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THE WHITE HOUSE  
WASHINGTON

March 8, 1972

MEMORANDUM FOR THE PRESIDENT

Through: Dr. Henry A. Kissinger  
Subject: Micronesian Status Negotiations  
Ref: Dr. Kissinger's memo of 20 July 1971  
containing negotiating instructions  
and terms of reference

The purpose of this memorandum, which is being forwarded with the concurrence of the State, Defense, and Interior Departments, is to seek clarification and a modification of my instructions prior to the fourth round of talks scheduled for early April in Micronesia.

REQUEST FOR DECISION

As discussed in subsequent sections of this memorandum, my present instructions are not specific with respect to two important issues: (1) title and (2) sovereignty. In order to clarify these instructions and to improve the prospects of reaching an acceptable agreement I am now requesting that

1. I be authorized under Position II, if necessary for agreement, to call the new relationship "Free Association," with this acceptance of their title being contingent upon clear recognition in a Compact of Association of full U.S. authority over foreign affairs and defense, access and denial provisions and pre-negotiated military basing agreements which would legally survive any future termination of the political relationship.

Approved: ✓

Disapproved:



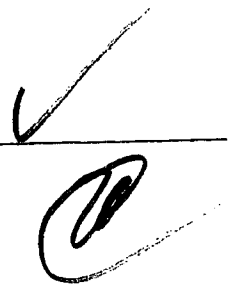
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2. I be authorized under Position II, if necessary for agreement, to acknowledge that sovereignty resides in the people of Micronesia, provided that fundamental U.S. interests are fully safeguarded as envisaged in my instructions and in the NSC USC Option Paper of 31 March 1971.

Approved:

Disapproved:

  
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SECRET/EXDISBACKGROUND

My current instructions (a copy of the applicable portions is attached) were based largely on assessments and recommendations that are now nearly a year old. Today the internal political situation in Micronesia is rather more mixed and unstable than it was a year ago. For example, an Independence Coalition has been formed within the Congress claiming approximately 1/3 of the members; the probable split-off of the Marianas from the Trust Territory is now widely acknowledged; signs of further disunity among the districts are raising doubts about the viability of a united Micronesia after the Trusteeship is terminated; and finally, relations between the Congress of Micronesia and the Trust Territory Administration are strained, and agitation for more self-government and local responsibility is on the rise.

Even in the face of these developing strains, there is reason to believe that the status talks in Hana in October had a calming effect on a large element of Micronesian leadership. In the talks, a deliberate effort was made to concentrate on the practical issues of a future relationship rather than on sometimes emotional abstractions. Our strategy was to break the previous impasse, and we believe that we were successful in this and in strengthening the more moderate and pro-American delegates while weakening somewhat the pro-independence faction.

FOURTH ROUND OF TALKS IN PALAU

The next round of talks will inevitably bring into the open certain questions of nomenclature and definition that were not taken up in Hawaii. The problems that may arise over titles and terminology may be more those of form, pride, and language than of substance and practical consequence. Given the present psychological mood and the extreme sensitivity of the leaders of Micronesia, an effort must be made to prevent the talks from breaking down over issues of language. This may require certain changes in nomenclature on our part, which are important to them but which do not endanger our basic interests.

A primary concern of the Micronesians, mainly for reasons of self-esteem and pride rather than substance, is sovereignty. The principal characteristic of the forthcoming negotiations clearly will be Micronesian

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insistence on nomenclature that acknowledges in some way their "four non-negotiable principles." Agreement may hinge on our willingness to acknowledge in some fashion their first principle (sovereignty resides in the people of Micronesia and their duly constituted government), and labeling a future relationship "Free Association."

It is my judgment that under the present circumstances it may be difficult, if not impossible, to get an agreement which insists on calling the relationship "Commonwealth" and which explicitly extends full U.S. sovereignty in a conventional sense over Micronesia. Such goals, if rigidly held to, would probably cause a breakdown in the talks, if only because the Micronesians would interpret the American position as unqualified annexation.

My present instructions are unclear as to whether in Positions I and II the final agreement must explicitly extend and assert "U.S. sovereignty" over the whole of Micronesia. In fact, the instructions under Positions I and II permit significant limitations on U.S. sovereignty which have no precedents in American history with respect to territories or possessions. In effect, Position I calls for a division of authority with the U.S. having powers over external affairs and defense and the Micronesians having what would amount to virtual sovereign control over their own internal affairs. Under my Position II instructions, which add the right of unilateral termination (carefully circumscribed), a further and substantial index of sovereignty would be conceded to the Micronesians.

U.S. FOURTH ROUND OBJECTIVES

It is my intention at the next talks to take up where the discussions at Hana left off and to continue to press for Position I. Under this arrangement the Micronesians would receive internal autonomy and the right to terminate the Compact with the consent of both parties. Their sovereignty would not be expressly acknowledged except in the sense that Micronesian approval of a compact would constitute a "sovereign act of self-determination."

Given existing Micronesian attitudes and positions, our Position I may very quickly become untenable at the next session. If it becomes clear that only the termination and sovereignty issues prevent agreement, a move to Position II may be indicated. In that event, I believe the

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prospects of agreement could be materially enhanced if my instructions were worded so as not to have to insist on an explicit extension of full U.S. sovereignty. Having once offered unilateral termination, we could then agree to characterize the relationship as free association and, if essential to get final agreement, could acknowledge that sovereignty resides in Micronesia. All of this, of course, would be conditioned on Micronesian acceptance of U.S. authority over those areas of the relationship which are of essential concern to us.

Fundamental American objectives would be satisfied if an agreement clearly guaranteed:

- (1) U.S. authority over foreign affairs and defense,
- (2) access to Micronesian lands to meet minimum U.S. military requirements,
- (3) denial of the area to third countries for military purposes contrary to our interests, and
- (4) termination procedures that would protect our interests and insure that defense interests and military basing rights would survive any future change in the relationship.

Under this arrangement the Micronesian people would possess sovereignty in the sense that they would 1) have control over their internal affairs (self-government) and 2) ultimate control over their political future (unilateral termination). At the same time, the U.S. would exercise sovereign authority over the areas that are of primary significance to the United States: foreign affairs and defense. This kind of accommodation between Micronesian sensitivities and the practical reality of the American interest in Micronesia could eliminate the sovereignty issue as a point of difference between the two sides.

In Micronesia in April our objective will be to negotiate as close and lasting a relationship as is possible under the existing circumstances, one that will protect our basic interests, and one that will permit an orderly transition and termination of the Trusteeship Agreement.

If agreement in April is not possible within the limits of Position II, I intend to suggest adjournment of the talks at that point. Plans for separate talks with the Marianas (Position III) could go forward if circumstances indicated.

*Haydn Williams*

Haydn Williams

Personal Representative for  
Micronesian Status Negotiations

Encl:

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INSTRUCTIONS FOR MICRONESIAN  
STATUS NEGOTIATIONS

(Dr. Kissinger's Memorandum to the  
Chairman, Under Secretaries Committee,  
July 20, 1971)

Negotiating Scenario

The negotiating scenario will contain an initial position and three successive fall-back positions. If the problem cannot be resolved through any of these four approaches, a new look at the situation and a new authorization for a negotiating position will be sought from the President.

Position I - Offer a modified commonwealth relationship, with our concessions over our last negotiating position limited to restraint on the exercise of eminent domain and federal supremacy.

-- We will agree to limit our right of eminent domain by not exercising it to take land for public use, provided that our long-term needs for land--particularly in the Marianas and the Marshalls--are assured by pre-negotiated arrangements.

-- We will agree to limit Federal supremacy by limiting the application of U.S. Federal laws, regulations and programs where practicable, legal, and not in derogation of U.S. interests. We will also agree to exercise Federal power only in the fields of foreign relations and defense, except as agreed by the Micronesians or as required by national emergency. This will also allow for increasing self-government among the Micronesians.

Position II - The same as Position I, except to offer in addition a provision for unilateral termination of the relationship, the offer being carefully circumscribed possibly through a complex procedure and becoming effective only after a specified period of years.

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-- Will depend on (a) Micronesian acceptance of the provisions of Position I and of this offer of unilateral termination as a basis for final agreement, and (b) pre-negotiation of strategic arrangements (denial and basing rights) that will legally survive termination of the association.

Position III - If the Marianas District (and possibly one or more other districts) separately opt for some form of permanent association with the U.S. (territorial or commonwealth association), we will offer to the remaining districts as a group (a) a modified commonwealth association as defined in Positions I or II, or (b) a relationship of "free association" as defined in Position IV below.

Position IV - Offer a relationship of "free association" which will include negotiation of a compact terminable only by the consent of the U.S. and Micronesia.

-- We will insist on exclusive control over foreign relations and defense and will seek a close relationship similar to that under a modified commonwealth to build up vested Micronesian interests in the association--participation in Federal domestic programs, access to the U.S. judicial system, rights of U.S. nationality, etc.

-- We will insist on pre-negotiated arrangements which will provide for denial and basing rights and which will survive any termination of the "free association" relationship.

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RESPONSE FROM THE

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SUBJECT: And Williams request authorization to clarify two points in the Pres' negotiations instruction on Micronesian status

REFERENCE: S/S \_\_\_\_\_ OTHER \_\_\_\_\_ NOT XEROXED \_\_\_\_\_

APPTS: PRES \_\_\_\_\_ HAK \_\_\_\_\_ TALKER \_\_\_\_\_ MEMCON \_\_\_\_\_ DATE REC \_\_\_\_\_

DOC SOURCE

SECRETARIAT DISTRIBUTION/ACTION

INTERNAL ROUTING AND DISTRIBUTION			ACTION REQUIRED	
	ACTION	INFO	REC CY FOR	
ADVANCE CYS TO HAK/HAIG				MEMO FOR HAK
STAFF SECRETARY				MEMO FOR PRES
FAR EAST				REPLY FOR SIGNATURE
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NR EAST/NORTH AFRICA				MEMO TO
EUROPE/CANADA				RECOMMENDATIONS
LATIN AMERICA				JOINT MEMO
UNITED NATIONS				REFER TO STATE
ECONOMIC				ANY ACTION NECESSARY
SCIENTIFIC				CONCURRENCE
LR PLANNING				DUE DATE:
PROGRAM ANALYSIS				COMMENTS: (including Special Instructions)
NSC PLANNING				
CONGRESSIONAL				

DATE	FROM	TO	ACTION REQUIRED	CY TO
3/18	George	HAK	Info	
3/20			HAK approval from	
3/27			Hogdgen memo to Williams	

CROSS REF WITH \_\_\_\_\_ NOTIFY \_\_\_\_\_ DATE \_\_\_\_\_  
 SEE LOG \_\_\_\_\_ DISPATCH: LETTER/MEMO \_\_\_\_\_  
 JOINED BY LOG \_\_\_\_\_ COPIES: (AS MARKED ABOVE) \_\_\_\_\_  
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 SPECIAL DISPOSITION COMMENTS: \_\_\_\_\_  
 SUSPENSE CY ATTACHED: YES \_\_\_\_\_ NO \_\_\_\_\_

MICROFILM DATA

DO: *22* INIT: *1972*

ORIG: NSC  
 TO: 1 PAF  
 WFC