

03
516

OFFICIAL USE ONLY UNCLASSIFIED
OFFICE FOR MICRONESIAN STATUS NEGOTIATIONS
WASHINGTON, D.C. 20240

May 19, 1975

DECLASSIFIED/RELEASSED
ON JUL 10 1985 UNDER PRO-
VISIONS OF E.O. 12356 BY
YACS D.K. DOLAN, USN
SPECIAL ASSISTANT, OMSN

Memorandum

To : Ambassador F. Haydn Williams
Thru : U.S. Deputy Representative
From : Adrian de Graffenried

Subject : Reevaluation of the Marianas Separate Administration

You have asked that a memorandum be prepared to reexamine the current proposal to administer the Mariana Islands separately from the Trust Territory Administration.

ISSUES

1. When should the United States initiate a separate administration for the Mariana Islands?
2. How should the administration be structured?

BACKGROUND

The New York Times article by Don McHenry on transition funds for Micronesia and the U.S. Congressional debate on the \$1.5 million request for transition funds for the Mariana Islands have served to focus criticism on administration action regarding the status negotiations - namely, that the administration is attempting to obtain a "fait accompli" approval of the Commonwealth status prior to U.S. Congressional approval of the status negotiations and the status agreements. Opponents allege that the U.S. Congress would be committed to supporting the entire status package by committing itself to fund various elements of agreements reached in the negotiations, in advance of reviewing the status document. It has also

UNCLASSIFIED
OFFICIAL USE
ONLY

03-411977

OMSN/155101

been suggested that an administration move to separately administer the Mariana Islands prior to U.S. Congressional review of the Covenant might also be interpreted as an Executive Branch attempt to bind the U.S. Government into a commitment of support for the Commonwealth status.

The United States has made a commitment to the Mariana Islands leadership through the Mariana Islands leadership through the Mariana Islands Political Status Commission, that the United States would administer the Marianas separately from the remainder of the Trust Territory upon approval of the Covenant. This commitment arose from and was an integral part of the status negotiations.

During preliminary meetings preceding the opening of status talks, the MPSC urged the United States to unilaterally issue a Secretarial Order to separate the Northern Mariana Islands from the TTPI as had been done in 1952 by the U.S. Government, noting that it felt circumstances would make it locally impossible for the MDL to formally initiate this request. The United States responded that it would not be appropriate to institute separate administration without a formal request from the MDL and that it would be best if the status negotiations were first concluded. Subsequent meetings with the MPSC leadership focused on their concern for increasing COM involvement and interference in the Marianas talks and similar requests for unilateral action for separate administration were issued.

The MPSC first formally raised separate administration in the status talks during Round IV. Discussions focused on local discontent with the

current TTPI Administration and its policies affecting the Marianas and COM interference. The April 16 Report of the Ad Hoc Transition Committee incorporated into the Record of Round IV did not formally contemplate separate administration but the underlying understanding was that the transition phase was prelude to more self-government and less involvement in Marianas affairs by the Trust Territory Administration. No U.S. commitment for separate administration was made during Round IV but the final joint communique of 31 May 1974 stated:

"Separate Administration

The final substantive item of discussion centered on the Marianas Political Status Commission's request for consideration of early transition to self-government and the possible separate administration of the Marianas District prior to the termination of the Trusteeship Agreement. The Commission shared its preliminary views with the United States Delegation for the purpose of opening a dialogue on this important subject. The U.S. in turn promised to take the matter under advisement and both parties agreed that further study and consultation on this question should be carried forward prior to the next negotiating session."

Prior to Part I of Session V, the Marianas District Legislature adopted Resolution No. 1-1974 formally requesting the United States to establish a separate administration for the Mariana Islands. During this Session, working meetings focused on MPSC concerns regarding supposed abuses against the Marianas by the current TTPI Administration and the Congress of Micronesia. The MPSC also requested the U.S. to consider that the U.N. Trusteeship be partially terminated to accommodate and fully effectuate the new Commonwealth status. Ambassador Williams formally recognized receipt of the MDL resolution; however, no commitment was made for a separate administration. The final joint communique of 19 December 1974 of Part 1,

Session V stated:

"Separate Administration

In response to requests from the Commission for assurances regarding the administrative separation of the Marianas from the remainder of the TTPI, Ambassador Williams acknowledged the desire of the Marianas Political Status Commission and the Marianas District Legislature that separate administration begin as promptly as possible after the approval of the Covenant by the people of the Northern Mariana Islands and said that he would strongly recommend that the Secretary of the Interior take all necessary action to accomplish this goal."

During Part 2 of Session V, working sessions focused on: (1) when separate administration would be effected; (2) what role the MPSC would have in separate administration (with the Commission taking the view that it should have a final voice in preparation for and actual creation of separation administration); (3) the MPSC desire that the Marianas be able to move towards full local self-government, that the U.S. have no role in the Northern Mariana Islands regarding U.S. administrative authorities other than as specified in the Covenant, and that the local election be held for an interim government until the Marianas Constitution was effective. The United States responded: (1) that upon approval of the Covenant by the people of the NMI, the U.S. would undertake a separate administration for the Marianas; (2) the Marianas would be consulted about the formation of the separate interim administration; (3) the U.S. maintained continuing responsibilities for the administration of the Marianas under the Trusteeship which could not be terminated for only a part of the Trust Territory; and (4) that the MPSC and MDL would have an advisory role in consulting the Office for Transitional Planning and Studies

(formerly the Joint Secretariat).

The MPSC asked for a formal U.S. commitment to separate administration of the Marianas after local approval of the Covenant by insertion of appropriate language in the Covenant itself. The U.S. agreed to incorporate appropriate language into the negotiating history. The final understanding between the United States and the MPSC was formalized in the negotiating history as follows:

"Section 1001. In accordance with the request of the Marianas District Legislature, the United States intends to administer the Mariana Islands District separately from the remainder of the Trust Territory following approval of the Covenant by the people of the Northern Mariana Islands. In establishing other qualifications for voting in the plebiscite the United States will consult with representatives of the Marianas District Legislature and other local leaders."

OPTIONS

1. When

- A. Initiate separate administration upon approval of the Covenant by the people of the Mariana Islands.
- B. Initiate separate administration upon approval of the Covenant by the Congress of the United States.
- C. Initiate separate administration after Marianas approval of the Covenant and after full consultation with the leadership of the appropriate members of the U.S. Congress.

2. Characterization

- A. Complete
- B. Partial

C. Provisional

DISCUSSION

1. When:

A. Initiate separate administration upon approval of the Covenant by the people of the Mariana Islands.

Pro

- the U.S. has made a formal commitment to the MPSC and MDL
- the U.S. image for decisive action and reputation to honor its commitments would be enhanced
- the psychological lift and attraction of immediate self-government under the new Commonwealth would be maintained
- opponents of the Commonwealth would be preempted from effective further action in the Mariana Islands.

Con

- the U.S. would appear to have accomplished the Commonwealth status as a "fait accompli" before obtaining U.S. Congressional review of the Commonwealth agreement
- the U.S. may appear to be overly anxious to obtain separate administration and cynics may attribute a new DOD interest in Micronesia/Marianas as the continuation of U.S. base rights in Thailand and the Philippines may be in jeopardy.

B. Initiate separate administration upon approval of the Covenant by the Congress of the United States.

Pro

- separate administration would have the blessings of both the local residents and the U.S. Congress
- the administration would appear to be more cooperative with the U.S. Congress regarding its plans for the Marianas
- the administration would receive less press and Congressional criticism regarding the establishment of the Commonwealth separately from the Micronesian talks
- the Congress of Micronesia would have less opportunity to criticise the administration for initiating separate administration
- the administration would have more opportunity to coordinate the transition into separate administration and local self-government.

Con

- U.S. credibility regarding its formal commitments (which are public) would be impaired
- the administration would appear to be relinquishing its prerogative to the U.S. Congress regarding administration policy and commitments made directly with the Marianas
- the Marianas may not concur, and attempted approaches with the leadership of the Marianas on this matter may raise serious doubts at this delicate stage in the plebiscite about U.S. intentions and commitments.

OFFICIAL USE
ONLY

U N C L A S S I F I E D

8.

C. Initiate separate administration after Marianas approval of the Covenant and after full consultation with the leadership of the appropriate members of the U.S. Congress.

Pro

- would receive the endorsement of the U.S. Congress and remove any basis for critics to attack administration policy on separate administration as a "fait accompli"
- would enable the U.S. to meet its formal commitments with the Marianas
- the Congress of Micronesia would have less opportunity to criticize the administration for initiating separate administration.

Con

- may be rejected by the U.S. Congress
- may be accepted by some leaders of the U.S. Congress but alert others to the intentions of the administration to the attention of the U.S. Congress (e.g. strengthen the concept of attempted "fait accompli")
- may serve to alter local Marianas opponents of administrative concern regarding separate administration and may be used as another basis of attack against approval of the Covenant (e.g. attacking U.S. credibility).

2. Characterization

A. Complete

- no COM legislative authority

U N C L A S S I F I E D

OFFICIAL USE
ONLY

411984

- Mariana Islands given full local self-government
- separate U.S. administration established
- other as may be established by Secretarial Order.

Pro

- assures maximum protection to Northern Mariana Islands against COM interference
- enables the U.S. Government to establish a psychological break between the Northern Mariana Islands and Micronesia
- assures Northern Mariana Islands leadership will meet its commitments to the U.S.
- could stimulate other districts to resolve their future status.

Con

- would provoke "fait accompli" reaction by opponents of the Commonwealth
- would pose severe obstacles to reuniting of the Northern Mariana Islands with the TTPI should the U.S. Congress reject the Covenant
- may provoke adverse reaction by the United Nations and/or press to "cavalier" the attitude of the U.S. Executive in interpreting U.S. Congress review and approval of the Covenant
- may raise expectations of the Northern Mariana Islands regarding local self-government beyond which the U.S. is prepared for the remainder of the Trusteeship, notwithstanding the provisions

for self-government as defined in the Covenant.

B. Partial

- U.S. Representative appointed for the Northern Mariana Islands
- shared administrative support between TTPI/NMI
- Northern Mariana Islands remain in COM
- Northern Mariana Islands to obtain exclusive legislative authority over broad specified areas (status; local revenues; public lands; local government); COM retain authority over other areas
- Northern Mariana Islands authorized to call a Constitutional Convention
- (other)

Pro

- provides an option to rejoin the Northern Mariana Islands with Micronesia should U.S. Congress reject Commonwealth
- meets U.S. commitment to establish a separate administration for the Northern Mariana Islands
- provides flexibility to U.S. in establishing an interim government
- retains the avenue for maintaining a political relationship of the Northern Mariana Islands with Micronesia
- permits the COM to retain some prestige and some legislative authority for the Northern Mariana Islands
- reduces the basis for Micronesian criticism that the U.S. Government is promoting "disunity".

Con

- may not meet local expectations for more local self-government
- may not sufficiently protect the Northern Mariana Islands against COM legislative sanctions
- may not meet administration critics that the Executive Branch is taking U.S. Congressional approval for granted and is attempting a "fait accompli" establishment of the Commonwealth
- may result in administrative over-lap and confusion leading to legal entanglements
- would require additional administrative personnel to oversee the implementation of U.S. policy objectives.

C. Provisional

- separate administration made expressly conditional on the subsequent approval of the Covenant by the U.S. Congress
- senior U.S. Representative appointed to oversee partial separate administration and Office of Transition
- Northern Mariana Islands given exclusive authority over certain limited matters of local concern (status and public lands)
- Northern Mariana Islands retain membership/participation in the COM
- Northern Mariana Status given the option to participate as observers in COM Constitutional Convention and case ballots in status referendum

OFFICIAL USE
ONLY
UNCLASSIFIED

12.

- Northern Mariana Islands given the option to call Commonwealth Constitutional Convention
- (other)

Pro

- maximizes U.S. flexibility
- permits U.S. to meet its commitment to the MPSC
- avoids criticism in U.S. that Executive Branch is attempting a "fait accompli" approval of the Covenant
- permits the NMI and the COM to continue to work together as they will have to do after termination of the Trusteeship
- Northern Mariana Islands given the local option as to the extent to which it will participate in COM affairs
- permits the COM to save some face
- best correlates to the Micronesian psychology of "gradualism".

Con

- may not meet local Northern Mariana Islands expectations for more local self-government
- may not sufficiently protect the Northern Mariana Islands against COM legislative sanctions
- may not meet administration critics that the Executive is still taking U.S. Congressional approval for granted and is attempting a "fait accompli" establishment of the Commonwealth
- may be insufficient to enable the U.S. administration to effectuate any meaningful influence over local matters

UNCLASSIFIED
OFFICIAL USE
ONLY

411988

OFFICIAL USE
UNCLASSIFIED

13.

- may be insufficient to establish a clear delineation of authority between the TTPI and the Northern Mariana Islands administrative authorities that may lead to administrative problems
- would require constant, issue by issue attention to insure that intent of the policy for a provisional government is upheld.

RECOMMENDATION

The United States must meet its commitment under the Covenant if that document is approved by the people of the Mariana Islands. It therefore is appropriate that a Secretarial Order be issued within the earliest possible time after approval of the Covenant to effect a separate administration as envisioned in Option 1 (a). Such administration would be best received both within and without the United States if it is "provisional" as characterized in Option 2 (c). These steps would not require a major shift in current administration planning nor would they necessitate prior approval of the MPSC or the United States Congress; however, it is advised that as regards Option 2 (c) that consultations be initiated with the MPSC and its Counsel. The timing for prior consultations is critical as plans for the separate administration may influence the plebiscite voting which should remain as impartial as possible and apart from any U.S. administrative actions to implement the Covenant in accordance with its obligations.

UNCLASSIFIED
OFFICIAL USE
ONLY

411989

OFFICIAL USE
ONLY
UNCLASSIFIED

14.

The U.S. rationale for such an approach is: (1) the \$1.5 million transitional funds are not yet available and would most likely not become available until U.S. Congressional approval of the Covenant; (2) the United States needs more time to fully consider and review the implications and requisite actions; (3) it is essential that the presentation of the Covenant to the U.S. Congress not be prejudiced by any precipitous action; and (4) the Marianas already has full control over whether it will participate with the COM and has full control over the extent of such participation.

UNCLASSIFIED
OFFICIAL
ONLY

411930