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SUBJECT: MARIANAS IV: ROUNDUP REPORT

REFERENCE: STATUS LNO 164

L. {C} SUMMARY: TEXT OF FINAL JOINT COMMUNIQUE {REFTEL} GIVES
FACTUAL REPORT OF RESULTS FOURTH ROUND MARIANAS STATUS TALKS HELD ON
SAIPAN MAY 15-31. THIS CABLE PRESENTS COMMENTARY ON ATMOSPHERE AND
COURSE OF DEVELOPMENTS DURING ROUND IV WHICH DEALT WITH KEY ISSUES
OF LAND {ESPECIALLY U.S. MILITARY LAND NEEDS}, ECONOMICS AND FINANCE,
POLITICAL RELATIONSHIPS TO BE REFLECTED AND DEFINED IN AGREEMENT
BETWEEN TWO PARTIES AND FOR FIRST TIME, SEPARATE ADMINISTRATION.
BASIC U.S. POLITICAL AND MILITARY REQUIREMENTS HAVE BEEN SATISFIED
ON ALL PRINCIPAL POINTS IN ACCORDANCE WITH AMBASSADOR WILLIAMS'
INSTRUCTIONS.

2. {C} LAND. AMBASSADOR SUCCEEDED IN ACQUIRING ALL LAND NEEDED TO MEET U.S. MILITARY REQUIREMENTS, BUT ONLY AS RESULT OF LONG, HARD

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BARGAINING. INITIAL PROSPECTS WERE NOT ENCOURAGING. LAND WAS MAJOR ITEM ON AGENDA, ESPECIALLY U.S. MILITARY REQUIREMENTS, DISCUSSION OF WHICH COMPRISED SOME THREE-FOURTHS OF NEGOTIATING PERIOD. DAYS WERE DEVOTED TO PRESENTATION BY AMB. WILLIAMS AND PACAF BRIEFER OF U.S. MILITARY REQUIREMENTS, INCLUDING REVISED REQUIREMENTS FOR ELIMINATION OF NEED TO RELOCATE SAN JOSE VILLAGE CAUGHT TINIAN. MPSC BY SURPRISE AND INITIALLY STRONG AND RATHER CRITICAL FEELINGS WERE VOICED BY INDIVIDUAL MEMBERS ON THIS SCORE. PRIVATE EXPRESSIONS OF DISAPPOINTMENT WERE EVEN STRONGER, WITH BLAME BEING PLACED ON FEW LOCAL POLITICIANS AND MDC EMICRONESIAN DEVELOPMENT COMPANY - JONES RANCH FOR LOSS OF OPPORTUNITY FOR NEW VILLAGE. GENERAL MOOD WAS SOMBRE AND INITIAL PROSPECTS WERE NOT BRIGHT FOR ACCEPTANCE DOD

3. {C} LAND CONTINUED TO BE LEADING ITEM OF DISCUSSION AND BACKE GROUND THINKING DURING JOINT VISITS MAY 17-19 BY US DEL AND MPSC TO ROTA AND TINIAN. CRITICAL POINT CAME AT TIME OF ADDITIONAL SUBSEQUENT JOINT VISIT MAY 22 TO TINIAN WHEN AMBASSADOR EXPLAINED IN DETAIL TO PEOPLE OF TINIAN AT SIX-HOUR PUBLIC MEETING OUR REVISED BASE

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PLAN ELIMINATING HOWED FOR RELOCATION OF VILLAGE AND REDUCING TOTAL ACREAGE REQUIRED. DESPITE PRESENCE OF ACTIVIST OPPOSITION LEND BY GUAM LAWYER AND CANDIDATE FOR GOVERNOR JOAQUIN ARRIOLA AND LARGE TINIAN LAND LESSOR RANCHER KEN JONES, AND HIS ENTOURAGE FROM GUAM, REBUTTAL EFFORTS WERE SURPRISINGLY WEAK AND INEFFECTIVE. PERSISTENT ARGUMENTATION CAME FROM MAYOR BORJA WHO CONTENDED THAT TINIAN SHOULD HAVE ACCESS TO FUNDS PREVIOUSLY INCLUDED IN U.S. PLAN AS COST OF VILLAGE RELOCATION. HE REPEATEDLY ASKED IF RELOCATION OPTION STILL OPEN. HE AND OTHERS OF HIS PERSUASION SHOWED STRONG DISAPPOINTMENT WHEN TOLD NO.

(C) FOR SEVERAL DAYS FOLLOWING TINIAN SESSION NEGOTIATIONS WERE IN ABEYANCE WHILE MFSC HELD ITS OWN CONSULTATIONS. REQUESTS WERE MADE FOR ADDITIONAL TECHNICAL INFORMATION AND DURING THIS PERIOD PRIVATE TALKS WERE HELD BETWEEN THE PRINCIPALS ON THE MPSC SIDE AND THE AMBASSADOR. WHEN NEGOTIATING SESSIONS RESUMED, MPSC GAVE ITS AGREEMENT TO ALL U.S. MILITARY LAND REQUIREMENTS INCLUDING FARALLON DE MEDINALLA AND SPECIFIED ACREAGE ON SAIPAN AND TINIAN. STATED HOWEVER, THAT ITS AGREEMENT WAS CONTINGENT UPON REACHING

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SATISFACTORY ARRANGEMENTS REGARDING PHASE II FINANCING, AND POINTING TO HIGH SENSITIVITY OF SUBJECT REQUESTED THAT MATTER BE KEPT IN STRICT CONFIDENCE PENDING OUTCOME DISCUSSION ON FINANCE. AMBASSADOR IMMEDIATELY MADE CLEAR THAT HE COULD NOT RECOGNIZE SUCH CONDITIONAL RELATION BETWEEN THESE TWO ASPECTS OF NEGOTIATIONS, BUT IN INTEREST OF PROGRESS OF TALKS, WOULD INSTRUCT U.S. DELEGATION TO RESPECT MPSC REQUESTS: WITH AGREEMENT ON FINANCE HAVING BEEN ACHIEVED LATER: ISEE BELOW: WRAPS WERE OFF BY MUTUAL AGREEMENT MAY 30.

- **{U}** DETAILS CONCERNING JOINT USE OF FACILITIES, LEASE AND LEASE LAND USE ARRANGEMENTS WILL BE SUBJECT FOR CONSIDERATION BY US/MARIAN-AS LAND COMMITTEE. MPSC HAS NAMED BEN MANGLONA, JOE CRUZ AND PETE TENORIO AS ITS REPRESENTATIVES ON THIS COMMITTEE. U.S. GAVE ITS PRELIMINARY VIEWS ON FUNCTIONS AND TERMS OF REFERENCE BUT DID NOT MENTION BY NAME ITS REPRESENTATIVES.
- {U} IN PRESS CONFERENCE ON SITE ON MEMORIAL DAY, MAY 28, FOLLOW-ING WREATH LAYING AT AMERICAN WWII MONUMENT AND MONUMENT FOR SAIPAN-ESE AND CAROLINIANS, AMBASSADOR REVEALED PRELIMINARY PLANS FOR CREATING AMERICAN MEMORIAL PARK AT MICRO BEACH AREA ON SAIPAN.

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PARTICULARLY NOTENORTHY WAS MPSC CHAIRMAN PANGELINAN'S COMMENTS. ON THE OCCASION, WELFOMING THE CONCEPT AND UNDERSCORING AMBASSADOR'S POINTS THAT USE OF MILITARY RETENTION LAND AS A MEMORIAL PARK WOULD RETAIN ATTRACTIVE BEACH AREA FOR PUBLIC ACCESS AND ENJOYMENT.

- 7. {C} TERMS OF ACQUISITION OF LAND FOR U.S. REQUIREMENTS, INCLUDING RENEGOTIATION OF LEASES OF CURRENT MILITARY RETENTION LANDS WERE
  NOT SETTLED IN COURSE OF THIS ROUND. THE DISCUSSION CENTERED ON
  PURCHASE VS LEASE, LUMP SUM PAYMENT, AND METHOD FOR DETERMINING FAIR
  MARKET VALUE.
- AND SAID THAT LAND WOULD BE MADE AVAILABLE ONLY ON A LEASE BASIS.

  MPSC WILLING TO LEASE THE LANDS COVERED IN AGREEMENT FOR FIFTY YEARS

  WITH AUTOMATIC RENEWAL FOR ANOTHER FIFTY YEARS AT THE OPTION OF THE

  MPSC ALSO REFUSED TO ACCEPT U.S. PROPOSAL FOR ONE LUMP SUM

  PAYMENT FOR ALL OF THE LAND COVERED BY THE AGREEMENT AND ALSO RE
  JECTED FOR THE MOST PART U.S. SUGGESTIONS REGARDING THE DETER INATION

  OF FAIR MARKET VALUE. CLEAR MPSC WISHES TO GO INDEPENDENT APPRAISER

  ROUTE AND NEGOTIATIONS FOR PRICE TO BE PAID FOR LAND PROMISES O BE

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TOUGH GIVEN EARLY INDICATIONS OF VALUE BEING ATTACHED TO LAND BY AGREED THAT JOINT LAND COMMITTEE WOULD BE GIVEN TASK OF DISCUSSING FURTHER METHOD OF ACQUISITION TERMS AND ARRANGEMENTS FOR LOCAL GOVERNMENT AND PRIVATE USE OF MILITARY ACQUIRED LAND INCLUD-ING LEASE BACK AGREEMENT.

4C) MPSC REMAINED HESITANT ON SUBJECT OF LAND ALIENATION, AND INQUIRED WHETHER IT WOULD BE CONSTITUTIONALLY PERMISSABLE TO LIMIT ALIENATION OF LAND TO PERSONS OF NORTHERN MARIANAS DESCENT. RESPONDED THAT CAREFULLY DRAFTED LEGISLATION TO THAT EFFECT WOULD PROBABLY BE UPHELD BY THE COURTS. U.S. POINTED TO FEDERAL DESIRE TO PREVENT EXPLOITATION BY OUTSIDERS AND ECONOMIC CONCENTRATION OF LAND IN A FEW HANDS, BOTH OF WHICH IN ADDITION TO CONSIDERATIONS OF PROTECTION AND PRACTICALITY, MIGHT JEOPARDIZE THE PROSPECTIVE U.S. ASSISTANCE PROGRAM FOR THE NORTHERN MARIANAS.

-{C}' MPSC TOOK POSITION THAT QUESTIONS OF LAND ALIENATION AND DISPOSITION OF PUBLIC LANDS ARE OF INTERNAL NATURE AND THEREFORE BELONG IN CONSTITUTION OF NORTHERN MARIANAS RATHER THAN IN STATUS AGREEMENT. COMMENT: CONSIDERING RISING LAND VALUES IN MARIANAS

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AND LIKELY AFFECTOMIN SHORT RUN OF WHAT MIGHT LOOK TO BE HIGHLY
ATTRACTIVE OUTSIDE OFFERS, MARIANAS RISKS RAPID LOSS OF VALUABLE
AND SCARCE PATRIMONY UNLESS ALIENATION IS PREVENTED. THE ISSUE
WAS REFERRED TO JOINT DRAFTING COMMITTEE WHICH WAS SET UP WITH
ASSIGNMENT OF PRODUCING DRAFT STATUS AGREEMENT FOR CONSIDERATION AT
NEXT ROUND.

DA. {C} MPSC POSITION REMAINED SOMEWHAT UNCLEAR ON IMPORTANT ISSUE OF EMINENT DOMAIN. IN COMMENT ON MPSC PAPER OF LAST DECEMBER, U.S. SOUGHT TO ESTABLISH THIS PRINCIPLE FIRMLY AS AN ESSENTIAL POINT OF THE PROSPECTIVE COMMONWEALTH ARRANGEMENT UNDER U.S. SOVEREIGNITY. MPSC RESPONSE OFFERED SOME ENCOURAGEMENT. DISCUSSIONS INDICATED THAT COMMISSION'S CONCERN LAY IN ESTABLISHMENT OF ADDITIONAL PROCEDURAL SAFEGUARDS AND THE DEVELOPMENT OF MEASURES BY WHICH THE FUTURE COMMONWEALTH COULD EXPRESS ITS VIEWS WHEN RIGHT OF EMINENT DOMAIN WOULD BE EXERCISED.

THE AVAILABLE \$1.2 MILLION, OPENED WAY FOR MUTUALLY SATISFACTORY

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FINANCING FOR PHASE II (INITIAL PERIOD FOLLOWING INSTALLATION OF NEW COMMONDEALTH GOVERNMENT) CALLED FOR SOME REVISIONS ON OUR PART. POSITION PAPER TABLED ON MAY 15, MPSC CONTENDED THAT U.S. APPEARED MORE CONCERNED WITH GOAL OF ECONOMIC SELF-SUFFICIENCY THAN ESTABLISH-ING A BASE FOR GENERATING ACCEPTABLE LEVEL OF INCOME AND PUBLIC SERVICES. MPSC STRESSED ITS PRIMARY GOAL AS ACHIEVEMENT WITHIN REASONABLE PERIOD OF TIME OF LIVING STANDARDS IN MARIANAS COMPARABLE TO THOSE ENJOYED BY OTHER AMERICANS. MPSC TENDED MINIMIZE VALUE OF OTHER INCOME AND RESOURCES IN ADDITION TO U.S. GRANT WHICH WILL BE AVAILABLE TO COMMONWEALTH. MPSC PAPER REQUESTED \$16 MILLION ANNUALLY FOR PHASE II AS OPPOSED TO U.S. \$11.5 MILLION, LARGEST DIFFERENCES BEING IN OPERATIONS AND CIP. PAPER PROPOSED AGAIN FOR 7-YEAR PERIOD FOR PHASE II IN CONTRAST TO U.S. POSITION OF 5 YEARS.

CONCERN AMBASSADOR'S RESPONSE OF MAY 28 ASSURED MPSC OF OUR CONCERN 17. FOR ECONOMIC WELL-BEING OF PEOPLE OF NORTHERN MARIANAS. HIS STATE-MENT THAT U.S. COMMITMENT IS IN TERMS OF CONSTANT 1975 DOLLARS BROUGHT FAVORABLE RESPONSE, AS DID HIS STATEMENT THAT HE WOULD SEEK

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AUTHORITY TO EXEMOND U.S. PHASE II COMMITMENT TO SEVEN YEARS AND TO COMMIT AN ADDITIONAL \$500 THOUSAND FOR GOVERNMENT OPERATIONS. MPSC SOUGHT ANOTHER \$1.5 MILLION ANNUALLY FOR CIP ON GROUNDS NEGLECT OF OUTER ISLANDS IN RECENT YEARS, ESPECIALLY TINIAN AND ROTA.

AMBASSADOR'S AGREEMENT SEEK EXTRA FUNDS FOR THESE TWO ISLANDS EVOKED MOVING RESPONSE FROM THEIR REPRESENTATIVES.

LY. {U} FINAL RESULT PHASE II OFFER INCLUDING FUNDS FOR WHICH AUTHORITY WILLBE SOUGHT: \$\pmathcap{1}\frac{1}{2

THAN FY 1978 AS ASSUMED BY MPSC); AGREED SEEK WAYS AFFORD MPSC

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FLEXIBILITY IN CARRYING OVER UNEXPENDED FUNDS AND REPROGRAM SUCH UNEXPENDED FUNDS IN SUCCEEDING YEARS. FINALLY, TO RECOMMEND TO DEPARTMENT OF INTERIOR THAT FUNDING FOR \$4.5 MILLION STEAM POWER PLANT FOR SAIPAN BE MOVED FORWARD TO 1976 RATHER THAN 1977 AS PRO-POSED IN TT BUDGET.

STATUS AGREEMENT {POLITICAL RELATIONSHIP} DESPITE CLEAR,  $\{C\}$ REPEATED AND CONFIRMED PRE-SÉSSION AGREEMENT THAT MARIANAS IV WOULD REVIEW U.S. DRAFT COVENENT WHICH HAD BEEN PRESENTED TO MPSC LAST DECEMBER, MPSC PRESENTED ITS OWN PARTIAL DRAFT AGREEMENT, A VOLUMIN-OUS WORK OF 62 PAGES ACCOMPANIED BY SEVERAL HUNDRED PAGES OF EXPLANA-TORY LEGAL MATERIAL PREPARED BY THE COMMISSION'S COUNSEL. MANEUVER THREATENED AT OUTSET TO DERAIL THE TALKS. TABLING OF DRAFT IN FACE OF EARLIER AGREEMENT TO CONSIDER THE 1.S. DRAFT NOT ONLY RAISED PROCEDURAL PROBLEMS, BUT ALSO REOPENED SOME FUNDAMENTAL POLITICAL ISSUES, WHICH THE U.S. THOUGHT HAD BEEN RESOLVED IN MARIANAS II AND III.

DRAFT AND LEGAL COMMENTARIES PRESENTED BY MPSC RAISED  $\{C\}$ QUESTION OF SOVEREIGNTY AND WAS REPLETE WITH LANGUAGE CALLING FOR

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EXCEPTIONS, EXEMPTIONS AND SPECIAL TREATMENT WHICH, IF ACCEPTED, WOULD GIVE MARIANAS PRIVILEGED POSITION IN COMPARISON WITH ALL U.S. TERRITORIES, INCLUDING PUERTO RICO. INITIALLY MPSC POSITION SEEMED INFLEXIBLE IN SUPPORT OF THEIR COUNSEL'S DRAFT, BUT TIME, SOME PERSONAL DIPLOMANCY AND OPEN CHALLENGES IN OPEN SESSIONS RESULTED IN A RETREAT AND INSTRUCTION FROM MPSC TO ITS COUNSEL TO SEEK COMPROMISE AND ACCOMMODATION.

THAT IT SURFACED VITAL SOVEREIGNTY QUESTION. FACED WITH IMMOVABLE U.S. POSITION ON THIS MATTER, COUNSEL SPEAKING FOR MPSC CAME BACK IN CONCILIATORY FASHION WITH STRONG INEQUIVOCAL STATEMENT THAT MPSC NOT QUESTIONING U.S. SOVEREIGTY. EPISODE ALSO GAVE U.S. OPPORTUNITY TO REAFFIRM BASIC PRINCIPLES OF RELATIONSHIP, INCLUDING REQUIREMENT THAT PLENARY POWERS OF U.S. CONGRESS TO LEGISLATE WITH RESPECT TO NORTHERN MARIANAS MUST BE ABSOLUTE EXCEPT IN CASE, WHERE CONGRESS ITSELF PROVIDES EXEMPTION.

UT. EC) THIS SERIOUS PROBLEM WHICH HAD THREATENED EARLY ABORTING
OF SESSION, DUE TO FUNDAMENTAL PROCEDURAL AND SUBSTANTIVE VARIANCE.

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20. {C} SEPARATE ADMINISTRATION: THIS SUBJECT CAME UP FOR FIRST TIME IN FORMAL NEGOTIATIONS ALTHOUGH MPSC CHAIRMAN AND VICE—
CHAIRMAN HAVE DISCUSSED IN INFORMALLY WITH AMBASSADOR OVER PAST

L MONTHS. MPSC PAPER SAID COMMISSION AND PEOPLE SUPPORT IDEA OF COMPLETE SEPARATION OF MARIANAS FROM TTPI GOVERNMENT PRIOR

TERMINATION TRUSTEESHIP AGREEMENT. IN SUPPORT OF ITS POSITION AND IN REPLY TO SOME PROBING QUESTIONS FROM THE AMBASSDOR, MPSC MEMBERS IN SOME OF STROUNGEST AND MOST MOVING STATEMENTS OF THE ENTIRE COURSE OF THESE NEGOTIATIONS URGED THE U.S. TO ACCEDE TO THEIR DESIRE FOR SEPARATION. PARTIAL EXCEPTION TO UNANIMITY

OF VIEWS WAS CAROLINIAN REPRESENTATIVE RABAULIMAN WHO STRESSED CONTINUING NEED TO PROVIDE FOR RIGHTS OF MINORITY. AMBASSADOR POSED QUESTION AS TO BEST CHANNEL FOR MAKING CLEAR THE MARIANAS

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REQUEST FOR SEPARATION. ON BALANCE, ANSWERS TENDED SHOW FEELING THAT RESOLUTION OF MARIANAS DISTRICT LEGISLATURE AT FORTHCOMING AUGUST SESSION, SUPPORTED BY SIMILAR ACTION FROM MUNICIPAL COUNCILS, WOULD BE MOST PRACTICAL ROUTE. THEY FELT REFERENDUM ON SUBJECT WOULD BE CONFUSING AND UNNECESSARY, AND APPEARED SOMEWHAT ALARMED AT PURPOSELY PROVOCATIVE QUESTION BY AMBASSADOR AS TO WHETHER THEY WOULD FEEL THAT SUCH REFERENDUM ASSUMING AFFIRMATIVE RESPONSE WOULD IN EFFECT LOCK THEM INTO SEPARATE STATUS EVEN BEFORE THAT QUESTION ITSELF HAD BEEN POSED TO THEM. ASSERTED PEOPLE HAD ALREADY MADE UP THEIR MINDS THAT THEY HAD MADE THEIR WISHES KNOWN TIME AND TIME AGAIN, THAT THEY WANTED SEPARATE STATUS AND, AS ONE PUT IT, "HAVE INSTRUCTED US TO EXPIDITE THE ARRANGEMENT TO WHAT MORE DOES THE U.S. WANT. ONE OF THE STRONGEST AND MOST EMOTIONAL STATEMENTS FOR EARLY SEPARATE ADMINISTRATION WITHOUT A REFERENDUM CAME FROM DR. PLACIOS. HE SHOWED IMPATIENCE WITH NOTION THAT PEOPLE SHOULD AGAIN BE GIVEN THE OPPORTUNITY TO VOICE THEIR OPINIOR OF THIS SUBJECT.

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HE SAID WE ARE AND THEY HAVE MADE UP THEIR MINDS FOR UNION WITH THE U.S. SO WHY DOES THE U.S. HESITATE TO GIVE US SEPARATE ADMINISTRATION.

21. {C} QUESTION WAS LEFT FOR FURTHER ACTION AT MPSC INITIATIVE. SEEMS LIKELY THAT, AS MDL PRESIDENT SANTOS SUGGESTED IN CONVERSATION WITH AMBASSADOR LAST JANUARY, AUGUST SESSION OF LEGISLATURE WILL SEE PASSAGE OF RESOLUTION FORMALLY REQUESTING SEPARATE ADMINISTRATION THUS, AS MPSC PAPER PUT IT, CONFUSION WOULD BE LESSENED AND MARIANAS WOULD HAVE EARLY OPPORTUNITY TO INCREASE ITS EXPERIENCE IN SELF-GOVERNMENT. SOME MEMBERS OF MPSC SPOKE OF NEED TO TAKE ACTION THIS MATTER BEFORE COM ELECTIONS IN NOVEMBER. CLEAR THAT JAJORITY MPSC HOPING FOR EARLY FAVORABLE RESPONSE FROM U.S. ON THIS QUESTION. 22. {C} ROUND IV ADJOURNED ON NOTE OF CONSIDERABLE MUTUAL SATISFACTION AT SUBSTANTIAL PROGRESS MADE OVER PAST TWO WEEKS. MANY MEMBERS MPSC INDICATED LIKELY THAT NEXT ROUND, PROBABLE IN EARLY FALL, SHOULD RESUTLT IN SIGNED AGREEMENT. FRIENDLY RAPPORT AND GOOD WISHES, FINAL SESSION CLOSED, AFTER AMBASSADOR'S FAREWELL STATEMENT, WITH IMPROMPTU SINGING OF

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"GOD BLESS AMERAGAN!" AT SPONTANEOUS INITIATIVE OF TINIAN

REPRESENTATIVE JOE CRUZ. THIS SUPRISE ENDING REFLECTED WARMTH

OF PERSONAL FEELINGS BETWEEN DELEGATIONS WHICH HAVE GROWN

DURING COURSE OF NEGOTIATIONS DESPITE TOUGH BARGAINING AT THE

TABLE. AND GIVES REASON TO LOOK FORWARD WITH SATISFACTION AND

HOPE TO COMING INTO BEING OF THE COMMONWEALTH OF THE NORTHERN

MARIANAS. TRENT.

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