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AdeG/cg/7/30/76

TALKING POINTS

BACKGROUND

... How U.S. resolves Micronesian LOS issues directly impact on status options and U.S. interests in Western Pacific.

A. If U.S. not reach accord with COM - COM ^{may} reject Free Association

B. COM may determine independence is best option to exercise LOS rights.

C. Independence is option least likely to protect U.S. foreign policy/ strategic interests in Western Pacific.

D. President Ford ~~agrees LOS not jeopardize paramount/interests in Western Pacific.~~ ^{U.S.} *has sought arrangements w/ COM in Micronesia*

OBJECTIVES

U.S. objectives

A. Prevent COM from obtaining a "fait accompli" at UN LOS Conference (by having UN Conference grant COM all rights/authorities the COM is seeking)

B. Resolve COM LOS concerns on a bilateral basis within context of status negotiations.

TACTICS

1. U.S./LOS Delegation coordinate negotiating approach with OMSN

2. Oxman

A. Arrange closed work session in New York with Wyle/COM Delegation

B. Note he has been authorized to speak for Ambassador Manhard on

following:

1. Micronesian LOS actions and Micronesian political status agreement are directly linked

2. If Micronesian delegation persists in seeking ^{from LOS} authorities held only by independent States, then it is obvious COM does not desire Free Association. *in State talks*

3. U.S. again hopes COM will not pursue

signature
- signatory status

- full access to ICJ

- full support of "Transition Procedure" provisions (old Art.136)

4. Oxman to note that U.S. will block TTPI from signing - would be an amendment of the UNTA (U.S. given full foreign affairs authority) which requires U.S. consent.

5. Oxman (at a later meeting) can privately relay info to Wyle:

- He "knows" COM LOS concerns can be resolved in a manner that preserves Free Association concepts because he has been involved in helping OMSN derive LOS policy:

- "Knows" OMSN has option to meet majority, but not all, Micronesian views;

- also "knows" OMSN under instruction to drop Free Association if Micronesians go too far in their LOS demands before the UN LOS Conference. (Beirne can call Wyle's attention to Australian precedent of unilaterally - and without negotiation - forcing P/NG to go independent.)

- Oxman can then suggest he can try to arrange a meeting between COM/LOS delegation and Manhard if COM/LOS delegation desires.

6. At COM/OSMN meeting you can note:

- Signatory status should be resolved for "independent nations"

-- can suggest remedy is "indented" signatory status for TTPI to recognize unique status of the Trusteeship.

- Access to ICJ for LOS disputes is beyond the legal capacity of TTPI

-- can be resolved by having access through U.S. diplomatic channels with a U.S. commitment to permit Micronesia to present case as part of U.S. delegation.

- Support for old Article 136 cannot be supported because it

-- is interference in the internal affairs of U.S.
(U.S. territories problem)

-- goes beyond Free Association concepts in Compact (Government to Government ^{agreements} ~~contract~~ reserved for USG)

--- remedy is to permit Micronesia wide latitude in protecting their LOS rights but not impair overall U.S. foreign affairs/security responsibilities for Micronesia under the Compact; U.S. is prepared to be flexible as U.S. recognizes that all benefits from Micronesian resources should go to Micronesia and that Micronesia has legitimate interests in wanting direct influence over these resources.