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Memorandum

TO : TO THE FILES

FROM : EA/ANP - John F. Knowles

DATE: January 10, 1975

SUBJECT: Marianas Negotiations: Discussions of Transition Planning Including a UN-Observed Plebiscite

The subject of "transition planning" including the questions of a separate administration and a UN-observed plebiscite were not discussed by Ambassador Williams with the Marianas Political Status Commission until the last two sessions of the December 5-19, 1974 negotiations. The following record is based on notes taken at the time, December 18 and 19, by the undersigned. In the case of the discussion of a plebiscite, the notes were very extensive and largely verbatim.

December 18

Ambassador Williams began the first discussion of transition planning on December 18 by noting that Phase One of the Transition would begin with the signing of the Commonwealth Covenant and that Phase Two would begin with the installation of a new Government of the Northern Marianas Islands under the terms of the constitution which would be drawn up following the plebiscite.

Transition planning, Ambassador Williams emphasized, was a joint undertaking and a joint approach.

With respect to separate administration, the Ambassador noted that the Marianas District Legislation resolution passed on September 17, 1974 which called for a separate administration had further resolved that a separate administration for the Marianas Island District should not be instituted before the people of the Northern Marianas Islands had approved the covenant. He assumed this remained the position of the MPSC. Separate administration was an Interior Department responsibility. It was "our intention to pursue this matter and to take very positive action... I have no doubt in my mind" that action will be taken but I am not empowered to speak on the matter.

The Ambassador then noted that Congress had not as yet appropriated funds for the proposed Transition Commission.

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The Ambassador gave a rundown on the timetable set forth in the Ad Hoc Transition Report. With respect to a UN-observed plebiscite, the Ambassador remarked that the plebiscite is "to be followed as your plans materialize by a separate administration." He then asked "what are some of your ideas" concerning the calendar of events, in particular with respect to a joint political education program and what role the MPSC saw for us. The Ambassador also asked for the MPSC views on a plebiscite, on the timing and on what choices other than the Covenant should be offered, if any. He remarked that the timetable was "primarily your concern." He suggested that a five-man interim consultative committee be set up "to discuss this question" and to develop an agenda for the next meeting with the MPSC in February.

With respect to a UN-observed plebiscite, the Ambassador made the following comments:

-- "As the Administering Authority under the Trusteeship Agreement, the United States has responsibilities to the UN Trusteeship Council and the UN Security Council."

-- "The UN Trusteeship Council has finally acknowledged the intentions of the people of the Marianas to enter into a new relationship different from that of the other districts of the Trust Territory and is not now necessarily opposing our separate negotiations leading to a Commonwealth status." This was not a unanimous UN opinion but a majority report.

-- "The United States is on the public record as saying that any plebiscite will be observed by the UN."

-- "The next session of the Trusteeship Council convenes in the latter part of May and is expected to continue through the middle of June."

-- "I assume members of the Trusteeship Council will nominate themselves and its terms of reference would be worked out between the United States, as the Administering Authority, and the Trusteeship Council."

-- "With respect to timing, we will need some lead time. It would appear the soonest could be the latter part of June 1975."

-- "We both share the desire that the plebiscite go off well -- for this reason we wish your views."

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Question and Answer Session

Dr. Palacios (President of the Territorial Party which won the November 5 Congress of Micronesia elections in the Marianas) asked whether there was a need for further USG approval of a separate administration. Ambassador Williams reviewed the timetable and remarked that we won't have to wait for US Congress approval.

Senator Pangelinan asked whether separate administration would be instituted by a secretarial order. Ambassador Williams said yes.

Senator Borja said that, assuming the Marianas District Legislature approved the Covenant during its February 1975 session and assuming that political education then got fully underway, he believed that 3 months may be adequate for political education. This would bring us to the latter part of May or June at which time we could conduct a plebiscite and then institute separate administration and hold a constitutional convention. His present feeling was that a plebiscite should be held no later than June. Borja somewhat later recapitulated his views, saying that political education should take no more than four months and that a plebiscite should be held no later than June 30. Borja asked whether the Northern Marianas would have to participate in the constitutional convention that is to begin on Saipan on July 12 if the people of the Northern Marianas have accepted the covenant in a plebiscite and a separate administration has been instituted. Joe Cruz (from Tinian) interjected: "I'm a delegate and I am not going to participate." In response to Borja and Cruz, Ambassador Williams said "you might want to consider this in the District Legislature."

Senator Tenorio (who defeated Pangelinan in the November 5 elections) then noted that the Ambassador had mentioned a choice in the plebiscite. He asked whether this was a UN requirement. Ambassador Williams replied "I am trying to get your feelings." Tenorio said that the ESG program (Education for Self-Goverment) was ineffective. "To introduce an alternative would confuse people... personally I feel no alternative should be introduced."

Guerrero expressed views opposing a choice and strongly supporting a "yes-no" plebiscite ballot.

Midge Pangelinan asked whether we expect any opposition from the UN. The Ambassador replied "I am just trying to

get your views." Pangelinan said he believed we should just present one choice in a plebiscite. "This is the mandate of our people."

December 19

Senator Pangelinan began the discussion on December 19 by outlining the timetable as the MPSC saw it. In January and early February the draft covenant and related documents would be translated into the local languages and a program of political education would begin, for example with the dissemination of the documents and group discussions. By the next meeting with Ambassador Williams, before or on February 3, there would be a final review of the covenant and discussions with the Marianas District Legislature concerning establishment of a land entity and separate administration. From mid-February until a plebiscite, there would be a joint task force on political education. After the MDL had taken action on the covenant, the Trusteeship Council would be informed. The MDL resolution approving the covenant would ask the US to set a date for a plebiscite.

Pangelinan said he would like our views on the MDL's taking up the question of enabling legislation for a constitutional convention on which there were divided opinions among the MPSC members. If the MDL passed enabling legislation at its February session, elections could be held in July for delegates to a constitutional convention. Otherwise, such legislation could be passed in July with the elections held in October or November. A constitutional referendum could be held in November depending on the preceding legislation and elections.

Discussion

Santos began by bringing up the subject of a plebiscite, terming the UN "an obstacle." He strongly advocated only a "yes-no" vote on the Covenant. The addition of a vote on independence would only confuse people. The ESG program had already confused people. The plebiscite "should be geared to commonwealth in the Marianas."

Senator Pangelinan asked whether there were any guidelines from the UN concerning a plebiscite. The Ambassador replied that there were no formal procedures and that various practices had been followed in previous plebiscites.

Dr. Palacios predicted that there would be opposition expressed in a plebiscite to any option. For example, some people disliked the word "Commonwealth" and there were people who liked Japan. These two elements would join forces and attack certain provisions of the covenant, for example concerning the minimum wage. "Today more people want a Commonwealth." Palacio went on at some length, detailed content of which was not clear but apparently to the effect that if there were only a "yes-no" vote, this would result in all the people opposed to the covenant for various reasons joining together. He was "looking for a strategy which would split the opposition."

Senator Borja said that "our mandate is to negotiate for close association with the US." The plebiscite should be a "yes-no" vote. If over two-thirds voted "yes," we have a mandate. If there were alternatives on the ballot, then we're talking about a political education program to explain the alternatives. Borja mentioned the possibility of a plebiscite resulting in only a simple majority or less in favor of the covenant.

Joe Cruz recalled San Francisco where the people of the Marianas had no say in whether we wanted to be part of the Trust Territory. "To hell with the UN. We want a "yes-no" vote."

Guerrero said he shared Cruz's sentiments.

Senator Tenorio said he was very optimistic about the outcome of a plebiscite. The historical record showed the Marianas' desire to join the US. This historical record justified presenting only one choice. Tenorio said several times that it was "not fair to expose the people to a decision they cannot make intelligently." The choice of a Commonwealth had been "exposed" throughout the recent political campaigns. ESG was a fiasco. We should "stick to the simplest choice." In saying this, Tenorio again cited the independence option.

Midge Pangelinan said he agreed with Tenorio.

Tenorio said he wished to request the US to look into the legal aspects. Ambassador Williams replied that we have. There is nothing in the Trusteeship Agreement (presumably meaning nothing requiring that a plebiscite present several choices). Other plebiscites had been handled in different ways. "There is no regulation we

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have to follow." The Ambassador commented that "of course, the US must follow the spirit of the UN Trusteeship Agreement" and made additional remarks in the same vein. He remarked "nothing gives the UN Trusteeship Council authority to tell the US what to do" on a plebiscite.

Senator Pangelinan made further comments to support a "yes-no" vote in the course of which he said "we will be selling a product."

Ambassador Williams said he believed that what "the world community will be looking at is that the Commonwealth is not being railroaded through." People should know that a "no" vote on the covenant meant that there were other alternatives. He said that this subject should be discussed in full at their next meeting.

Guerrero said we should not present something the people have no knowledge about.

Ambassador Williams remarked that there were bound to be some in the UN who would oppose a plebiscite in any event. With respect to Pangelinan's initial request for our views on a constitutional convention, the Ambassador said that if the MPSC was divided in its opinions, then he did not wish to express an opinion. "This matter was your concern."

Senator Pangelinan said that some ask what if the people disapprove the Covenant "though most of us believe the people will approve."

Senator Borja said the MPSC is not split. "We all expect the plebiscite to approve the Covenant "though there is a question of propriety about acting on a constitutional convention before a plebiscite is held.

The Ambassador concluded the discussion by asking the MPSC to "coordinate what you send to the UN with us, with the State Department."


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