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THE JOINT STAFF

THE JOINT CHIEFS OF STAFF  
WASHINGTON, D.C. 20301

DJSM-668-74  
9 May 1974

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE  
(INTERNATIONAL SECURITY AFFAIRS)

Subject: Micronesian Status Negotiations:  
Request for Amendment to Negotiating  
Instructions (U)

1. (U) Reference is made to the 30 April 1974 NSC Under Secretaries Committee (USC) Memorandum (Ref) which requested comments and or concurrence on the:
  - a. Proposed USC Memorandum (Attach 1 to Ref) to the President which transmits a report of the informal meetings between Ambassador Franklin Haydn Williams, the President's Personal Representative for Micronesian Status Negotiations and Senator Salii, Chairman of the Micronesian Joint Committee on Future Status (JCFS) along with the comments and recommendations of the USC.
  - b. Letter (Attach 2 to Ref) of 12 April 1974 from Ambassador Williams to the President which reports on the progress in the latest round of informal talks held in Carmel, California with the Chairman, JCFS.
2. (S) It is recognized that the agreements reached at Carmel with regard to termination and the survival of US defense interests exceeded the letter, but not the spirit of the President's Personal Representative's current negotiating instructions (15 year unilateral termination and 99-50 year survivability of defense rights). However, under the Carmel agreement, US defense interests and the survival of such interests should be reasonably protected because the Compact of Free Association could be terminated only by mutual agreement during the first 15 years. Thereafter, it may be terminated unilaterally with a two year waiting period during which time both parties would be committed by the Compact to

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SUBJECT TO GENERAL DECLASSIFICATION  
SCHEDULE OF EXECUTIVE ORDER 11652  
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negotiate a mutual security agreement which would embody the military rights and denial as set forth in the Compact. The security agreement guaranteeing the survival of US base and denial rights would have to be concluded before termination of the Compact could become effective, thus in effect making termination possible only by mutual consent after the first 15 years also.

3. (U) The President's Personal Representative reiterated to the Chairman, JCFS, by letter on 11 April 1974, the established US position that we expect the military land negotiations to be fully worked out before the Compact can be signed. The Ambassador's statement does not precisely reflect the position that until we actually have acquired deeds or leases to the required land we shall refuse to sign the Compact. Ambassador Williams' letter to the President does not mention that the US has no existing leases or deeds for much of the required military land, or that there is no legal entity at this time on the Micronesian side with authority to negotiate or enter into agreements on military lands.

4. (C) Ambassador Williams' letter to the President does not convey other important concerns of the Joint and Service Staffs. It fails to point out that a jurisdictional agreement, similar to a Status of Forces Agreement (SOFA) with foreign countries, must still be negotiated. This agreement will protect United States forces, their military personnel, United States civilian employees of US forces, contractors of US forces, and their dependents, while in Micronesia. The Compact, as written, cannot come into force until the Jurisdictional Agreement is concluded.

5. (U) It should be noted that as a separate action, the agreed Draft Compact, as modified at the Carmel meetings, is still under review by the Department of Defense and other concerned agencies and has not yet received their concurrence.

6. (C) If the remainder of the JCFS accepts the agreements made at Carmel, then progress has been made toward the successful outcome of the Micronesian Status Negotiations. However, significant requirements remain to be accomplished, such as completion of the jurisdictional agreement and negotiation of the military land requirements.

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7. (C) The Joint and Service Staffs concur in the referenced correspondence to the President, provided that the concerns noted in paragraphs 3, through 6 above are included on page 4 of the proposed Chairman, USC memorandum to the President as indicated in the Enclosure.



PAUL C. BOYD  
Rear Admiral, USN  
Deputy Director  
Joint Staff

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ENCLOSURE

Recommended Addition to Page 4 of the Proposed Chairman, USC Memorandum to the President.

"3. While the Department of Defense basically concurs with and endorses the recommendations contained in Ambassador Williams' letter to you, there are several important concerns that should be noted concerning Defense interests.

a. Ambassador Williams reiterated to the Chairman, JCFS, by letter on 11 April 1974, the established US position that we expect the military land negotiations to be completed before the Compact can be signed. The Ambassador's statement does not precisely reflect the position that until we actually have acquired deeds or leases to the required land we shall refuse to sign the Compact. Ambassador Williams' letter to you does not mention that the US has no existing leases or deeds for much of the required military land, or that there is no legal entity at this time on the Micronesian side with authority to negotiate or enter into agreements on military lands.

b. Ambassador Williams' letter does not point out that a jurisdictional agreement, similar to a Status of Forces Agreement (SOFA) with foreign countries, must still be negotiated. This agreement will protect United States Forces, their military personnel, United States citizen civilian employees of US Forces, contractors of US Forces, and their dependents, while in Micronesia. The Compact, as written, cannot come into force until the Jurisdictional Agreement is concluded.

c. The agreed Draft Compact, as modified at the Carmel meetings, is still under review by the Department of Defense and other concerned agencies and has not yet received their concurrence.

d. If the remainder of the JCFS accepts the agreements made at Carmel, then progress has been made toward the successful outcome of the Micronesian Status Negotiations. However, significant requirements remain to be accomplished, such as completion of the jurisdictional agreement and negotiation of the military land requirements."

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