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November 16, 1973

MEMORANDUM

TO: Ambassador Williams
 FROM: STATE/EA - John C. Dorrance
 SUBJECT: Draft Compact: Possible Micronesian Reservation

Last week you asked that I review Micronesian statements during the Ponape Special Session of the Congress of Micronesia, and to the JCFS on its district tours, with a view to isolating possible reservations and concerns with respect to the Preamble, and Titles I and II of the draft compact. You also asked for advice on where there might be any "give" in these areas of the Compact, in the event the Micronesians press for renegotiation.

Ponape Special Session of Congress of Micronesia and JCFS District Tours

The Ponape special session was notable for the absence of serious debate of the draft Compact in either the House or the Senate. Apparently all action was behind the scenes. Such negative comment as surfaced came largely from "lesser lights" in the Congress [redacted] and was not very specific with respect to those sections of the Compact under consideration in this memorandum. There were a very few vague expressions of concern relating to sovereignty and US control of foreign affairs, as well as on the requirement that Micronesia's constitution and laws be consistent with the Compact -- but no more. The only specific bill of particulars of any value to this review was a letter entered into the Journal Record of the Senate, signed by 16 members of the Congress, which set forth the concerns of the independence coalition. See Tab A.

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The MNS reports of the JCFS district tours are equally non-enlightening on specifics. Political education, economic development, land, and US military

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY B.A. BAAS DATE 4/23/87

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requirements were primary concerns in all districts. I could find no specific mention of the Draft Compact's Preamble, or of Titles I and II. There were a very few generalized expressions of concern along the same lines as expressed in the Ponape Special Session by Members of the Congress (see above).

In these circumstances, I have reviewed the Preamble and Titles I and II not so much against the above background, but rather against concerns expressed by the JCFS and others in the past. In each instance I also highlight possible areas of compromise to satisfy those concerns and still remain within a "free association" status framework. Needless to say, further concessions to the Micronesians in most of these areas are to be avoided, and should be offered only if necessary to conclude an otherwise satisfactory compact.

The comments and areas of compromise offered below represent a cleared "State position."

Compact Preamble

1. Treaty or Compact?

A position taken consistently by Micronesian independence advocates (and even some free association advocates) has been that a future relationship with the US should be defined in a pre-negotiated treaty which would go into effect after a brief "spark" of full independence. The substance of such a treaty could be similar to that of a compact. (Too, as pointed out by State in the Micronesian status study, the practical effects of a treaty relationship in terms of durability, protection of basic US interests, etc., might be little different from those of a compact relationship.)

Nevertheless, State does not believe that there can be any flexibility in this area with respect to negotiation of a free association option. Our reasoning is as follows:

-- Negotiation of a free association treaty relationship would go beyond existing Presidential instructions.

-- Negotiation of a free association treaty relationship would as a practical matter result in two independence options, and no true free association option.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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3. Description of Micronesia

Nowhere in the present draft compact is there language providing a name for the political entity which will be associated with the US, nor is there a description of the geographic limits of that entity.

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[REDACTED]

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The above title, and the geographic limits of Micronesia, might most appropriately be described in the preamble. Alternatively, they could be covered in a separate new Title I. Language throughout the Compact would have to reflect this additional input.

Title I: Internal Affairs

The only area of this title that may cause serious problems is the language in Section 101 which requires that the Micronesian constitution and laws be consistent with the Compact.

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[REDACTED]

[REDACTED]

Title II, Foreign Affairs

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Attachments:

- A. Letter to the President of the Senate, dated September 1, 1972.
- B. Micronesian "Four Principles"

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September 1, 1972

The Honorable Amata Kabua
President of the Senate
Fourth Congress of Micronesia
Second Special Session, 1972
Kolonía, Ponape Islands 96941

Dear Mr. President:

We are writing to you with respect to the proposed Draft Compact of Free Association submitted by the Joint Committee on Future Status for consideration by the Congress during this Special Session.

Whether or not the Congress will take any formal action on the proposed Compact of Association is a matter for the entire Congress to decide; however, as individual members, we wish to state our position regarding the Compact so that the chiefs and people of Micronesia and the future generations will know where we stood at the time when the Congress was asked to 'accept and approve' the Draft Compact of Free Association with the United States.

We wish to state our position as follows:

- 1. Any association between Micronesia and the United States Government must be sealed by a treaty and not a compact.
- 2. Micronesia must be an independent political state, even for a few minutes, and before entering into a Treaty of Association with the United States.
- 3. Micronesia must have a Constitution which will be the supreme law of Micronesia and which will not be subservient to the Treaty of Association. ✓
- 4. Micronesia must have full internal sovereignty over its own internal affairs.
- 5. Micronesia must retain full external sovereignty but can delegate, at the beginning of the association and later through agreements, certain responsibilities for foreign affairs to the United States.
- 6. Micronesia must not relinquish the ultimate control over the United States military activities in Micronesia and the Congress must obtain prior consent of the districts involved before committing their lands and waters.

Our position is not being stated for the first time and we ask that the Joint Committee on Future Status will consider it seriously in its negotiations with the United States. We state again that we will not support any association with the United States if such an association will not protect the inalienable rights of our people.

We hope that when the Congress of Micronesia meets again to consider the proposed association with the United States, it will have in front of it a complete, clear proposition.

An identical letter is being sent to the Speaker of the House of Representatives.

Thank you very much.

/s/ Henry Samuel
 /s/ Heinrich Iriarte
 /s/ Tarkong Pedro
 /s/ Tosiwo Nakayama ✓
 /s/ Hans Willander
 /s/ Sasauo Haruo
 /s/ Raymond Setik
 /s/ Polycarp Basilus

/s/ Ataji Balos ✓
 /s/ Joab Sigrav
 /s/ Ronan Tmetuchl ✓
 /s/ Andon Amaraich ✓
 /s/ Enjy Dois
 /s/ Masao Nakayama
 /s/ Timothy Olkerfil
 /s/ Charles Dornick")

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TAB B

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Micronesian "Four Principles"

- "(a) That sovereignty in Micronesia resides in the people of Micronesia and their duly constituted government;
- "(b) That the people of Micronesia possess the right of self-determination and may therefore choose independence or self-government in free association with any nation or organization of nations;
- "(c) That the people of Micronesia have the right to adopt their own constitution and to amend, change or revoke any constitution or governmental plan at any time; and
- "(d) That free association should be in the form of a revocable compact, terminable unilaterally by either party."

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