

*Tel Spaulding
1973*

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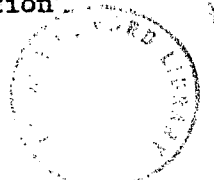
BRIEFING OF U.N. VISITING MISSION - January 24, 1973

I. INTRODUCTION

- Welcome visit from UNVM
- Regrets from Ambassador Williams
- Regret absence of representative of Soviet Union at this briefing.
- Introduction of USG members at table.
- Content of Briefing
 - 1 - Factual historical update on developments in future status since last visiting mission, and especially since May 1972 (last UNTC review).
 - January 1970 to March 1971.
 - Establishment of Personal Representative of President and OSN.
 - April 1971 to present.
 - 2 - Discussion of current status of negotiations.
 - Joint Committee on Future Status.
 - Marianas separate talks.
 - 3 - Question period.
 - Factual questions any time, but prefer to defer discussion of substantive issues until question period.
 - Many itmes will be for Micronesians to talk to.
 - Other questions on administration for Interior and HICOM.
 - Look forward to further discussion after visiting mission has returned from field trip and had opportunity to see situation first hand.

II. HISTORICAL AND FACTUAL UPDATE

- A. Period from January 1970 to March 1971.
- Quick run over of events since last VM (mostly covered in TC review of last May).



- Will recall that shortly after last VM MPSD turned down U.S. Proposal for self-governing status as U.S. unincorporated territory created by Organic Act.

(Salii Chairman of MPSD) had said:

"No negotiations... unless USG willing to grant Micronesians opportunity for own constitution"...
"and U.S. must forego right of eminent domain."
(Territorial proposal met neither.)

-May 1970 - USG presented "Commonwealth Proposal" to MPSD. Provided for local Constitution and carefully circumscribed right of U.S. eminent domain.

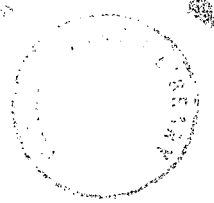
- July, 1970 - MPSD turns down "Commonwealth Proposal". Suggest self-governing state in free association with U.S. by means of "Compact of Free Association" revocable unilaterally by either party and in August COM confirms four basic principles and legal rights previously set forth by Salii (See Tab A-2).

B. Appointment of Personal Representative of President and establishment of Office for Micronesian Status Negotiation.

- President decides to appoint personal representative to handle future status negotiations with the Micronesians, responsible directly to him. Names Ambassador Franklin Haydn Williams in April 1971. FHW remains President, Asia Foundation.
- FHW establishes small office with members contributed by interested agencies.
- Office not part of Interior, as previously, but under White House. Status LNO in Saipan.
- Sec. Interior continues to have responsibility for TTPI administration, but not future status except as one of several interested agencies.
- Interagency group responsible to Under Secretaries Committee provides policy recommendations and guidance for Presidential approval.
- New guidance and instructions for FHW from President.

C. April 1971 to May 1972

- New Committee of COM and renewed Micro instructions (still under Salii).



- Three basic U.S. interests in Microensia already recognized by COM & UN.:

- (1) Concern for long term welfare of Microensian people.
- (2) Moral and legal obligations under Trusteeship Agreement.
- (3) U.S. role and commitments on maintenance of peace and stability in Pacific Ocean area.

- THIRD ROUND at Hana, Maui, Hawaii October 1971; vital turning point.

- Six main issues explored.

(1) Compact of Free Association; idea agreed to in principle.

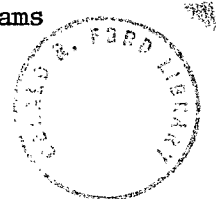
- Micro constitution OK provided fundamental rights and freedoms protected and not inconsistent with Compact (not U.S. Constitution).
- Compact to be approved by plebescite as sovereign act of self determination.
- U.S. to have responsibility for external affairs and defense, Micro for internal affairs.

(2) Land requirements

- No U.S. eminent domain.
- U.S. military and civilian land needs to be negotiated before change in status.
- Thereafter all public trust lands to revert to GOM.

(3) Applicability of U.S. Laws

- Full internal GOM authority.
- Powers of U.S. in external affairs and defense to be defined in Compact
- Otherwise U.S. law's applicability only to extent mutually agreed, for administration of U.S. programs and services.



(4) Future U.S. Services and Programs

- Mechanisms for application selected U.S. programs to be set forth in Compact.
- Federal programs and services to be provided only as agreed by both parties.

(5) Finances and Economic Development

- Micros to set own priorities for meeting economic needs; U.S. to help with external aid.
- Exploration of mechanisms for extending assistance.

(6) Termination

- U.S. wants mutual consent; JFSC wants unilateral right to terminate.
- U.S. proposes unilateral termination after agreed period.
- Both sides agree to restudy and meet again.
- FOURTH ROUND at Koror, Palau, April 1972
 - Confirms agreements reached in principle at Hana with JCFS and resolves principal remaining differences of principle.
 - Areas of broad agreement (See Communiqué).

- (1) Compact of Free Association to be approved by COM, U.S. Congress and people of Micro, with GOM free to negotiate and sign contracts not involving inter-governmental obligations and responsibilities and to participate in appropriate regional organizations; also to be consulted on international matters involving their interests.
- (2) MICRO to draw up and adopt own Constitution, which need not be consistent with U.S. Constitution and U.S. would have no power to amend it, but must not be in conflict with Compact.
- (3) Land under MICRO control.
- (4) Termination by unilateral action after Compact in effect for given number of years, with exact number to be worked out.



- (5) On termination U.S. military leases to continue for designated term, and mutual security pact to be negotiated in advance of Compact to go into effect in event of termination.
- (6) Finance and Transition left for further discussion and agreement.

JCFS says "MICRO's four basic principles and legal rights have been reorganized".

D. May 1972 to present (Assume VM has documents)

FIFTH ROUND - Washington, July-August, 1972

- Joint Drafting Committee effort on draft Compact results in:
 - Preamble
 - Internal Affairs Article
 - Foreign Affairs Article
 - Defense Article
 - Annex A. - Foreign Affairs Responsibilities.
 - Annex B. - U.S. Military Requirements.
- Language tentative and preliminary pending agreement on Compact as a whole.
- Matters requiring further discussion due to insufficient time.
 - (1) Finance
 - (2) Trade and Commerce.
 - (3) Nationality
 - (4) Transition procedures
 - (5) Termination
- COM Special Ponape Session - September 1972.
 - COM failure to endorse draft compact.
 - SJR 117 "authorizes and directs JFSC to conduct negotiations with the U.S. regarding establishment of MICRO as an independent nation, while continuing negotiations toward Free Association."



SIXTH ROUND - Barbers Point - September-October 1972

- Initial uncertainties based on SJR 117
- Salii: "Clear that Free Association is still the Mandate of the MICRO delegation; " independence only at some point in the future.
- Exchange of views on work accomplished and how to proceed.
- Agreement to adjourn to give both sides opportunity to consider positions further.
- Land survey in Palau in the meanwhile.
- Salii (in closing) (See Tab A-3).
- Latest developments.
 - Informal contacts between two Chairmen in effort to fix date.
 - November - MICRO election complications.
 - Two new JFSC members necessary (still not firm).
 - Contested election of co-chairman.
 - December contacts in Saipan with conclusion from Salii that MICROS must wait until sometime after completion of the current COM session before deciding when they can meet again with the U.S..
 - Postponement of Palau Land survey.
 - "Declaration" by Palau local leaders in November.
 - FHW tries to clear up misunderstandings in December trip.
 - Linkage to public lands issue.

E. Marianas Discussions.

- Backgrounds (from UNTC records)
 - Historical desire of people of Marianas to correct "accident of history" that lumped Northern Marianas with rest of TTPI.
 - Resolutions of Marianas District Legislature (at least eleven since 1963 to U.S. as administrating authority and UNTC) asking for separate treatment from rest of TTPI (See Tab "Marianas Resolutions and Referenda).



- Subsequent polls and referenda and elections.
- 1969 Future Political Status Commission report (See Tab)
- October 1972 - Inquiry from Marianas Delegation and Senator Saliu response (Tab)
- April 1972 - Marianas Delegation formally asks for separate talks at Koror and U.S. agrees in presence of JFSC as reported to UNTC. (See Tab C).
- Legislation 1972 established Marianas Political Status Commission after public hearings.
- USG at Barbers Point agrees to official opening of separate talks with Marianas beginning in December 1972.
- December 1972 formal opening of talks in Saipan.
 - Ceremonial occasion.
 - Plenary and working sessions.
 - Agreement to meet again in spring of 1973 to get on with substantive discussions.
 - Communique.

III. Current Status of Negotiations

A. Unsolved Issues

1. JCFS

a. Treatment of "Independence Option".

- Both sides still studying.
- JCFS priority on completion of Compact of Association versus low priority for independence. Saliu: discussion of independence premature and diversionary.
- Informal U.S. request for information on JCFS views turned aside.
- Question one of timing: i.e., independence now or independence after termination of compact. (COM Commission in 1969 said independence long range goal involving prolongation of Trusteeship.
- Mixed views in TTPI with official position still favoring some variety of association as sovereignty act.



- b. Remaining questions for negotiation on compact.
 - Termination
 - Financial matters
 - Transition.
 - Still to be discussed in specific form.
- c. Timetable for termination of trusteeship (much still to do)
 - Plebescites and political education.
 - Constitutional Convention and internal governmental organization.
 - Termination for all of TTPI simultaneously.

2. Marianas

a. Major areas of negotiation.

(1) Form of political association (all self governing systems)

- Commonwealth
- Territory
- Other

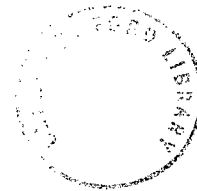
(2) Land

- Military - Set forth at Hana.
- Civilian
- Public lands
- Alienation

(3) Finance and Economics

b. Transitional arrangements.

- Timetable
- Possible Constitutional Convention and other steps required to exercise self-determination.
- Relationship to rest of TTPI.



- Nature of plebescite and political education.

B. Political Education and Future Status

- Close relationship between political knowledge and intelligent voting in plebescite.
- Differing views in several districts.
- Establishment of Joint Political Education Committee - COM & ADM.
- Relationship to Constitutional Convention.
- USG willing to assist to maximum extent.

IV. Question Period.



(A)

A

COM preferences for "a status of self government in free association with the United States" (1)

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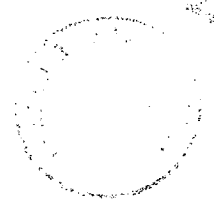
Four Basic Principles and Legal Rights of the Micronesian People.

- "(1) That sovereignty in Micronesia render in the people of Micronesia and their duly constitutional government;
- (2) That the people of Micronesia possess the right of self-determination and may therefore choose independence or self-government in free association with any nation or organization of nations; (2)
- (3) That the people of Micronesia have the right to adopt their own constitution and to amend, change or revoke any constitution or governmental plan at any time; and
- (4) That free association shall be in the form of a revocable compact, terminable unilaterally by either party!"

* * * * *

"You have ... suggested some exploration now of the position of those who espouse full independence as the immediate result of the termination of the trusteeship. We will give this suggestion thoughtful consideration. It appears to us, however, that an effort to deal in depth with the alternative status of independence at this time would be diversionary and premature. In our view priority could be given to continued good faith efforts by both delegations to complete promptly a draft Compact of Free Association." - Senator Lazarus Salii, Barbers Point, Final Plenary Session, October 6, (3)

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DIFFERENCES BETWEEN COMMONWEALTH AND TERRITORY (Puerto Rico/Guam)

B

1. Constitutional Authority

- Puerto Rico: Local constitution; U.S. Congress has no power to enact local legislation.
- Guam: No local constitution but organic act; U.S. Congress does have power to enact some local legislation.

2. Relations with U.S. Congress

- Puerto Rico: Had a resident Commissioner representing P.R. interests to the USG; now has a popularly elected non-voting delegate to the Congress with direct representation on the Committees of the Congress.
- Guam: Has non-public delegate to U.S. Congress, now popularly elected, and appointed Governor, now freely elected.

3. Application of U.S. Customs Laws

- Puerto Rico: U.S. Customs Laws apply to Puerto Rico with revenues returned to Puerto Rico treasury.
- Guam: A free port.

4. Comptroller

- Puerto Rico: No U.S. Government Comptroller to audit funds.
- Guam: Has U.S. Comptroller.

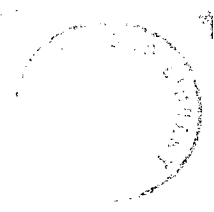
5. Jurisdiction of U.S. District Court

- Puerto Rico: Jurisdiction the same as that of District Courts in the U.S. (\$10,000 limit).
- Guam: Jurisdiction limited to \$2,000.

6. Power Over Lands

- Puerto Rico: U.S. G. has eminent domain power; P.R. has same power over lands as U.S. states.
- Guam: U.S. Federal Government has power of eminent domain.

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U.S. STATEMENT ON MARIANAS AT KOROR

"As the record shows, U.S. policy as the Administering Authority for the Trust Territory of the Pacific Islands has been to develop Micronesia toward a common status upon termination of the Trusteeship Agreement and our efforts have been directed toward this end. ...

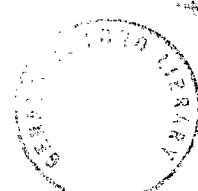
"The further pursuit and implementation of this objective, against the expressed will of the people of the Marianas, would deny them their right of self-determination and impose upon them a future political status which they have said is unacceptable.

" Under these circumstances, I would like to state that my Government is willing to respond affirmatively to the request that has been formally presented to us today to enter into separate negotiations with the representatives of the Marianas in order to satisfy a desire which the Joint Committee has already recognized."

[Handwritten signature]

C

- #2 (1963) asking administering authority to conduct plebescite and,
 - #3 (same date) asking administering authority to reconsider petition for reunification of Marianas Islands.
 - #22 (1964) asking UNTC to reconsider earlier Saipan Municipal legislature petition on reintegration under Declaration of Human Rights.
 - #56 (1965) asking Guam legislature to request U.S. Congress to amend Guam Organic Act to incorporate Marianas.
 - #4 (1967) asking UNTC to urge USG to prepare Marianas for self-determination and set deadline for plebescite.
 - #7 & #43 (1967) asking USG to approve reunification of Marianas with Guam.
 - #8 (1967) asking USG to permit free entry of Marianas people to U.S..
 - #4 (1968) asking USG to give U.S. citizenship to Marianas.
 - # (1969) creating Committee to study reunification, and
 - #13 (1969) on plebescite committee to hold public meetings on plebescite.
- Petition of District Legislature leads to special poll in November 1969 on district-wide basis, confirming earlier plebescites in 1961 and 1963.
 - Several choices.
 - Full and free discussions.
 - Secret ballot by all registered voters.
 - Majority want close association with the U.S..
 - Subsequently many town-hall type meetings throughout District reaffirm plebescite and indicate more strongly desire of people of Marianas for permanent association with U.S..
 - (Two parties since early 1960's: Popular-for integration with Guam; Territorial - for U.S. annexation. Both with same goal: "membership in U.S. political family").
 - Summer of 1970 saw split with rest of TTPI which turned down close association and went for looser free association.
 - People and leaders in Marianas liked Commonwealth Proposal.
 - Unilateral termination unacceptable to Marianas.



- All Marianas Congressional incumbents except Senate defeated in 1970 elections.
- 1971 Survey by Marianas political leadership confirms desire for "close political association with U.S" and against integration with Guam.

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EXCERPTS FROM TRUSTEESHIP AGREEMENT

Article 5

..."the administering authority shall ensure that the trust territory shall play its part ... in the maintenance of international peace and security. To this end the administering authority shall be entitled:

1. To establish navãã, military and air bases...
2. To station and employ armed forees in the territory, and
3. To make use of ... facilities ... from the trust territory."

Article 6

..."the administering authority shall:

- 1...promote the development of the inhabitants of the trust teerritory toward self-government or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the people concerned."

Article 8

"1... the administering authority ... shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the trust territory no less favorable than that accorded to nationala, companies and associations of any other United Nations except the administering authority."

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