



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

May 4, 1973

MEMORANDUM OF CONVERSATION

SUBJECT: Micronesian Status Negotiations

PLACE: CINCPAC Guest House, Makalapa, Honolulu

Date: May 4, 1973

PARTICIPANTS: U.S.- Ambassador Franklin Haydn Williams
Mr. James M. Wilson, Jr.

Micronesia - Senator Lazarus Salii - Palau
Senator Bailey Olter - Ponape
Representative Ekpap Silk - Marshalls

After opening pleasantries Ambassador Williams led the conversation to his Palau trip last December with Senator Salii, observing that there had been a number of changes since that time, particularly in the expressed attitude of Palauan leaders toward U.S. military requirements there. Salii acknowledged this to be so and described the meeting of the Reklai, acting Ibedul and other Palauans with the JCFS in Saipan during the subsequent session of the Congress of Micronesia. The Palauans had indicated then that the objections expressed in their November 1972 declaration were not so much to U.S. military presence as to the failure of the TTPI to return public lands in Palau to their rightful owners. For this reason they had said they were unwilling to negotiate on the land for the U.S. military until their own public land was returned. This position had been accepted and adopted by the JCFS as stated in Salii's letters of February 22 and March 27.

Ambassador Williams said we read this as a new condition precedent to the resumption of negotiations - unless, of course, we were now willing to drop the Palau requirements, which we were not. Salii confirmed this. Ambassador Williams pointed out, without demurrer from Salii, that these requirements had been agreed to last July in Annex B. of the Draft Compact. He also reiterated the U.S. position on land dating back to Hana, where we had said clearly that public lands would be returned to the Micronesians and would be subject to their management and control once they were in a position to take over this responsibility. By this we had meant when they had their own constitution and had passed the necessary laws. The JCFS was now asking that this be accelerated and was saying there could be no resumption of negotiations until the land had actually been returned. This was a new element.

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Salii acknowledged this was so, but said he felt a firm statement by the U.S. that it was willing to return the lands to the traditional leaders in the near future would be sufficient to permit talks to resume. He felt land negotiations should now be carried on with local authorities directly.

Ambassador Williams emphasized that this was a very complicated and complex problem which we had discussed before with the JCFS and had posed a number of questions on this subject which had not yet been answered. In principle, he said, the U.S. has no difficulty considering the early return of public lands to the districts, if that is what the districts want. We would be willing to study the matter at once, in fact had already begun to do so. But this will take time since we would have to consult with the TT administration and the districts. We would also want the help of the JCFS in answering various questions.

The delay in resumption of negotiations was unfortunate, but must be understood to result from the JCFS insistence on putting the return of Tand in Palau first. Salii wondered why the TT administration had to be involved. Ambassador Williams reminded him of the current division of responsibility between the TT administration and the COM. He asked what was the position of the JCFS on return of land to the other districts. Salii said he thought they would let each district decide for itself. He admitted it would be strange for the central government to hold lands of some districts and not others. But in the case of Marshalls and the Marianas it was clear they would want their own public land back. The remaining districts would probably decide the same thing. Silk and Olter agreed.

Ambassador Williams asked to whom the land should be returned in each district should they decide they wanted their own land back. Salii said in the case of Palau to the traditional chiefs - all 16 of them. The other districts should decide for themselves. In the case of the Marshalls, Silk said the land should go directly to the individual owners, but he was vague when asked what would happen when ownership was unclear and in dispute. Olter said there were no unclaimed public lands in Ponape. The chiefs had it all divided between their respective clans.

All three JCFS members insisted that the people knew who owned the land in each district. When pressed regarding the settlement of disputes however and the relationship of this to the courts, they said the chiefs would decide in the first instance in accordance with traditional practice, but if there was then a disagreement it would go to the courts.

No one evidenced any enthusiasm of the establishment of new legal entities in the districts to manage public lands and handle disputes.

They were similarly vague regarding matters of eminent domain in the future. They felt that submerged lands and fishing rights should be settled according to traditional patterns.

Ambassador Williams said that there was a need for the U.S. Delegation and the JCFS to work together in this whole matter and suggested that he submit to Salii a list of questions on which we would like to have JCFS help in providing answers. He undertook to put these in the form of a memo to be given to Salii in the very near future.

Ambassador Williams reviewed the specific situation regarding military land requirements in Palau and the impression left in his mind when he had departed in December that there would be no objection to an early U.S. survey. Salii did not dispute this but said the JCFS position now was that stated in his letter. Ambassador Williams reminded him it was the JCFS which had insisted on knowing exact metes and bounds and it was this that had brought on the requirement for an early survey. Salii's response was noncommittal.

Salii pointed out other changes that also occurred since December. In response to a question, he said little had really been done on status questions in the last Congressional session other than SJR 38 (which he called SJR 95) on the exclusive powers of Congress to negotiate regarding the status of the districts of Micronesia. Since then the action by the district legislatures in the Marshalls and Palau had been considered by the JCFS, which had reached the conclusion that any attempt on their part to negotiate their status separately would be considered if not illegal at least contrary to the wishes of the Congress of Micronesia. Salii felt this was particularly true in the case of the Marshalls, although Silk acknowledged that their action had been made contingent upon further action by the Congress of Micronesia on the Marshalls revenue sharing proposal.

In the case of Palau Salii was not entirely clear on what sort of local constitution the Select Committee had been asked to consider. He spoke of this once as a purely internal action and again as a move toward separatism. He was clear, however, that Senator Tmetuchl supported the position of the Marshalls on the right of each district to decide its own status and that his own Liberal Party in the district legislature had authorized the Select Committee to consider separate status.

There was a brief exchange regarding local politics in Palau. According to Salii John Ngiraked was moving to become a local power and was the real force behind the move to stir up the district legislature on the issue of establishing a bicameral system. Salii felt Ngiraked would like to succeed the Reklai. He seemed to discount any influence by the new, young, female acting Ibedul and said that a petition had been sent to the U.S. Army to release the newly elected Ibedul from the remainder of his Army enlistment.

Salii said that another of the decisions taken at the meeting of the JCFS in Saipan earlier in the week was to have the JCFS divide into two parts to explain status matters to the people in the districts, one part going east and the other going west. These sessions should provide an opportunity for soundings on what the districts wished with regard to the return of public lands, among other things. They would also review the entire range of subjects covered in the status talks.

Ambassador Williams observed that much of this would merely cover matters already tentatively agreed and said he hoped that what was said would accurately reflect understandings reached between the two delegations on the draft compact of free association. It should not be a series of presentations of "the Micronesian view" or "the American view" but a joint view. Salii concurred and said that the members of the JCFS would speak in agreed terms about those parts of the compact that had been discussed and agreed. Where matters were still under negotiation, however, he felt the members of the JCFS should be free to express their own opinions.

Ambassador Williams noted that various interpretations of the draft compact had already appeared, pointing to the forthcoming Jesuit organized political education seminar and in particular to the interpretation of the compact prepared by Francisco Uludong for the independence coalition. He wondered if it would not be in order to prepare an impartial purely factual interpretation of this on which both delegations could agree. Salii appeared to like this idea and scoffed at the efforts of the priests, implying that the JCFS tour might help to offset some of their influence. Olter and Silk agreed.

Ambassador Williams noted that the U.S. had already made large parts of its position clear on remaining issues not yet included in the draft compact - finance, termination and transition. On finance, he pointed out to Senator Olter that his committee had not yet answered a number of questions posed almost a year ago. Our position on termination was well known and did not seem to require further elaboration. On transition we were disappointed by the COM's failure to act on the Salii bills for a new constitution, unity and a transition committee. Salii said the trouble was money (Williams reminded him we had offered to help and had not been taken up on it) and difficulties with the new members of the congress who wanted more time to study the matter.

Salii further explained that the JCFS expected to go on the road beginning in July. This and other matters he said in response to a question would make it impossible for the JCFS to meet with the U.S. Delegation until September at the earliest. Ambassador Williams indicated this would provide time for the U.S. to undertake its study of the land question. He emphasized that the U.S. was anxious to move ahead on all of this and did not wish to lose more time. He hoped we could proceed with all speed on a joint basis. It would be helpful, he said, if the two chairmen could meet informally in the period before the next full meeting of the two delegations. This would provide an opportunity to go over things before the next formal meeting and iron out questions in advance, reserving final action on pre-defined issues

for the full delegations. He suggested the first such meeting between the chairmen be concentrated primarily on the land issue. Salii agreed.

On the question of how the present meeting was to be handled with the press, Ambassador Williams and Senator Salii agreed that each would draft a press statement describing the meeting and the decisions reached and that they would meet in the morning at the Ala Moana Hotel to review their respective drafts for possible later release. (At that meeting the next morning Senator Salii agreed to accept Ambassador Williams' draft without change and to have it issued immediately as a joint statement. The text is attached).

After some preliminary discussion as what might be said by each at the forthcoming DISTAD conference at Majuro, it was agreed also to discuss this further the next morning and if necessary talk some more on the plane on Sunday when both Ambassador Williams and Senator Salii would be traveling together to the DISTAD meeting.

Attachment: Text of Press Release