

DEPARTMENT OF DEFENSE

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EXCISE 49
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MULT

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SECT 60 OF 00504

ACTION
DISTR CJCS(01) DJS(03) SJCS(02) J3(10) J4(08) J5(02) SECDEF(07)
NMIC SECDEF: ASD:IL(02) ASD:ISA(10) ASD:PA&E(01) ASD:PA(01)
GC(01) DIA: :DIA(15) MCCC CMC
CSAF WASH DC
CNO WASH DC
CSA WASH DC
FILE(1)
(064)

TRANSIT/102141Z/110608Z/008:27TOR0420607
DE RUEHDTA #0504 0412150
ZNY CCCCC ZOC STATE ZZH
TDTB924
RR RUEHC RUDTC RUFNPS RUHNSAA
DE RUEHDT #0504 0412150
ZNY CCCCC ZZH
R 102141Z FEB 76
FM USMISSION USUN NY
TO RUEHC/SECSTATE WASHDC 5786
INFO RUDTC/AMEMBASSY LONDON 1487
RUFNPS/AMEMBASSY PARIS 3390
RUHNSAA/CINCPACREP GUAM UNN
BT
C O N F I D E N T I A L USUN 0504

AF

TTPI

DEPARTMENT PASS INTERIOR FOR DOTA/OMSN
CINCPACREP GUAM FOR HICOM AND STATUS LNO

E.O. 11652: GDS
TAGS: UN, TC, TTPI
SUBJ: TRUST TERRITORY OF THE PACIFIC: UNGA AND TC AGENDAS
REF: (A) USUN 190; (B) USUN 477

34720

1. MISOFF SPOKE TO [REDACTED]
[REDACTED] FOLLOWING AN INDICATION THAT UNDER
SYG BUFFUM IS GIVING FURTHER THOUGHT TO OUR REQUEST THAT
HE EXCLUDE ANY ITEM ON THE REPORT OF THE TRUSTEESHIP
COUNCIL FROM THE SECRETARIAT'S FORTHCOMING PRELIMINARY LIST

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DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <u>J FELDMAN</u>	DATE <u>1/8/86</u>
CLASSIFICATION <u>EXTRADED</u>	
RDS <input type="checkbox"/> or XDS <input type="checkbox"/> EXT. DATE <u>OADR</u>	
TS AUTH. <u>2 Adm</u>	REASON(S) <u>CDC Memo</u>
ENDORSE EXISTING MARKINGS <input type="checkbox"/>	<u>5/13/93</u>
DECLASSIFIED <input type="checkbox"/> RELEASABLE <input type="checkbox"/>	
RELEASE DENIED <input checked="" type="checkbox"/> IN PART	<u>BIA9</u>
FA or FOI EXEMPTIONS	

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OF ITEMS FOR THE 31ST GA. [REDACTED] SAID HE DID NOT KNOW WHETHER BUFFUM HAD ASKED UN LEGAL COUNSEL SUY'S ADVICE. [REDACTED] THEN PROCEEDED INTO A LENGTHY STATEMENT OF POSITION TO THE EFFECT THAT OBJECTIVITY REQUIRED THE SECRETARIAT TO INCLUDE A "REPORT OF THE TC" ITEM ON THE MID-FEBRUARY PRELIMINARY LIST BECAUSE OF GA RULE 13, WHICH CALLS FOR INCLUSION OF REPORTS OF THE SC, TC, ECOSOC AND THE ICJ ON THE PROVISIONAL AGENDA OF A REGULAR GA SESSION. MISOFF EXPLAINED OUR CONCERN THAT INCLUDING A TC REPORT ITEM ON THE PRELIMINARY LIST WOULD SUBJECT THE TC TO EXAGGERATED CRITICISM IF, AT ITS 1976 SESSION, THE TC DECIDED NOT TO SUBMIT ANY REPORT TO THE GA BUT ONLY TO THE SC IN VIEW OF THE TC'S SOLE BUSINESS BEING THE STRATEGIC MICRONESIAN TRUST. MISOFF OBSERVED THAT THE TC'S BUSINESS IN 1976 WILL BE COMPLETELY DIFFERENT FROM WHEN IT HAD COMPRISED BOTH NON-STRATEGIC AND STRATEGIC TRUST TERRITORIES AND WHEN, CONSEQUENTLY, AN ANNUAL REPORT TO THE GA HAD OBVIOUSLY BEEN IN ORDER. HE OBSERVED THAT GA RULE 13 COULD HARDLY OVERCOME ARTICLE 83(1) OF THE CHARTER VESTING EXCLUSIVE RESPONSIBILITY IN THE SC FOR STRATEGIC TRUST TERRITORY SUPERVISION.

2. [REDACTED] WAS NOT FORTHCOMING; HE INSISTED THAT SINCE GA RULE 13 ENVISAGES INCLUDING A TC REPORT ON THE GA'S AGENDA, THE SECRETARIAT'S FAILURE TO INCLUDE IT ON THE PRELIMINARY LIST (HE SPOKE OF "TAKING IT OFF" THE PRELIMINARY LIST) WOULD SEEM A PARTISAN PREJUDGING OF 1976 TC DECISIONS IN FAVOR OF WHAT HE ASSUMED TO BE THE US POSITION THAT, WITH THE TC'S BUSINESS LIMITED TO THE SINGLE QUESTION OF THE STRATEGIC TTPI, THE TC WOULD NO LONGER REPORT TO THE GA BUT ONLY TO THE SC. MISOFF, TO THE CONTRARY, CONTENDED THAT INCLUDING A TC REPORT ITEM WOULD PREJUDGE THE SITUATION IN THE OPPOSITE DIRECTION IN A MANNER INCOMPATIBLE WITH ARTICLE 83(1)'S EXCLUSIVE BESTOWAL ON THE SC OF SUPERVISORY AUTHORITY OVER STRATEGIC TRUSTS. SLOAN ACCEPTED THAT ALL UN FUNCTIONS WITH RESPECT TO THE TTPI ARE VESTED IN THE SC AND THE TC BY VIRTUE OF ARTICLE 83(1), HOWEVER, HE SAID, THE TC MIGHT CONCEIVABLY WISH TO REPORT TO THE GA ON SUCH OTHER MATTERS AS THE FACT THAT TC FUNCTIONS WITH RESPECT TO NON-STRATEGIC TRUSTS HAD COME TO AN END WITH THE ACCESSION OF PAPUA/NEW GUINEA TO INDEPENDENCE, THAT MICRONESIAN CITIZENS WERE, AS THE US HAD URGED, TO BE CONSIDERED APPROPRIATE RECIPIENTS OF SCHOLARSHIPS GENERALLY DESIGNED FOR TRUST

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TERRITORY INHABITANTS, ETC. MISOFF REPLIED THAT THE DIFFICULTY ARISES FROM THE FACT THAT INCLUDING A GENERALIZED DESCRIPTION OF "REPORT OF THE TC" WOULD NOT CONVEY THE NOTION OF SO LIMITED A REPORT BUT, INSTEAD, WOULD BE TAKEN BY MOST PRELIMINARY LIST READERS AS A CAREFULLY REASONED SECRETARIAT CONCLUSION THAT, ARTICLE 83(1) NOTWITHSTANDING, THE TC SHOULD SUBMIT A FULL REPORT TO THE GA ON ITS WORK IN 1976 AS IT HAD ALWAYS DONE IN THE PAST.

3. THE ONLY SIGN OF "GIVE" IN [REDACTED] PRESENTATION WAS HIS OBSERVATION THAT, ALTHOUGH THE 30TH GA AGENDA HAD INCLUDED AN ITEM ON "REPORT OF THE ICJ", THE COURT HAD MADE NO SUCH REPORT; CONSEQUENTLY, BEFORE INCLUDING THIS ITEM ON THE PRELIMINARY LIST FOR THE 31ST GA, THE SECRETARIAT WAS ASKING THE PRESIDENT OF THE COURT OF THE COURT'S INTENTION. MISOFF SAID HE WOULD HAVE TO ASK WASHINGTON'S VIEW AS TO THE PROPRIETY OF A PARALLEL APPROACH TO BRITISH TC PRESIDENT MURRAY OR US PRESIDENT-ELECT WHITE IN THE CURRENT CONTEXT.

4. IN RESPONSE TO MISOFF'S QUESTION, [REDACTED] SUGGESTED USUN MAKE AN APPROACH TO SUY, WHICH WE ARE DOING.

MOYNIHAN

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ANNOTES

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