I have regarding your proposal.

Questions:

I am not sure what you want from the United States. Do you want an assurance that the U.S. does not own the public land, an assurance that we will return the land when possible, or do you require a fully completed return of the land before we negotiate again?

I am confused by your letter of 22 February when you refer to the "traditional chiefs". What chiefs are you talking about and how do we decide what land to return to whom, etc. You know this cuts right into legalities. The government cannot just give land to individuals without some cover of legality. I would be interested in your views on this.

You tell me that I may consider the position of the Joint Committee as the position of the Congress. Yet I have had individual Congressmen tell me that I cannot do this. If the COM is in favor of this would it be willing to legislate return or to work jointly with the U.S. in effecting a return of the public land? Could you get some expression from the full JCFS or COM supporting this proposition? If not do you wish the U.S. to do it unilaterally? Do you appreciate what this would involve? (a change in secretarial order)

Can I expect to be supported by the JCFS as a whole on this? If not, should we not meet at the negotiating table and determine whether a majority would welcome and support a unilateral move by the United States? It is very important to me that the U.S. not be encouraged to do this by the Micronesian leadership and then be condemned by that same leadership after doing it. Our experience with the JCFS in this regard has not been too encouraging as witnessed by Ponape.

What elements in Micronesia would oppose a return of the public lands? Why? What influence would they have on the negotiations?

Right now we are convinced that any return would have to be accompanied by safeguards. For example -

- a. Equal treatment for each of the districts.
- b. Appropriate action by each of the districts to establish some sort of legal entity to receive the land and administer in accordance with the wishes of the people.
- c. Adoption by each district of adequate measures to insure equitable settlement of outstanding claims to land now held in public trust.
- d. Enactment of legislation which will assure a right of eminent domain in the central government. (In the case of the future successor government of Micronesia this would be considered for inclusion in the new constitution).

What is your opinion on this?

I fully expect this all to become public at Majuro and a public debate to start on the subject. Does this bother you?

b. Current State of Negotiations

-- Subject to the foregoing the U.S. certainly plans to carry on negotiations and to strive for an agreement leading to a "free association" relationship.

-- The first order of business is to address the unresolved sections of the compact and to complete the drafting.

-- It is not our intention to review or revise Titles I, II or III or Annexes A and B. These still represent the U.S. position and we assume they equally stand for the JCFS *per its statement at Barlow Point.*

-- Certainly in the present uncertain state of affairs, to start again on these titles or articles would be sacrificing a great deal in terms of momentum. I likewise have problems in the U.S. just as you have in Micronesia and I can assure you that a retreat at this stage and a reopening of a number of subjects would hardly reassure the U.S. and encourage opposition within my own government to further negotiations.

-- Similarly it appears to me that both delegations should seek some reaction to the completed draft compact before proceeding to any other option

-- In my opinion the wisest course for both delegations - if in fact you desire to reach agreement on free association - is to drive forward on the remaining issues and attempt to present our parent bodies a recommended free association agreement.

Questions:

Is the raising of the public lands issue a symptom of a deeper problem?
Are you retreating from your previous position on free association?

Are Titles I, II, III and Annexes A & B still endorsed by the JCFS?

You have said in your letters that you wish to complete the Compact. Is this still so?

✓ What is your estimate of the independence element's view on this approach and what kind of resistance can it mount if we continue?

At one point, you were examining the possibility of holding your own referendum in the TTPI? What became of this proposal?

At the next round, do you anticipate the discussion being limited to Compact and free association?

c. Land

-- Aside from the disposition of public lands, we still have the same problem of who can speak for Micronesia on land matters. We raised this subject in the land sub-committee meeting at Barbers Point and your side acknowledged that the JCFS was not as yet empowered to enter specific lease agreements on land. This question is becoming more important as land issues assume more prominence. It must be resolved before the land issue can be wrapped up.

-- It is not our intention to renegotiate the extent of our land needs, but there are a number of details to be negotiated mainly land rentals in Palau and exact metes and bounds. If the JCFS cannot speak to the matter we must be allowed to deal with those that can.

-- In this regard the land survey is still up in the air. We can hardly talk to specifics without having visited the area and looked at sites for suitability, etc.

-- The U.S. Delegation has abided by your desires in this matter. As I did in Palau I remind you that the U.S. as the administering authority, can at any time send a land survey team. It is our wish to cooperate with you on this matter, but we can hardly conclude that you are sincere, if we are put off indefinitely. This is one thing that can be done while we are sorting out the public land issue.

Questions:

What is your present view of the land negotiations? Who will we be dealing with on specifics?

As to the land survey team, do you have any dates in mind? Do you intend to invite the land survey team or do you consider that a matter for Palauan leaders?

What are the specific objections to a land survey? It has no relationship to the public land question and it is a prerequisite for completing the land negotiations.

d. Finance

-- My delegation is prepared to go forward on finance at the next round.

-- You have insisted on knowing how much we are prepared to offer in return for the benefits we would receive under the relationship, but do not seem prepared to settle on the benefits.

-- In this regard I can assure you that the U.S. Congress will be much more receptive to an arrangement if there are some assurances as to how money will be spent and accounted for built into the agreement.

I deduce that the JCFS wants no conditions placed on U.S. assistance. I am of course obligated to take this into account as well as my own Congress' attitudes.

-- You have said that we have not responded to your financial proposals. We submitted some proposed draft compact language at the close of the Washington session and have not heard any response as yet. Those articles represent our current thinking.

Questions:

What is your reaction to the proposed compact language?

Do you desire the development loan fund for the districts?

From your general remarks on the subject, I take it there is very little to discuss on finance. You just want an overall figure. Is that correct?

In return, is it correct that you do not intend to account for this money in any fashion to the U.S. Congress? Surely you wouldn't propose this where federal programs and services are concerned or would you?

e. Termination

-- We are likewise prepared to talk termination and will have concrete proposals. I must alert you that the U.S. has little give in its current position on this subject and must have ample protection for its base rights to survive, if the agreement is to be worthwhile for the United States.

f. Transition

-- I was shocked to see your statement that we have not responded to your proposals on transition. Again I must remind you that before the United States can begin to prepare Micronesia for its new status, it must know where Micronesia is going. The most important part of that process is the structure of your government. Since the COM has failed to address the issue of a constitutional convention. In fact all the transitional legislation you have proposed has been set aside. The blame lies not with the U.S. but with your own leaders.

-- The U.S. feels stymied. Unless you can demonstrate positive progress in making these painful decisions the U.S. can hardly do anything very substantive!

-- I am aware that you want more Micronization, more control of your affairs, etc. But these desires can hardly be considered seriously without a framework in which to work. You can't just haphazardly make demands and then not meet your own responsibilities.

-- The alternative is for the U.S. to unilaterally set up goals and then begin to prepare Micronesia to meet these objectives. I do not believe you want us to make these decisions unilaterally.

-- Transition is becoming less and less of a serious issue as long as the COM refuses to face the fundamental problem.

Questions:

Do you expect the U.S. to make serious and far reaching transitional proposals before knowing where you are going?

Do you want us to unilaterally launch a transitional program?

Do you contend that transition is unrelated to progress in the negotiations?

You mentioned in one of your letters that there are transitional steps that can be taken which have no relation to a status agreement - what are these?

g. Future sessions

-- While the U.S. is sorting out the public lands problem, I propose that we be moving ahead at least informally. Perhaps you and I can meet again after the Marianas talks.

-- It would be profitable if we discussed some specific subjects and made an effort to draw up an agenda ahead of the next round.

-- I estimate that the end of August and early September would be the best date for us for the next full fledged session. This is based on the assumption that there will be no more new and fundamental issues introduced between now and then.

Questions:

What are your views on a continuing dialogue?

4. Majuro

-- I feel it is appropriate to go over generally with you what I intend to say in Majuro.

-- Outline tenor of your planned remarks.

-- I intend to explain that the U.S. is seriously addressing the public land issue at your request and that the negotiations have been temporarily delayed by this development. My remarks on public land will be much along the lines I have followed in this meeting.

-- On the question of the Marshalls Political Status Commission. I will rerepeat my past position. The U.S. prefers that the five remaining districts find a unified solution to the status problem and do not break apart - I do not feel that their situation is analogous to the Marianas, nor have any of these districts established a record favoring separatism such as the Marianas had. The U.S. has pursued the negotiations with the JCFS in the hope that we would find a solution satisfactory to all five districts and we will continue to do so until it is no longer feasible to do so. It is not possible to take a definitive stand on any official request until the U.S. receives one.

-- For your benefit alone Senator, I must stress that while the U.S. is serious in articulating this policy, that the problem of unity is primarily a Micronesian problem. The U.S. will not encourage separatism, but you cannot expect the U.S. to solve this problem for you or to impose unity on the remaining five districts. In my view this is the gravest problem you have and it can only be resolved within your own council.

Note:

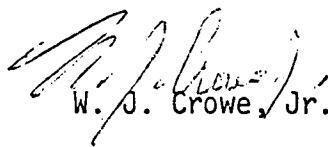
Discuss the mechanics of Majuro and any plans for the press. You should be as candid as possible with Salii as to your Majuro plans and attempt to avoid surprising him at the DISTAD conference. Conversely, do not encourage him to think that you will collaborate with him vis-a-vis Kabua.

Questions:

What do you intend to say about public land at Majuro and about Marshallese separatism?

6. Marianas

Inform Salii of the mechanical plans to go forward with the Marianas and do not volunteer any other information.


W. J. Crowe, Jr.