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SECTION 01 OF 65462

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FM HICOMTERPACIS SAIPAN MARIANAS ISLANDS
TO ZEN/ALDISTADS TERPACIS
ZEN/TT LNO GUAM MARIANA ISLANDS
RUHMBAA/TT LNO KWAJALEIN MARSHALL ISLANDS
RUHNSAA/COMNAVMARIANAS GUAM MARIANAS ISLANDS
RUHNSAA/CINCPAC REP GUAM MARIANAS ISLANDS
RUHQHQA/CINCPAC HONOLULU HI
RUHJPBA/NAVINSERVO GUAM MARIANAS ISLANDS
RUWJAJA/COMTWELVE SAN FRANCISCO CA
RUEHC /SECSTATE WASHINGTON DC
RUEKJCS/SECDEF WASHINGTON DC
RUEKJCS/JCS WASHINGTON DC
RUENAAA/CNO WASHINGTON DC
RHHMBRA/CINCPACFLT MAKALAPA HI
RUHVAAA/CINCPACAF HICKAM AFB HI
RUHQHQA/CGFMFPAC PEARL HARBOR HI
RHHMBRA/COMCBPAC PEARL HARBOR HI
RULSSAA/NAVFACENGCOMHQ ALEXANDRIA VA
RHHMBRA/PACNAVFACENGCOM MAKALAPA HI
RUHHLHA/TT LNO HONOLULU HI
RUWJSLC/SAMTEC VANDENBERG AFB CA
RUWHMAC/FCDNA-LGA KIRTLAND AFB NM
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COMTWELVE PASS INFO FOR AMB WILLIAMS
SECSTATE PASS TO DEPT INT/SEC INTERIOR/DOTA OSN

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TTPI NO. 396
(MORTON DISAPPROVES MARITIME BILL)

SAIPAN, JUNE 19 (MNS)---SECRETARY OF THE INTERIOR ROGERS C.B. MORTON HAS DISAPPROVED THE ADMIRALTY AND MARITIME BILL, WHICH WOULD HAVE MADE MICRONESIA A PORT OF REGISTRY FOR SHIPS, (SB 94). THE MEASURE WAS VETOED BY THE HIGH COMMISSIONER LAST YEAR, BUT WAS REPASSED THIS YEAR BY THE CONGRESS OF MICRONESIA.

IN A LETTER TO TRUST TERRITORY HIGH COMMISSIONER EDWARD E. JOHNSTON, SECRETARY MORTON STATED: "I DEEPLY REGRET I MUST TAKE THIS ACTION BECAUSE THERE IS OBVIOUS MERIT TO SUCH LEGISLATION FOR THE TRUST TERRITORY. HOWEVER, THE BILL AS ENACTED IS NOT FULLY CONSISTENT WITH THE OBLIGATIONS OF THE UNITED STATES UNDER INTERNATIONAL CONVENTIONS RELATING TO SHIPPING AND, THEREFORE, AS WRITTEN, EXCEEDS THE LEGISLATIVE AUTHORITY OF THE CONGRESS. I DO NOT MEAN BY MY ACTION, HOWEVER, TO DISCOURAGE THE FUTURE ENACTMENT OF SUCH LEGISLATION, AND TO THIS END, WE IN THE UNITED STATES GOVERNMENT ARE PREPARED TO WORK CLOSELY WITH REPRESENTATIVES OF THE CONGRESS OF MICRONESIA TO DEVELOP MARITIME LAWS FOR MICRONESIA WHICH, WHILE PROVIDING SUITABLE LEGISLATION TO GOVERN TRUST TERRITORY SHIPPING, WILL ALSO COMPLY WITH THE MANY INTERNATIONAL CONVENTIONS RELATING TO SAFETY, POLLUTION CONTROL, FINANCIAL RESPONSIBILITY, POSSIBLE LABOR STANDARDS, AND THE LIKE.

"I TRUST THAT YOU WILL CONVEY TO THE LEADERSHIP OF THE CONGRESS OF MICRONESIA," THE SECRETARY'S LETTER CONTINUED, "THE SENSE OF MY REGRET IN TAKING THIS ACTION AND OUR SINCERE DESIRE TO ASSIST THEM IN DEVELOPING AT AN EARLY DATE A WORKABLE LAW, SHOULD THE CONGRESS WISH TO PURSUE NEW LEGISLATION IN THE ADMIRALTY AND MARITIME AREA."

SECRETARY MORTON'S ACTION ON THE BILL IS FINAL. THERE CAN BE NO FURTHER REVIEW OF THIS PARTICULAR PIECE OF LEGISLATION BY THE CONGRESS OF MICRONESIA. IT IS THE FIRST TIME IN NEARLY FIVE YEARS THAT A PIECE OF LEGISLATION HAS BEEN SENT TO THE SECRETARY FOR ACTION, AND ONLY THE SECOND TIME SINCE THE CONGRESS WAS FORMED IN 1965.

(MISSING BOAT IS LOCATED)

SAIPAN, JUNE 19 (MNS)---SEARCH AIRCRAFT FROM GUAM LOCATED A 22-FOOT CABIN CRUISER LATE TUESDAY AFTERNOON (JUNE 18), AFTER THE BOAT WITH SEVEN PEOPLE ABOARD HAD BEEN MISSING SINCE SUNDAY EVENING.

THE BOAT WAS ON A HUNTING TRIP FROM SAIPAN TO ANATAHAN. INITIAL REPORTS INDICATED THAT THE MEN RAN OUT OF GAN ON THE

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RETURN TRIP, AND DRIFTED UNTIL THEY WERE LOCATED.

TRUST TERRITORY MILITARY LIAISON OFFICER LT. CMDR. ALAN PENLETON SAID THE COAST GUARD BUOY TENDER BASSWOOD, WHICH WAS IN PORT AT SAIPAN, WENT TO THE AID OF THE STRICKEN BOAT AND RETURNED HER AND HER PASSENGERS SAFELY TO SAIPAN EARLY WEDNESDAY MORNING. NAMES OF THE PEOPLE ON BOARD THE CABIN CRUISER WERE NOT AVAILABLE.

(ALL USERS PLEASE CREDIT THE CONGRESS OF MICRONESIA)
(CONGRESSMEN TO CARACAS)

SAIPAN, JUNE 19 (CONGRESS RELEASE)---MEMBERS OF THE JOINT COMMITTEE ON LAW OF THE SEA OF THE CONGRESS OF MICRONESIA HAVE LEFT THE TRUST TERRITORY FOR CARACAS, VENEZUELA IN SOUTH AMERICA TO ATTEND THE THIRD UNITED NATIONS CONFERENCE ON LAW OF THE SEA, (LOS).

THE CONFERENCE HAS BEEN DESCRIBED AS THE LARGEST INTERNATIONAL MEETING IN HISTORY AND IS EXPECTED TO RUN FOR ABOUT TEN-WEEKS. ITS AIM IS TO HARMONIZE CENTURIES-OLD SEA LAWS WITH RECENT INDIVIDUAL CLAIMS TO THE ENORMOUS BIOLOGICAL AND MINERAL WEALTH OF THE SEAS AND THE THREAT OF WIDESPREAD POLLUTION.

IT HAS BEEN REPORTED THAT A THIRD GROUP OF NATIONS, COMPOSED OF LANDLOCKED COUNTRIES AND THOSE WITH NARROW COASTLINES WILL PROPOSE AN INTERMEDIATE POSITION BETWEEN THE 12 MILES OF THE MAJOR POWERS AND THE 200 MILES OF THE DEVELOPING STATES, IN HOPES OF GREATER BENEFITS FROM A PROPOSED INTERNATIONAL SEA.

WHILE DEVELOPING NATIONS ARE FAR MORE INTERESTED IN THE PROTECTION OF THEIR SEA RESOURCES, THE MAJOR POWERS OF THE WORLD ARE MORE INTERESTED IN THE GUARANTEE OF FREEDOM OF INNOCENT PASSAGE OF THEIR FREIGHTERS AND TANKERS AND IN THE ELIMINATION OF ANY OBSTACLES FOR THE DEPLOYMENT OF THEIR WARSHIPS.

NATIONS WITH NO COASTLINES OR VERY NARROW CONTINENTAL PLATFORMS WOULD LIKE TO SEE THE RESOURCES OF THE SEAS COME UNDER INTERNATIONAL CONTROL, WHILE COASTAL AND ISLAND COUNTRIES SUCH AS MICRONESIA, FAVOR A 200 MILE LIMIT, WHICH WOULD PROTECT THE OCEAN'S RESOURCES FROM EXPLOITATION BY MAJOR POWERS OF THE WORLD.

THE CONGRESS OF MICRONESIA'S STATED POSITION HAS BEEN TO CLAIM CONTROL OVER ALL WATERS WITHIN STRAIGHT LINES CONNECTING MICRONESIA'S OUTERMOST ISLANDS, OR OTHERWISE KNOWN AS THE "ARCHIPELAGO THEORY." IT ALSO FEELS THAT MICRONESIA'S JURISDICTION APPLIES TO A SECOND ZONE 12 MILES

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OUTWARD FROM THE FIRST ZONE, BUT WOULD RESPECT THE RIGHT OF "INNOCENT PASSAGE" WHERE VESSELS COULD PASS FREELY.

MEMBERS OF THE JOINT COMMITTEE ON LOS ARE: SENATOR ANDON AMARAICH, CHAIRMAN; REPRESENTATIVE HERMAN O. GUERRERO, VICE CHAIRMAN; REPRESENTATIVE LUKE TMAN; AND REPRESENTATIVE MASAO NAKAYAMA. THE COMMITTEE IS ACCOMPANIED BY CONGRESS' LEGISLATIVE COUNSEL KALEB UDUI, STAFF-ATTORNEY FRED RAMP, AND LAW OF THE SEA CONSULTANT FREDERICK S. WYLE.
(FISHING PERMIT GRANTED)

SAIPAN, JUNE 19 (MNS)---TRUST TERRITORY DEPUTY HIGH COMMISSIONER PETER T. COLEMAN HAS APPROVED THE GRANTING OF A FOREIGN BUSINESS PERMIT TO THE TRUK DEVELOPMENT CORPORATION.

THE COMPANY PROPOSES TO ENGAGE IN SKIPJACK TUNA FISHING AND THE PROCESSING OF MARINE PRODUCTS IN TRUK, ACCORDING TO THE WEEKLY REPORT OF FOREIGN BUSINESS ACTIVITY FROM THE ECONOMIC DEVELOPMENT DIVISION OF THE RESOURCES AND DEVELOPMENT DEPARTMENT.

THE TRUK ECONOMIC DEVELOPMENT BOARD, IN RECOMMENDING APPROVAL OF THE APPLICATION, STATED THAT THE COMPANY WILL BE REQUIRED TO COMMENCE ITS OPERATIONS WITHIN SEVEN MONTHS, AND THAT IF IT FAILS TO DO SO THE PERMIT WILL BE SUBJECT TO REVOCATION. THE BOARD ALSO REQUIRED, AND THE COMPANY AGREED, THAT FISH CAUGHT BY THE COMPANY WILL BE SOLD LOCALLY, AND ONLY AFTER LOCAL NEEDS HAVE BEEN MET WILL THE SURPLUS BE EXPORTED.

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UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA
NEW YORK, N. Y. 10017

June 20, 1974

CONFIDENTIAL

Honorable Richard L. Sneider
Deputy Assistant Secretary for East Asian
and Pacific Affairs
Department of State
Washington, D.C. 20520

Dear Dick:

The Trusteeship Council completed its work last Friday, and by now you will have seen our cables interpreting its import.

The session went well for the United States, in part because of the current status of the negotiations, in part because we had taken the action ahead of time that enabled us to give the right answers on several potentially contentious issues -- the ex-gratia payment to Bikini, safety on the island, and separatism for the Marshalls. And of course the postponement of the maneuvers on Tinian helped immensely: had they been held on the opening day of the Council, I am sure we would not have had the generally cooperative attitude of the other delegations that marked the entire meeting.

I want to thank you particularly for John Dorrance's services, not only his presence during the Council session but also his excellent work in preparing the position papers. He was invaluable to us.

You had asked for our comments on the plebiscites, from the viewpoint of ensuring United Nations approval for termination of the Trusteeship. They are enclosed. We see two requisites: U.N. participation, and choice among all options.

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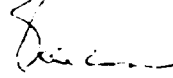
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I hope you had a good trip to Japan. Were you able to stop over in Saipan?

Sincerely,



Barbara M. White
Ambassador
Alternate U.S. Representative
for Special Political Affairs

Enclosure:
As stated.

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June 20, 1974

TTPI: PLEBISCITES ON FUTURE STATUS

COMMENTS OF USUN

Termination of the Trusteeship Agreement requires recommendation of the Trusteeship Council and approval by the Security Council. The United States is on record as planning to hold plebiscites to ascertain the wishes of the peoples of Micronesia before the Trusteeship is terminated. The manner in which the plebiscites are conducted will be important considerations in the decisions of both Councils.

REQUISITES

In our view, there are two essentials for gaining U.N. approval:

1. United Nations participation. In the three Trust Territories where plebiscites have taken place (British Cameroons, British Togo, Western Samoa) they were held under United Nations supervision. The United States has made clear that it expects U.N. participation in the plebiscites for Micronesia.

The term "supervision" has not been defined, and we believe "participation" would be sufficient: i.e. the plebiscite would be conducted by the Administering Authority, but with United Nations observers on hand, in sufficient numbers and with sufficient time to assure themselves that the voting is genuinely free, without pressure, throughout the territory. This includes advance observation of preparation for the elections and information given the voters.

2. Choice among all options. It must be completely clear that the peoples of Micronesia have had the possibility of choosing among all possible options, including independence. The best way to demonstrate this is by having all options included on the ballots; this is our strong preference.

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An alternative "up or down" vote on the negotiated compacts might also be acceptable but only if there was no question that (a) the Micronesians themselves, through their elected representatives, so preferred and (b) the peoples understood that they also had other options, including independence, if they rejected the proposed compact.

POINTS TO BE CONSIDERED

1. The Marianas

In the case of the Marianas, the critical issue at the United Nations is whether the people have the opportunity to opt for the alternative of free association as well as commonwealth. The Trusteeship Council has long opposed the splintering of Micronesia, and only this year has appeared to accept the reality that the Marianas are going their separate way. Formal acquiescence to this by the French and British, however, is contingent upon evidence that the peoples of the Marianas so desire (Soviet acceptance is another matter: they continue to term separate negotiations illegal).

At the session of the Trusteeship Council just concluded, the UK, Australia and France urged both publicly and privately, that we not "force" a plebiscite in the Marianas before the one for the rest of Micronesia is held. If the Marianas plebiscite comes first, we shall leave the strong impression with even our friends in the U.N. that the U.S. is deliberately limiting the freedom of choice of the people of the Marianas. This would play into the hands of delegations such as the USSR who could then charge with greater credibility that the U.S. had "engineered" the fragmentation of the Trust Territory.

In this connection, it is also most important that the Education for Self-Government Program not concentrate upon Commonwealth in the Marianas, but be identical with that for the rest of Micronesia in presenting all alternatives.

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USUN strongly recommends that the people of the Marianas be presented with both choices -- free association and commonwealth -- on the same day that the plebiscite is held in the rest of Micronesia. In addition to making the Marianas' choice clear beyond question, a vote against free association in the Marianas would provide the Congress of Micronesia with a face-saving device to back down from its claim of representing all the Trust Territory.

2. The Marshalls and Carolines

In the case of the rest of Micronesia, the principal question that will be asked in the U.N. is whether the voters have had the opportunity to consider independence. USUN recommends that this be done by having independence as an option on the ballot. It might also be possible to have full and fair choice by alternative routes, showing that the peoples of Micronesia fully understood the options even though voting was limited to a "yes or no" on the proposed compact. To make this credible to the United Nations, however, certain steps would have to be taken: these might include special materials in the Education for Self-Government Program, or a resolution of the Congress of Micronesia, both widely distributed and making clear that if the peoples of Micronesia rejected the compact of free association, they would then have the possibility of considering other alternatives including independence.

3. The United Nations and Independence

The issue of the plebiscites will be of considerable concern in both the Trusteeship Council and the Security Council since, if the outcome is as anticipated, Micronesia will be the only one of the eleven U.N. Trust Territories not to opt for independence. It is true that Trusteeships were terminated in six territories (French Togoland, French Cameroons, Somaliland, Tanganyika, Ruanda-Urundi, and Nauru) without a plebiscite. In several of these cases, however, the Administering Authority simply recommended to the Trusteeship Council that the Trusteeship be terminated in order to permit independence; with that, there was no quarrel. In other cases, the U.N. sent a visiting mission to the territory to observe the election of the first legislature, which in turn opted for independence (as in Papua New Guinea).

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In recent years, the prevailing sentiment in the United Nations has moved increasingly toward independence as the ultimate outcome for any non-self-governing territory. While we have adequate legal grounds for maintaining that self-government, not independence, is the requirement of the Trusteeship system, the fact is that any solution other than independence will be very carefully scrutinized in the United Nations. Hence the need to demonstrate beyond reasonable doubt that the acts of self-determination are completely free from pressure and allow a full choice: that the peoples of Micronesia have been given the opportunity to choose independence, and have rejected it.

In the report of the Trusteeship Council session just concluded, the recommendations on future status include the following: "The Council expresses the hope that the terms of the consultation will be clearly defined and that no alternative, including independence, will be ruled out."

4. Decision in the Security Council

The final determination will rest in the Security Council, where both the Soviet Union and China have the veto. The vote in the Council will, of course, depend on the membership of the Council at the time, and whether the Soviet Union and/or China choose to exercise their veto right. Whatever the circumstances may be, however, a clear demonstration of the will of the Micronesian peoples for the solutions chosen, will doubtless be an essential to winning a majority vote in the Council.

BMWhite/RImmerman

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