

(Blind: Per HICOMTERPACIS . . . HONOLULU HI DTG 181800Z SEP 7. Modified slightly on basis Scott-Bergesen telephone conversation Sept. 19, 1974)

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The following message to Senator Lazarus Salii from Ambassador Williams was received September 19, 1974, by the Status Liaison Office.

Senator Lazarus Salii
Chairman, Joint Committee on Future Status
Congress of Micronesia
Saipan, Mariana Islands 96950

Dear Lazarus:

I regret that we have been unable to set a mutually convenient time to meet due to my past calendar and your commitments over the next three weeks or so. I continue to share your feelings that another Carmel-Guam type meeting is desirable and would propose that one be scheduled in mid-October. I will suggest at this time the week of the 14th and will hold it open pending word from you. Carmel would be my first preference.

My request for any advance explanation you might wish to give us on the reason for the JCFS-proposed changes to the agreed draft compact of July 12 was not intended to suggest a change in our procedures. Since I have been associated with these talks neither side has been required to "submit its position in advance in writing" and I do not propose that we do so now. I had only thought that it might have speeded up the process to have your thinking before we meet again; but in any case since it was I who suggested the new informal approach, I want to assure you that I do not wish to go back to the old formal format.

Another misunderstanding is reflected in your recent message. Let me say again that within my authority to negotiate for the executive branch, i.e., the U.S. Government, I approved the July 12 draft as it came out of our discussions at Guam and the U.S. stands on that agreement. I was aware, however, that you could not speak in a final sense for the JCFS and that you intended to refer the draft to the full committee. Since the committee was unable to accept in its entirety the draft which you and Elkap had agreed to I can now understand your need to seek still another meeting with me.

In the meantime as I mentioned in my last letter we are not standing idle. As you have said in the past, and indeed as the draft Compact of Free Association says, Annex B is an integral part of the Compact and we are therefore proceeding with the preliminaries to the Palau land negotiations for the options called for in Annex B. The initial survey has been completed and as soon as the report and recommendations have been acted upon, the next step of seeking agreement on the exact location of the options will be undertaken with the Palau District Legislature and others directly concerned. The final step of course will be the actual negotiations of the terms and it was in this

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final phase that you stated the JCFS would wish to participate.

I am hoping that this process will proceed smoothly and without any long delays since I am anxious as you are that we complete the negotiations before the end of the year so that we can get on with the business of filling in the blanks in Title IV and finalizing the Compact of Free Association. In this regard I should bring to your attention the position of the U.S. Government that the agreed language in the Compact will govern the terms of any sub-negotiations. Any effort to reopen or renegotiate issues already resolved in the Compact will not be acceptable. If there is any serious difference on this score it will of course delay the finalizing of the Compact. This should not of course come as any surprise to you, since you yourself have advised me that the sub-negotiations should be completed to the satisfaction of both parties before the Compact can be finally agreed to and signed.

I am concerned over indications that in addition to the land requirements in Palau there are issues of fundamental importance which may impede the attainment of our mutual objective. I refer to the points raised by one of your legal counsels in a recent memorandum which you have made available to the Congress of Micronesia. We had assumed that these points had been well settled on the basis of previous agreements, your subsequent consultations with the full committee and the fact that they were not raised either at Carmel or Guam. Of course we cannot accept any unilateral interpretation or conditions as to implementation of the terms of the Compact as having force any more than we would expect you to accept any ex post facto views of the U.S. regarding the validity of the Compact.

This does not mean that the JCFS may not reopen some issues if it so desires. Certainly it can but by so doing the U.S. may also feel it necessary to reopen, review and revise some of its positions and commitments, since they have been taken on the basis that certain understandings on basic principles had been reached. If this is not the case we should know about it so that we can act accordingly.

On the matter of the Marianas District, I can only remind you of the firmness of our well established position in support of the fundamental right of the people of that district to adopt a different position from that of the other districts if they so choose and of your recognition of this on past occasions. In our view, as stated repeatedly and consistently from the start of our efforts to draft the present Compact, it is intended to apply only to the Carolines and Marshalls. This view has also been endorsed publicly by the Marianas members of the JCFS. If the people of the Marianas reject commonwealth, the status which they are now seeking, after it is put to a popular vote, then, as we have both said before, they should be free to choose other alternatives. Free Association can certainly

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be included among these, just as it was originally before the Marianas rejected it. You may recall that this was the position you and Ekpap and your counsel took at Carmel in April. I therefore suggest that this issue not be permitted to impede the early conclusion of the U.S.-Micronesian negotiations.

Despite the continuing issues, large and small, I am convinced that we are on the right road, and that the sooner we reach full agreement on a draft the better. The longer the delay, the greater the chances are that other problems will intrude. Hence, I hope that you and Representative Silk will be able to meet with us shortly after your return to Saipan.

Sincerely yours,

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