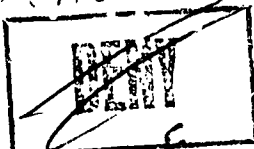


~~CONFIDENTIAL~~

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FOR 2389  
CLEAR

TO: Ambassador Williams

THRU: INTERIOR/OMSN - Mr. Wilson

EXCISE DORRANCE X20660

FROM: State/EA - John C. Dorrance

By man

SUBJECT: Micronesia-- Public Lands Question

E  
B1, A5

The following State comment is offered on the OMSN draft US position paper (dated 10/24/73) on public lands. I understand ~~this~~ this paper is intended for deliver to the Distad Conference,

the JCFS, and other appropriate ~~and other~~ bodies as a public document.

TTPI

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY B. H. BAAS DATE 3/25/87

(CLASSIFIED) CONFIDENTIAL

RDS  or XDS  EXT. DATE OADR

TS AUTH. REASON(S) E.O. 12356

ENDORSE EXISTING MARKINGS  SEC. 1.3 (2X5)

DECLASSIFIED  RELEASABLE  FN 121R

RELEASE DENIED. B1, A5

~~General~~  
General

State's position on most ~~of the~~ issues ~~is~~ described

in Mr. Hummel's ~~letter of~~ October 24 letter to Mr. Wilson. The following comments ~~are~~ are primarily supplemental.

Definition of Public Lands

We should ~~It will be~~ important at the beginning of the paper to ~~define~~ precisely what is meant by "public lands" ~~especially~~ since there is considerable ~~and~~ confusion on that question throughout the territory. ~~As~~ Many Micronesians include among public lands those private lands presently under lease to ~~the~~ the TTPI administration.

I would assume that you do not intend to transfer these lands  
or terminate leases, ~~where such lands are not in use.~~ Additionally  
~~There is <sup>are also</sup> ~~the~~ <sup>etc</sup> ~~mainly~~ technical question of "alien properties."~~  
These are, ~~as I understand it,~~ not technically public lands, but  
rather former Japanese <sup>private</sup> properties now in the custody of the TTPI  
administration. <sup>However,</sup> They are generally treated as public lands, and  
and normally ~~are~~ <sup>are</sup> loosely described as being ~~public lands.~~ <sup>such.</sup> These  
lands should be included in the transfer.

#### Transfer Procedures

Generally <sup>we</sup> find no problems with the section entitled  
"Major Elements of the US Plan," with ~~one~~ <sup>two</sup> exceptions. Our goal  
should ~~in effect~~ be ~~the~~ speedy but also practical resolution of  
~~this~~ the land issue. The ~~suggestion is~~ <sup>proposal</sup> (page 2, numbered para 2)  
<sup>is unclear as to whether</sup>  
~~that~~ the transfer issue <sup>would</sup> be placed before the people of each district  
in a referendum, ~~which~~ <sup>such a procedure</sup> probably would cause endless delays. Submission  
to and action by the district legislatures should be sufficient  
to protect our interests, and the interests of the Micronesian people.  
~~What are these legislatures if they do not exist to represent~~  
~~the "people" on issues such as this?~~

is based on the assumption (supported by ample ~~xxx~~ precedent) that the Congress is almost ~~xxx~~ certain to write legislation which will provoke a veto, and thus force the US ~~xxx~~ to take the Secretarial order route in any event. ~~xxx~~ We will then have suffered the <sup>double</sup> disability of not only following the Secretarial Order route, but ~~xxx~~ also of having <sup>^</sup>thwarted the will of the Micronesian people as expressed by their elected representatives. <sup>^</sup>This risk is ~~made~~ probably made a certainty by the fact that the Congress of Micronesia will be fully aware of the fact that we <sup>will</sup> ~~would~~ in any event transfer the lands on our own terms with ~~xxx~~ or without their legislation. Knowing this, ~~xxx~~ (and given their penchant for ~~xxx~~ confrontation politics and political point-scoring) they will see every reason to write legislation designed to put on record their point of view, and specifically directed at forcing a veto. ~~The~~

~~xxx~~ The Secretarial Order route, if it is taken as the initial step rather than as a follow-on to unacceptable Congressional action, need not be <sup>or</sup> a unilateral action. The order can be developed in consultation with Congressional leaders, and can establish the legal framework within ~~xxx~~ which the Congress could legislate much of the ~~to~~ implementing ~~legislation~~ legislation.



B1, A5

[REDACTED]

Para 6: The reference to the United States being held harmless in the last several lines of this ~~paragraph~~ paragraph should be changed to the United States and the TTPI Administtation.

Para 7: The reference to ~~the~~ continuing ~~of~~ TTPI control of submerged lands, etc. is too broad and should be defined through illustrative examples. This might be done by adding the following words at the end of the paragraph, ~~the~~ "e.g. public health requirements and environmental protection, ~~the~~ standards enforcement, and marine resources protection."

Other: Although not presently listed as a limitation; consideration ~~should~~ should be given to excluding from transfer those public lands acquired by the TTPI administration under the trusteeship agreement by purchase and without condemnation or the threat of condemnation

proceedings. Alternatively, ~~if they are included in the~~  
transfer can be optional (assuming the lands are not in use and  
therefore not needed by the TTPI), ~~but under the conditions~~ <sup>and</sup> conditioned  
on a pro-rated rebate ~~of the purchase price~~ to the TTPI administration of  
the original purchase price.

~~Conclusion~~

Conclusion

~~Clearly~~ Judgements as to what US positions on the land question  
will or will not be acceptable to the Micronesians are subject  
to debate, and can at best be only educated guesses based on past  
Micronesian statements and performance. ~~But~~ Accepting this major  
qualifier, we are concerned that the ~~is~~ positions taken in the  
present draft position paper, commented above and <sup>on</sup> Mr. Hummel's paper,  
will not be acceptable to the Micronesians and will exacerbate  
and protract resolution of ~~this complex question~~ and this complex  
question -- and for reasons that do not provide adequately ~~any~~  
compensatory ~~advantages~~ advantages to the US, ~~as the US is not~~

~~to ~~xxxx~~ US land requirements, or the ~~status~~ broader political  
status question.~~

In short, we suggest that the positions proposed by OMSN  
are likely to create more problems than will be ~~xxxx~~ resolved.

EA/ANP:JCDorrance .

L/EA - Mr. Johnson  
IO/UNP - Mr. Sylvester