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United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

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MEMORANDUM

From: The President's Personal Representative for Micronesian Status Negotiations

To: Chairman, NSC Under Secretaries Committee

Subj: Negotiations on the Future Political Status of the Mariana Islands District, Trust Territory of the Pacific Islands

By memorandum of December 26, 1972, the Chairman of the Under Secretaries Committee requested that the Interagency Group be instructed to conduct and submit to the Under Secretaries Committee a study of "Options and Recommendations for the negotiation of a permanent association with the Marianas, together with a negotiating strategy and recommendations for necessary legislation and necessary executive action". It was further requested that new negotiating instructions be developed and forwarded with the study for Presidential approval.

Attached for your consideration is the study on this subject prepared by the Interagency Group, together with a recommended set of negotiating instructions.

For convenience the first section is a summary of the study, including its principal recommendations.

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Franklin Haydn Williams

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STUDY CONCERNING THE NEGOTIATIONS ON THE FUTURE
POLITICAL STATUS OF THE MARIANA ISLANDS DISTRICT OF THE
TRUST TERRITORY OF THE PACIFIC ISLANDS

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SUMMARY

This summary presents an overview of the basic study; should any doubt arise with regard to intent the basic study should be consulted.

A. The Nature of the Problem; U.S. Negotiating Objectives (for fuller discussion see Part II of the study)

U.S. political and security interests in the Western Pacific require that the U.S. have a close continuing relationship with the Mariana Islands. The Marianans themselves have consistently expressed a desire for closer U.S. ties than the rest of the Trust Territory of the Pacific Islands (TTPI) seems prepared to accept. U.S. and Marianas representatives formally initiated discussions of the Marianas' future political status in a largely ceremonial round of talks on Saipan last December. It was agreed that in the spring of 1973 the two sides would launch substantive negotiations on the main elements of a close and permanent relationship including, inter alia, the nature of the political ties, U.S. land requirements in the Marianas, and financial arrangements. It is clearly in the U.S. interest to conclude and implement rapidly an agreement on future status. Fundamental U.S. interests in the Marianas translate into the following specific negotiating objectives:

PRIMARY OBJECTIVES

-- To fashion on a priority basis a close and permanent political relationship with the Mariana Islands District which will extend U.S. sovereignty to those islands and satisfy U.S. security requirements. The latter include: denial of the area for military use by third parties, U.S. control over foreign and defense affairs of the Mariana Islands, and the right to establish military bases in those islands.

-- To ensure establishment of a stable and friendly Marianas political entity through reasonable satisfaction of the political and economic aspirations of the people of the Marianas.

-- To satisfy U.S. obligations under the Trusteeship Agreement through an act of self-determination leading to self-government for the Marianas.

SECONDARY OBJECTIVES

-- To structure the status arrangements with the Marianas in such a manner as to have the maximum favorable impact on the negotiations with the remaining five districts of Micronesia.



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-- To keep the United States' financial obligations to the Mariana Islands within reasonable bounds and relevant to the character of the future relationship.

-- To keep U.S. political, economic, and administrative relationships with the Marianas as simple as possible while accomplishing the above objectives.

-- To establish a relationship with the Marianas which will (in addition to meeting U.S. obligations under the Trusteeship Agreement) obtain United Nations approval, or at least that of a majority of the Security Council and of the Trusteeship Council.

B. The Future Political Relationship
(Part III of the Study)

Any of the following forms of territorial status would extend U.S. sovereignty to the Marianas and meet U.S. security concerns:

1. Integration with Guam.
2. Integration with Guam, with special safeguards to ensure that the Marianas, initially the economically and politically weaker party to the union, would not be unduly dominated by Guam.
3. Unincorporated territory.
4. Commonwealth (The type of commonwealth envisaged is a true territorial status in that the Marianas would be subject to the plenary legislative authority of the U.S. Congress under Article IV, Section 3, Clause 2 of the U.S. Constitution. This relationship would fall short of being "in the nature of a compact" as is provided for in the enabling legislation for the Commonwealth of Puerto Rico, leading to questions about the extent to which Puerto Rico is subject to the plenary powers of the Congress. In sum, the 1970 Commonwealth proposal for Micronesia would be adapted to the special circumstances of the Marianas.)

Each of these four options would have several basic features in common:

- There would be U.S. constitutional supremacy.

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-- The Mariana Islands would be included within the federal court system.

-- The present residents of the Mariana Islands would acquire U.S. citizen or national status.

-- The Mariana Islands would have a republican form of government with an elected executive and legislature and an independent judiciary.

-- Local TTPI held public lands would be turned over to the Marianas Government.

-- The relationship would be permanent with no provision for termination.

-- Continuing U.S. financial assistance would be required.

-- Implementation of any status option could take place only following its approval by the people of the Marianas.

-- Full and final implementation will require U.S. Congressional action, and termination of the Trusteeship Agreement.

-- Administrative convenience would tend to favor the Marianas' integration with Guam and there may be some sentiment in the U.S. Congress for integration with Guam or for the status of unincorporated territory rather than the establishment of a new commonwealth of such limited size. However, from the perspectives of the Marianas aspirations, the parallel negotiations with the rest of Micronesia, and the United Nations, commonwealth status appears to be the preferred and most practical alternative and hence the most reasonable negotiating objective for the U.S.:

Marianas' Aspirations. Within the framework of close association with the U.S., the Marianas insist upon maximum internal political autonomy. From fear of domination the Islands will resist early integration with Guam, while their desire to control their own affairs under a locally adopted constitution, will incline them against the status of incorporated territory. In general the Marianas tend to see the more prestigious commonwealth status as providing the attributes they desire in a relationship with the U.S.

Negotiations with the Remaining Districts. Commonwealth offers the best prospects for early agreement. On balance it is considered probable that an early settlement with the Marianas will have a beneficial effect on the negotiations with and status attitudes in



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the rest of Micronesia. It will give friends of the U.S. in the other districts something positive around which to rally. As the immediate and long-term benefits to the Marianas of the new relationship become apparent there could develop in Micronesia pressures on the JCFS to find a status formula which would be similarly advantageous for the remainder of the TTPI. While it is improbable that the current leadership in the other Micronesian Districts will retreat from free association or independence to a Commonwealth arrangement, the attractive provisions of the arrangement will be noted throughout the Trust Territory and could influence the other districts toward early agreement on a closer association than now appears likely.

United Nations. It will be difficult to fashion an agreement involving separate status for the Marianas which will meet U.S. objectives and also receive U.N. approval. However, Commonwealth status offers the highest degree of self-government and therefore clearly stands the best chance of gaining U.N. acceptance. (Final U.N. acceptance or rejection will, of course, be linked to resolution of the status of the remainder of Micronesia).

C. U.S. Land Requirements

1. Specific Requirements (Section IV, A., B., and C. of the Study)

U.S. requirements for land for non-military use are minimal (about 23 acres) and will be met without objection. Military land requirements are substantial, however, and their acquisition constitutes one of the major issues to be negotiated. U.S. military needs in the Marianas District, as in the rest of the TTPI, are predicated on an assessment of the strategic importance of the area and on the amount of land necessary to support current and future U.S. objectives.

From the overall strategic point of view the combination of Guam, the Marianas, and Palau offers the only practicable near-term, mid and long-range potential in the Western Pacific for the development of major U.S. joint service base complexes to handle current requirements and to provide for relocation from existing forward Western Pacific bases in Japan, the Philippines, Korea and Taiwan which may be required as a result of further limitations and restrictions placed on their use. The development of such base complexes requires maximum use of U.S. controlled land in a forward area which can be devoted to military purposes and is suitable for the development of an integrated homogeneous basing area. This would, inter alia, minimize the total land area necessary, costs to the U.S., logistics problems, and interference with (and by) civilian communities.

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-- Tinian. To achieve these goals it is hoped to consolidate most defense activities in the Marianas on Tinian Island. Acquisition of the entire island (26,200 acres) is thus the recommended primary objective. Early development is planned for joint service basing facilities, including an airfield, port facility, logistics complex, and a joint service maneuver and training area. (The cost of Tinian development through Phase VI -- see Annex III of the study -- is estimated to be \$114 million at the minimum). Tinian's acquisition would involve relocation of the present civilian population (781). If it proves impossible to acquire Tinian in its entirety, the minimum and essential requirement is for 18,515 acres, including the area around the current port, or 16.6% of the total land in the Marianas (See Annex III). Even this minimum requirement would necessitate extensive relocation of Tinian's population because of ammunition safety requirements.

-- Farallon de Medinilla. The small, uninhabited island of Farallon de Medinilla about 45 miles north of Saipan has been used as a bombing target since 1970. It has no conceivable economic value and is almost inaccessible and otherwise unusable because of the nature of the terrain. Its long-term acquisition should pose no problems.

-- Saipan. It is highly desirable that the U.S. acquire 500 acres adjacent to Isley airfield and 320 acres in the Tanapag Harbor area. The Isley acquisition would ensure availability of land and reserve the capability to locate certain ancillary activities on Saipan and support possible relocation of industrial, training, and supply facilities currently located in other countries. The Tanapag Harbor acquisition would support any future development of the Isley field area and support possible relocation of industrial and supply facilities currently located in other countries.

2. Optional approaches to satisfying land requirements; relevant factors
(Section IV. D. of the study)

The Marianas leadership and the Marianans generally welcome U.S. military installations in the islands on the expectation their presence will promote economic development. On the other hand, U.S. requirements -- particularly in Tinian and perhaps at Tanapag Harbor as well -- are greater than the Marianans expect, and surfacing the maximum U.S. land package may well make the negotiations more difficult or prolonged. The Tinianese may well resist relocation off their island, and the Saipanese leadership, currently dissatisfied with restrictions placed on the commercial development of Tanapag Harbor as a result of the area's present military retention status, may balk at the harbor requirement. However, extensive inducements

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can be designed which might make relocation of the Tinian population off the island more palatable and U.S. rights in Tanapag Harbor more acceptable. The U.S. thus should be able to test its maximum proposal without seriously jeopardizing or delaying the negotiations or upsetting the current momentum.

Any relocation of the population of Tinian, on or off the island, will have an initial adverse impact on negotiations with the rest of Micronesia, particularly in Palau. At least until the specific Palauan land requirements have been publicly established and thoroughly understood those Palauans opposed to a U.S. military presence will cite the Tinian relocation as an example of what may happen in Palau.

On balance it is believed that putting forward the maximum U.S. land proposal is not likely seriously to impede the Marianas negotiations, and that the proposal's adverse impact elsewhere in Micronesia will be short-lived. The advantages of acquiring all of Tinian Island added to the strong desirability of acquiring rights on Saipan argue in favor of making a determined effort to achieve the maximum requirement. Accordingly, it is recommended that this negotiating effort be made. However, there must be a Presidential determination of whether this is to be done, or whether his Personal Representative is to open negotiations on land requirements with a lesser goal. There follow, in descending order of priority, four alternative land acquisition proposals. With alternative 1 as the optimum and recommended goal, alternatives 2, 3, and 4 would be successive fallbacks only if number 1 proved impossible to achieve.

a. Alternative 1

Tinian

- Purchase or lease entire island (26,200 acres) and relocate population off the island.

Saipan

- Joint Use Agreement permitting U.S. military landing rights on and access to facilities of civil airport.

- Purchase or lease 500 acres adjacent to Isley Field runway. Land can be leased back for agricultural purposes.

- Purchase or lease 320 acres at Tanapag Harbor.

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Farallon de Medinilla Island

- Purchase or lease entire island (229 acres)
(The purchase or lease of Farallon de Medinilla Island is considered an essential part of all negotiating alternatives and variants, but will not be repeated below.)

If necessary the following variants to the above alternative should be explored thoroughly in the attempt to obtain all of Tinian (with population relocation off the island) and to obtain certain acreages of land/or access rights on Saipan.

(i) First Variant of Alternative 1

Tinian

- Purchase or lease entire island (26,200 acres) and relocate population off the island.

Saipan

- Joint Use Agreement permitting U.S. military landing rights on and access to facilities of civil airport.

- Purchase or lease 500 acres adjacent to Isley Field runway. Land can be leased back for agricultural purposes.

- Access and use rights to Tanapag Harbor (320 acres). As part of this proposal the Marianas representatives would be asked to agree that any subsequent development of Tanapag Harbor would meet criteria set by Department of Defense to insure that Harbor could be used by U.S. forces. The U.S. Government would be willing to furnish planning advice for any subsequent development. The U.S. Government will negotiate and pay rental fees for any usage at the time of U.S. Government use.

(ii) Second Variant of Alternative 1

Tinian

- Purchase or lease entire island (26,200 acres) and relocate population off island.

Saipan

- Joint Use Agreement permitting U.S. military landing rights on and access to facilities of civil airport.

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- Access and use rights to 500 acres immediately adjacent to Isley Field runway to develop some type of military installation for servicing equipment, etc., whenever the need arises. Any interim civic development would have to meet criteria established by Department of Defense. In turn, the U.S. Government would furnish planning advice and reassure Marianas that in event a military installation was built on this land it would be a high employer. The U.S. Government would negotiate and pay rental fees for any usage at the time of U.S. Government use.

- Access and use rights to Tanapag Harbor (320 acres) As part of this proposal the Marianas representatives would be asked to agree that any subsequent development of Tanapag Harbor would meet criteria set by Department of Defense to insure that Harbor could be used by U.S. forces. The U.S. Government would be willing to furnish planning advice for any subsequent development. The U.S. Government will negotiate and pay rental fees for any usage at the time of U.S. Government use.

b. Alternative 2

Tinian

- Purchase or lease entire island (26,200 acres) and relocate population off the island.

c. Alternative 3

Tinian

- Purchase or lease entire island (26,200 acres) but offer to lease back southeast corner for population relocation (about 7,000 acres). U.S. Government would be willing to sign long-term leases but would insist on controlling the uses the land can be put to and would not be obligated to leaseback to anyone not currently a resident of Tinian.

d. Alternative 4

Tinian

- Purchase or lease minimum needs (18,515 acres) and relocate population to southeast corner of island.

3. Eminent Domain
(Section IV. E. of the study)

The U.S. should attempt to obtain unqualified eminent domain

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authority as normally obtains in other U.S. territories and states. It seems likely, however, that the Marianas negotiators will try to circumscribe that authority to bring it into conformity with the restricted right the U.S. reluctantly proposed in its 1970 commonwealth offer for all of Micronesia. It is recommended that the President's Personal Representative seek unrestricted eminent domain authority, falling back to a more qualified form only if necessary to obtain an otherwise satisfactory status agreement.

D. Financial Arrangements
(Part V of the Study)

Since the Marianas do not have the economic resources to become self-supporting in the foreseeable future, the U.S. will have to continue subsidization of the Islands for an indefinite period. Marianas representatives have high financial expectations. U.S. assistance should be at a level to promote the economic development of the Marianas and to compare favorably with financial arrangements for the rest of Micronesia, but not so exaggerated as to stretch the Marianas' absorptive capacity or to discourage local initiative toward self-sufficiency. U.S. assistance should take the following forms:

1. Direct Grants, currently about \$9.3 million annually for the Marianas, help fund local government operations and capital improvement programs. Under the envisaged close political relationship the actual level of direct grants based on need would ideally be mutually determined annually by the U.S. and the local government as with other U.S. territories. It is likely, however, that the Marianas representatives will insist on a specific financial guarantee. The President's Personal Representative should have considerable flexibility in negotiating U.S. assistance. Authority to negotiate direct grants of up to \$12 million annually should furnish that flexibility. If it proves necessary to concede a specific amount of direct grant assistance, the commitment should be limited to five years, after which the Marianas will obtain financial support through the normal appropriation channel without reference to any fixed level. It will be made clear to Marianas representatives that any initial financial commitment of the Executive Branch is subject to U.S. Congress approval and funding.

2. U.S. Programs and Services

An important Marianas objective in seeking close association is full participation in the many Federal programs and services available to U.S. states and territories. The Marianas as part of the TTPI now receive approximately \$2.5 million annually in such services and

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programs, e.g., Postal Service, Coast Guard, FAA, OEO, HEW, HUD, DOT, etc. The level of this type of support would probably increase with close association, although it is premature to try to place a dollar figure on the incremental cost. In this regard, the Marianas' eligibility would be largely determined by Congressional action, based perhaps upon a joint U.S.-Marianas survey of potentially desirable Federal programs and statutes. It is in the U.S. interest to be generously responsive to Marianas requests for federal programs, whose extension to the Islands is likely to strengthen their bonds with the U.S., as has been the case in other territories. Also, the contrast between the status of the Marianas and that sought by the rest of Micronesia will be sharpened by the magnitude and range of programs and services available to the former.

3. Transitional Costs

The President's Personal Representative should have considerable flexibility in negotiating appropriate special U.S. assistance to cover short-term transitional costs relating to implementation of the new status of the Marianas, including employment dislocation resulting from transfer of the TTPI headquarters from Saipan to another district.

4. Land and Relocation Costs

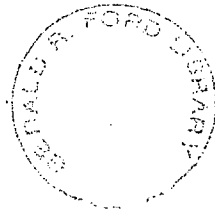
a. Land Costs

It is impossible to formulate specific cost guidelines for purchasing or leasing land in the Marianas. Local attitudes toward land and its scarcity translate into relatively high prices which are, in any case, a matter of negotiation. The following estimates are simply planning guidelines:

Tinian

- Buy 26,200 acres (entire island) up to \$28.65 million lump sum
- Lease 26,200 acres for 50-99 years
 - 1. up to \$28.65 million lump sum or
 - 2. up to \$3 million annual payment based upon 10% of estimated fee value
- Buy or lease 18,515 acres 50-99 years
 - 1. up to \$20 million lump sum or
 - 2. up to \$2 million annual payment

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Saipan

- Buy or lease 820 acres 50-99 years
1. up to \$2.1 million lump sum or
 2. up to \$200,000 annual payment

Farallon de Medinilla

- Buy or lease 229 acres for 50-99 years
1. up to \$229,000 lump sum or
 2. up to \$22,900 annual payment

b. Relocation

Since there is no existing replacement housing available for displaced Tinianese, it is probable that if it acquires all of Tinian the U.S. will have to build a new community for them on Saipan or on the southern portion of Tinian if it obtains only the minimum requirement of 18,515 acres. It is estimated that the total cost would be in a range of \$10-14 million for relocating the Tinianese to Saipan and somewhat less for relocating the population to the southeast corner of Tinian.

The President's Personal Representative must have considerable flexibility for negotiating land acquisition and relocation costs, since these, like direct grant assistance and the extension of federal programs and services, will have an important bearing on the Marianas' willingness to conclude an agreement with the U.S. At the same time, however, he should consult closely with and draw heavily on the land expertise of the Departments of Defense and Interior in the process of arriving at reasonable estimates and final cost proposals.

c. Presidential Decisions

The President will decide whether to authorize his Personal Representative to commit the Executive Branch: (1) to direct grant assistance up to a ceiling of \$12 million annually; (2) to the extension of appropriate federal services and programs; and (3) reasonable land and relocation compensation.

E. Interim Arrangements
(Sections VI. A. and B. of the study)

1. Desirability of Early Implementation of Agreement

The U.S. has taken the position consistent with U.N. thinking

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as well that the Trusteeship Agreement must be terminated simultaneously for all of Micronesia. However, it is likely that negotiations with the Marianas will be concluded satisfactorily before an agreement is reached with the other districts. To the extent feasible the U.S. will want to implement the Marianas agreement as soon as possible after its conclusion for the following reasons:

a. The people of the Marianas want to receive the benefits of their new status at the earliest possible date. Their leaders are sensitive to the uncertainties of the Marianas' present position as an integral part of Micronesia and believe early implementation of the separate status would satisfactorily clear up many of the prevailing ambiguities. (Marianas negotiators have indicated a desire to discuss early implementation at the status negotiations).

b. Should the U.S. not move rapidly toward at least de facto implementation of the new agreement local support for it could dwindle. An indefinite delay might even compromise the agreement.

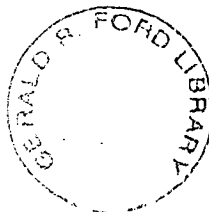
c. A rapid Marianas agreement will hopefully have a favorable impact on negotiations with the rest of Micronesia. If a form of status is agreed upon having provisions attractive to the other districts the sooner it is implemented the more positive the influence.

d. Once the agreement is implemented there will be fewer opportunities for the Congress of Micronesia to attempt to thwart separate U.S.-Marianas ties through legislation applying to all six present districts of the TTPI.

e. The U.S. Department of Defense wishes to proceed expeditiously with its plans for acquiring land and developing military facilities in the Marianas. This requires early implementation of several basic elements of a new relationship.

2. Early Implementation Options

The goal of early implementation of the agreement within the Trusteeship framework can be achieved in the following ways: (a) The U.S. Congress could enact permanent status legislation for the Marianas to take full effect upon the end of the Trusteeship. The legislation would, however, authorize implementation as appropriate during the interim period by Executive Order. (b) the agreement could be implemented during the interim period by Congressional action with the post-Trusteeship status requiring subsequent and separate legislation,



probably to be submitted at the same time as for the rest of Micronesia. This makes the legal assumption that the interim legislation could not also serve as the permanent status legislation. (c) The President could promulgate an Executive Order to implement the agreement during the interim period and later seek legislation from the Congress to formalize the post-Trusteeship status, probably at the same time as for the rest of Micronesia.

Options (a) and (b) are applicable to all four status options which were considered. Option (c), however, would not be practical with respect to either status option entailing Marianas-Guam integration.

The main distinction between the foregoing interim implementation options is the point at which the U.S. Congress would act with respect to the Marianas. Since option (a) promises an early cementing of the agreement and insures Congressional approval, it is clearly the most desirable route from the perspective of U.S. (and indeed Marianas) negotiators, provided that Congressional action promises not to be unreasonably delayed. Any realistic assessment of the options, however, rests upon one's reading of Congressional attitudes. It is impossible for this study to make such a judgement without extensive consultations with Congress. Accordingly, the President's Personal Representative should give this subject priority in his consultations with the Congress. Assuming there is a consensus, Congressional guidance should be considered authoritative. Indeed, such consultations may reduce the problems faced with any approach: the delay caused by seeking Congressional legislation first; or the opposition Congress may have to the initial Executive Order route.

F. Possible Impediments to Early Agreement
(Part VIII of the Study)

1. Congress of Micronesia (COM) Interference

It is unclear whether the COM, which has not approved the separate U.S.-Marianas negotiations, seriously hopes to prevent a separate status for the Marianas or whether it simply wishes to increase its own bargaining leverage. In any case efforts are underway to obstruct or confuse the separate negotiations, e.g., the COM recently passed a Joint Resolution declaring it has sole authority to negotiate for all of Micronesia and has hinted it may press this claim by court action.

Should it appear that the COM's extension of legislation to the Marianas on matters relating to future status seriously threatens to complicate the U.S. ability to pursue separate negotiations with the Marianas, consideration can be given to promulgation by the Secretary

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of the Interior of an order specifying that such legislation will not be applicable to the Marianas. However, because of the political liabilities associated with this course and the possible implications for the negotiations with the rest of Micronesia, it should be taken only after consultations with the President's Personal Representative and the Under Secretaries Committee and as a last resort. It is requested that the President authorize the Secretary of the Interior to undertake the foregoing step if necessary within the context discussed above.

2. Marianas Timing

The Marianas' expressed interest in establishing at an early date a "close and permanent" relationship with the U.S. clearly differentiating them from the rest of Micronesia suggests they will wish to press expeditiously toward an accord on their future status regardless of what happens in the negotiations with the JCFS. However, given Marianan financial expectations and the size of U.S. land requirements, the nature of the final U.S.-Marianas relationship as well as the progress of negotiations toward it could conceivably depend in part on the pace and direction of U.S.-JCFS discussions, with the Marianas prolonging their own negotiations to scrutinize the other set of talks to identify targets of opportunity for exploitation, particularly in the financial field.

Because the U.S. interest will be best served by an early Marianas agreement, as discussed above, it is important that the U.S. actively pursue substantive discussions with the Marianas prior to the next round of negotiations with the JCFS in an effort to create sufficient momentum toward the early conclusion of a Marianas future status agreement that the Marianas representatives will be committed to that course.

G. Issues for the Future (Sections VI. C. and VII of the study)

The following issues relating to both the Marianas and JCFS negotiations cannot be resolved now, but merit preliminary consideration by the U.S. Government:

1. Termination of the Trusteeship; Self-Determination and the U.N.

Ultimate termination of the Trusteeship Agreement will necessitate an act of self-determination in the Mariana Islands as well as in the rest of the Trust Territory. There are no specific legal requirements as to how the act of self-determination should be conducted, but the general practice has been to confirm popular support for the newly

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agreed status arrangement by a plebiscite. There is general agreement that the Trusteeship Agreement can be terminated only for all six districts at once, although it is also agreed that the Marianas could be separately administered before that termination after a plebiscite confirming the status agreement.

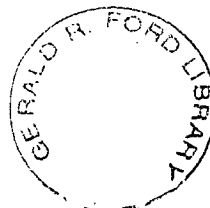
There are differing views regarding the need and advisability of seeking U.N. Security Council approval for termination of the Trusteeship Agreement. The weight of legal opinion, past U.S. statements before the Security Council*, opinions of the International Court of Justice, and the precedent of past Trusteeship terminations strongly support the view that the U.S. should seek U.N. approval for termination. The likelihood of obtaining Security Council approval will depend largely on the terms of the plebiscite offered and the nature of the agreement reached. If the U.S. Government decides to try to obtain Security Council approval and then fails the President may wish to adopt the position that the U.S. obligations under the Trusteeship Agreement are fulfilled, regardless of the views of the Security Council.

If it should be clear in advance that the U.S. cannot hope for approval by the Security Council, the President could decide not to seek such approval and, instead, move directly to the position that the United States' obligations have been fulfilled. However, it would significantly strengthen the legal case for termination of U.S. obligations without the Council's consent if the U.S. first tried to obtain Security Council approval to termination, even if it failed. Therefore, no action should be taken with regard to the Marianas which would prejudice the United States' ability and option to seek Security Council approval.

Whatever course the U.S. Government follows, it will be most important to obtain as much support as possible for its position in the Security and Trusteeship Councils. In that regard, the following requirements appear to be basic with respect to the Marianas:

a. The act of self-determination should provide at a minimum the options of approval or disapproval of the negotiated agreement, be observed by U.N. officials, and be preceded by a political education campaign on the meaning of the options.

**The Department of State notes that, in 1947, the U.S. Representative to the Security Council (Senator Austin), during the Council's consideration of the draft trusteeship agreement, stated that "no amendment or termination can take place without the approval of the Security Council".*



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b. The negotiated agreement must receive a significant majority vote and popular participation must be massive.

c. The negotiated agreement must provide for the highest possible level of self-government. (Commonwealth status is thus the preferred option with respect to U.N. approval.)

The ultimate character, timing, and mechanics of the act of self-determination will be matters for negotiation with the Marianas Status Commission, and possibly the U.N., and must also take into account the likely character of the act of self-determination in the other districts (e.g., whether it will include an independence option). The question of U.S. tactics in the Trusteeship and Security Councils of the U.N., at the time of termination, can be resolved only toward the end of the Trusteeship, and will probably require further Presidential consideration and decisions at that time.

2. Relocation of the Capital of Micronesia

Separation of the Marianas from the rest of the Trust Territory will necessitate relocation of the Micronesian capital from Saipan to some other point within Micronesia. However, any such relocation should be deferred until the future status of the other districts is settled (unless that is long delayed), the organization and physical requirements of the new Micronesian Government are known, and the Micronesians have agreed upon a site for their new capital. The exact timing of relocation and the terms under which it is to be accomplished can be matters for negotiation with the JCFS. (This subject will be considered in greater detail in the companion study dealing with the Micronesian Status Negotiations).

When relocation becomes necessary, the U.S. Government will undoubtedly be called upon to assist in financing the new capital. Estimates of relocation costs run as high as \$30-40 million.

H. Timing Scenario

It is very much in the U.S. interest to move swiftly and forcefully toward establishment of a close relationship with the Marianas. The following lays out for planning purposes an illustrative schedule for negotiating and implementing a change of status for the Mariana Islands District. (Timing is, of course, in the area of tactics and falls largely within the discretion of the President's Personal Representative). The suggested goal is to achieve interim implementation of a new status for the Marianas by no later than the end of 1974 or early 1975. While this goal may later prove unrealistic, a timetable is valuable for planning an appropriate approach to these complex negotiations. There

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will be ongoing consultations with the U.S. Congress, as appropriate, throughout the process.

Step One, Early April 1973:

The President approves negotiating instructions for his Personal Representative containing the nature of the political relationship, the level of U.S. land requirements, and the level of U.S. financial assistance to be negotiated with the Marianas.

Step Two, April 1973:

After Congressional consultations, forward to the Mariana Status Commission an outline of the Presidentially-approved status proposal to focus that body's early consideration on arrangements satisfactory to the U.S. Hopefully, this will help to direct the first substantive negotiations in April-May toward concentration on concrete, substantive elements of a future relationship, rather than on abstract principles.

Step Three, Spring and Summer 1973:

Beginning in late April 1973 and continuing as long as necessary into the spring and summer, negotiate and conclude with the Mariana Status Commission a basic agreement on the future status of that district, and U.S. military land requirements.

Step Four, Summer 1973:

Obtain informal concurrence of interested committees of the U.S. Congress to this agreement.

Step Five, Fall 1973:

Marianas District Legislature consideration and approval of status agreement.

Step Six, Fall or Winter 1973:

Plebiscite (act of self-determination), sponsored jointly by the Mariana District Legislature and United States Government, on agreed status package.

Step Seven, Winter 1973:

Assuming successful outcome of the plebiscite, the Executive Branch's initiation of the necessary legislation and/or pertinent Executive Order providing for interim implementation of the status package during the remaining years of the Trusteeship. Implementation of those portions of

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an Order not requiring successful conclusion of a Constitutional Convention would result in partial but essential first steps toward administrative separation of the Marianas from the TTPI.

Step Eight, Winter 1973 - Spring 1974:

If the Commonwealth proposal is to be the basis of a new relationship, set in motion the machinery for convening a Constitutional Convention.

Step Nine, Summer or Fall 1974:

Adoption of constitution by popular referendum.

Step Ten, Fall - Winter 1974:

Full implementation of interim legislation or Executive Order culminating in the establishment of Marianas Government. At this point, administrative separation of the Mariana Islands District from the TTPI will be fully effective.

Step Eleven, Indefinite Timing:

Following an act of self-determination by the remainder of the Trust Territory, the initiation of action in the U.N. Security Council to end the Trusteeship throughout Micronesia or unilateral termination of the Trusteeship.

I. Recommendations

1. Matters Requiring Presidential Approval

It is recommended that the Under Secretaries Committee endorse and request Presidential approval of the following positions:

a. Negotiating Objectives

-- U.S. primary and secondary negotiating objectives are those listed in Section A of this Summary and in the draft negotiating instructions for the President's Personal Representative. It is in the U.S. interest to conclude an agreement on the future status of the Marianas at the earliest possible date.

b. Future Status

-- Commonwealth, as discussed in section B. of the Summary and Section II of the study, is the optimum future status for the

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Mariana Islands. However, should the Marianas unexpectedly prefer unincorporated territorial status or integration with Guam (and provided integration appears feasible), the President's Personal Representative is authorized to negotiate either.

-- If the Marianas representatives insist on a non-territorial relationship the President's Personal Representative shall seek further instructions.

c. Land

-- The President's Personal Representative, in coordination with interested agencies, will negotiate land acquisitions (preferably purchase, but failing that, long-term lease arrangements for 50-99 years) in the Marianas to meet the U.S. land requirements outlined in Section C of the Summary and Sections IV.A. and B. of the study.

-- These arrangements are to become effective prior to or upon termination of the Trusteeship.

-- The President's Personal Representative, in coordination with interested agencies, will negotiate as necessary the relocation of Tinian's population at a reasonable cost.

-- The President's Personal Representative will seek the unrestricted federal right of eminent domain, retreating to a qualified right similar to that in the U.S. Commonwealth proposal of 1970 only if necessary to conclude an otherwise satisfactory status agreement.

d. Finance

-- To obtain the Marianas' acquiescence to a territorial relationship, the U.S. is prepared to offer the following:

-- Initial direct grant assistance in a range up to \$12 million annually.

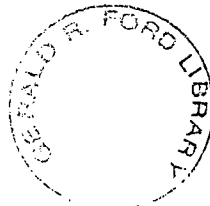
-- The extension of appropriate U.S. federal programs.

-- Appropriate compensation for land acquisition.

-- Short-term transitional assistance.

e. Interim Arrangements

-- To the extent practicable the future status negotiated



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with the Marianas will be implemented as soon as possible after negotiations and a plebiscite in the Marianas endorsing the results. Implementation will be accomplished in a manner consistent with Congressional views, which will be ascertained by the President's Personal Representative.

f. Possible Amendment of Secretarial Order Creating
Micronesian Congress

-- If legislation of the Congress of Micronesia seriously threatens to jeopardize the separate U.S. negotiations with the Marianas, the Secretary of the Interior will, in consultation with the President's Personal Representative for the Micronesia/Marianas Negotiations and the Under Secretaries Committee, decide on the advisability of amending the Secretarial Order establishing the Congress to remove explicitly from its purview authority to legislate for the Marianas in matters pertaining to the latter's future status.

g. U.S. Congress

-- The President's Personal Representative will consult with Congress throughout the negotiating process.

2. Recommendations to the President's Personal Representative

The foregoing recommendations will, if approved by the President and incorporated in negotiating instructions, constitute guidance for the President's Personal Representative on main points at issue in the Marianas negotiations. The following additional recommendations are relevant either to the negotiations or to the subsequent implementation of their results.

a. Land

-- The three possible solutions to the land acquisition problem offered in Section V.D.2. of the study should be examined with a view to exploring the matter with the Marianas Delegation.

-- U.S. positions should include the approach to land alienation described in Section IV.F. of the study.

b. Termination of the Trusteeship

-- A position should be formulated on the holding of a plebiscite taking into account the considerations noted in part VII of the study and, at the appropriate time, discussed with the Marianas Delegation.

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-- Preliminary consideration should be given to U.S. tactics to be used in the Trusteeship and Security Councils when terminating the Trusteeship, following an agreement on future status with the rest of Micronesia.

c. Timing Scenario

-- Note should be taken of the "timing scenario" in section I of the Summary.

3. Draft Terms of Reference

There is attached as Section J of the Summary, a set of draft negotiating instructions from the President to his Personal Representative. It is recommended that the Under Secretaries Committee endorse the draft instructions and transmit them to the White House for approval.

J. Draft Instructions for the President's Personal Representative

1. General

You are authorized to undertake on behalf of the U.S. Government negotiations with representative of the Mariana Islands with the objective of arriving as soon as possible at an agreement providing for the Marianas' close and permanent association with the United States satisfying the following U.S. objectives:

PRIMARY OBJECTIVES

on a parity basis
-- To fashion a close and permanent political relationship with the Mariana Islands District which will extend U.S. sovereignty to those islands and satisfy U.S. security requirements. The latter include: denial of the area for military use by third parties; U.S. control over the foreign and defense affairs of the Mariana Islands; and the right to establish military bases in those islands.

-- To ensure establishment of a stable and friendly Marianas political unit through reasonable satisfaction of the political and economic aspirations of the people of the Marianas.

-- To satisfy U.S. obligations under the Trusteeship Agreement through an act of self-determination leading to self-government for the Marianas.



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SECONDARY OBJECTIVES

-- To structure the status arrangements with the Marianas in such a manner as to have maximum favorable impact on the negotiations with the remaining five districts of Micronesia.

-- To keep United States' financial obligations to the Mariana Islands within reasonable bounds and relevant to the character of our future relationship.

-- To keep U.S. political, economic, and administrative relationships with the Marianas as simple as possible while accomplishing the above objectives.

-- To establish a relationship with the Marianas which will (in addition to meeting U.S. obligations under the Trusteeship Agreement) obtain United Nations approval, or at least that of a majority of the Security Council and of the Trusteeship Council.

2. Status

You should seek initially to reach agreement with the Marianas on a commonwealth arrangement providing internal self-government under a locally drafted constitution. This arrangement should provide for U.S. sovereignty, full U.S. control of defense and foreign affairs, and access to the Federal Court system.

Should the negotiation of a commonwealth arrangement appear impractical because of a clear preference in the Marianas and on Guam for a union of the two areas, or because of a strong preference in the Marianas for unincorporated territorial status, you may negotiate either status.

You should resist pressure from the Marianas to negotiate any status other than a territorial relationship. If pressed, you should note that your instructions are to negotiate a territorial status in response to the Marianas' expressed wishes and that discussion of any looser form of association would logically call into question the desirability of conducting negotiations with the Marianas separate from the rest of Micronesia. If, nonetheless, Marianas negotiators continue to resist territorial status, you should seek further negotiating instructions.

3. Land

The U.S. military and non-military land requirements will be satisfied by arrangements providing for purchase or long-term lease by

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the U.S. Government to take effect as soon as possible. You should make a serious effort to obtain the optimum land requirements in the Marianas outlined by the Department of Defense and endorsed by the Under Secretaries Committee. Recognizing it may not be possible to negotiate this optimum land package, the alternatives are listed in descending order of priority and desirability.

a. Alternative 1

Tinian

- Purchase or lease entire island (26,200 acres) and relocate population off the island.

Saipan

- Joint Use Agreement permitting U.S. military landing rights on and access to facilities of civil airport.

- Purchase or lease 500 acres adjacent to Isley Field runway. Land can be leased back for agricultural purposes.

- Purchase or lease 320 acres at Tanapag Harbor.

Farallon de Medinilla Island

- Purchase or lease entire island (229 acres)
(The purchase or lease of Farallon de Medinilla Island is considered an essential part of all negotiating alternatives and variants, but will not be repeated below.)

If necessary the following variants to the above alternative should be explored thoroughly in the attempt to obtain all of Tinian (with population relocation off the island) and to obtain certain acreages of land/or access rights on Saipan.

(1) First Variant of Alternative 1

Tinian

- Purchase or lease entire island (26,200 acres) and relocate population off the island.

Saipan

- Joint Use Agreement permitting U.S. military landing rights on and access to facilities of civil airport.



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- Purchase or lease 500 acres adjacent to Isley Field runway. Land can be leased back for agricultural purposes.

- Access and use rights to Tanapag Harbor (320 acres). As part of this proposal the Marianas representative would be asked to agree that any subsequent development of Tanapag Harbor would meet criteria set by Department of Defense to insure that Harbor could be used by U.S. forces. The U.S. Government would be willing to furnish planning advice for any subsequent development. The U.S. Government will negotiate and pay rental fees for any usage at the time of U.S. Government use.

(2) Second Variant of Alternative 1

Tinian

- Purchase or lease entire island (26,200 acres) and relocate population off island.

Saipan

- Joint Use Agreement permitting U.S. military landing rights on and access to facilities of civil airport.

- Access and use rights to 500 acres immediately adjacent to Isley Field runway to develop some type of military installation for servicing equipment, etc., whenever the need arises. Any interim civil development would have to meet criteria established by Department of Defense. In turn, the U.S. Government would furnish planning advice and reassure Marianas that in event a military installation was built on this land it would be a high employer. The U.S. Government would negotiate and pay rental fees for any usage at the time of U.S. Government use.

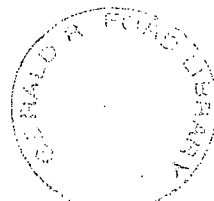
- Access and use rights to Tanapag Harbor (320 acres). As part of this proposal the Marianas representative would be asked to agree that any subsequent development of Tanapag Harbor would meet criteria set by Department of Defense to insure Harbor could be used by U.S. forces. The U.S. Government would be willing to furnish planning advice for any subsequent development. The U.S. Government will negotiate and pay rental fees for any usage at the time of U.S. Government use.

b. Alternative 2

Tinian

- Purchase or lease entire island (26,200 acres) and relocate population off the island.

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c. Alternative 3

Tinian

- Purchase or lease entire island (26,200 acres) but offer to lease back southeast corner for population relocation (about 7,000 acres). The U.S. Government would be willing to sign long-term leases, but would insist on controlling the uses the land can be put to and would not be obligated to leaseback to anyone not currently a resident of Tinian.

d. Alternative 4

Tinian

- Purchase or lease minimum needs (18,515 acres) and relocate population to southeast corner of island.

4. Financial Arrangements

You may propose sufficiently generous financial arrangements to make territorial status attractive to the Marianas, though the arrangements should encourage the Marianas' eventual economic self-sufficiency. Guaranteed minimum levels of direct assistance, based upon mutually-agreed program needs, can be in the range up to \$12 million. In addition, the U.S. expects to extend federal programs and services to the Marianas as appropriate. You may commit the U.S. to short-term assistance to cover any extraordinary transitional costs. You are authorized to negotiate, in coordination with interested agencies, land purchases or leases at reasonable rates, taking into account current land values in the Marianas District. It is important to make clear to the Marianas that all financial arrangements are subject to Congressional authorization and appropriation.

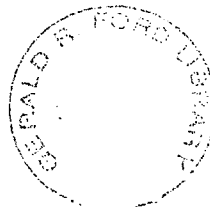
5. Interim Arrangements

Once an agreement on future status has been reached with the Marianas, the U.S. Government will seek to implement its terms, particularly those relating to separate governance of the District, as soon as possible, consistent with the need for Congressional approval. In your discussions with members of Congress you should outline the advantages of early implementation and explore Congressional receptivity to available alternative methods.

6. Congressional Consultation

You should keep the U.S. Congress informed of significant developments in the negotiations with the Marianas.

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7. Responsibilities

Within the foregoing terms of reference, you are authorized to devise and implement the negotiating strategy best designed to achieve U.S. objectives in the negotiations and to determine the composition of the U.S. Delegation and appropriate procedural arrangements, taking into account the responsibilities and interests of the Departments of State, Defense, Interior, and Justice. All U.S. Government agencies and departments will provide you necessary assistance in seeing these negotiations carried to fruition.

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I. Background

A. Description of Mariana Islands District

The Mariana Islands District of the Trust Territory of the Pacific Islands (TTPI) embraces 16 islands (land area: 183.5 square miles) in a 338 mile long north-south chain to the north of the U.S. Territory of Guam. Saipan, the district capital and Trust Territory Headquarters island, lies 120 miles northeast of Guam.

The District's population is estimated at 13,000 with most of that population concentrated on Saipan (10,458*), Tinian (781*) and Rota (1,727*). Chamorro cultural and social values and organization are Hispanic-Filipino, while economic and political values are American oriented. The Chamorros of Guam and the Mariana Islands District are identical ethnically, culturally and linguistically, and have close family and other ties. Their political separation is purely an accident of history. By way of contrast, the Chamorros of the northern Marianas have few cultural, ethnic or other ties with the remainder of Micronesia -- except for the administrative ties of the past 25 years -- and with the Carolinian minority living in the Marianas.

The islands (including Guam) were discovered and claimed for Spain by Magellan in 1521. Spanish administration lasted until the Spanish-American War. Spain then ceded Guam to the United States and sold the northern Mariana Islands (and the other islands of Micronesia) to Germany. The Germans remained until 1914, when they were ousted by the Japanese. The Japanese placed Micronesia, including the northern Marianas, under a League of Nations Mandate at the close of World War I and intensively colonized and economically developed the major islands. In 1944, the U.S. recaptured Guam from the Japanese and also began the American period in the northern Marianas with the capture of the islands that today make up the Mariana Islands District of the Trust Territory.

There are no known mineral or other natural resources of significance in the Marianas. Economic life centers on Trust Territory Government employment and related service industries, a small but growing industry and modest agricultural activity.

**Figures quoted from page 214 of 1971 TTPI Annual Report*

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Henceforth in this study the terms "Marianas" and "Mariana Islands" will refer to the existing administrative district of the TTPI, which does not include Guam.

B. United Nations and the Trust Territory of the Pacific Islands (TTPI)

On April 2, 1947, the United States concluded a Trusteeship Agreement with the Security Council of the United Nations which established the Trust Territory of the Pacific Islands (Micronesia - including the Mariana Islands) and designated the United States as Administering Authority.

The Trusteeship is unique in two respects. First, the U.S. has the power of veto, through both the terms of the Trusteeship Agreement with the Security Council and its membership on the Council, over any termination or amendment of the Trusteeship. Second, the Agreement characterizes the TTPI as a "strategic trust" and permits the U.S. to close off areas of the island for defense purposes. Moreover, the U.S. is allowed to fortify the islands. At the same time, however, the U.S. Government is obligated to develop Micronesia "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 peoples concerned".

The Trusteeship Agreement placed Micronesia under full U.S. administrative and legislative control although it did not give the U.S. de jure sovereignty over the area. But in the last decade pressures have begun to build within the United Nations and Micronesia itself which have reduced U.S. freedom of action in Micronesia and argue for an early termination of the Trusteeship. These pressures have been reinforced by the gradual disappearance of the Trusteeship system. Of the original eleven U.N. Trust Territories nine have been granted independence and only New Guinea and the TTPI remain. Australia, the administering authority of New Guinea, has announced its intention to grant independence to that territory in the near future.

C. The Course of Micronesian Status Negotiations and Marianas Separatism

In the 1960's the U.S. Government began to consider means of terminating the Trusteeship and extending U.S. sovereignty

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to Micronesia. On April 28, 1969, the President approved the recommendation of the Under Secretaries Committee that this be accomplished at an early date, preferably by means of an organic act establishing a U.S. Territory of Micronesia. Simultaneously an action program was to be undertaken to improve the U.S. image and promote Micronesia's economic, political and social development.

An exploratory round of future political status discussions with a Micronesian Congressional Delegation in October 1969, and a trip to the Territory by the Chairman of the U.S. Delegation in January, 1970, produced no agreement but rather made clear that the organic act approach stood no chance of acceptance. At a second round of talks on Saipan in May 1970 the U.S. Delegation proposed a permanent association with the United States as a "Commonwealth". The proposed Commonwealth would have been internally self-governing under a Micronesian-drafted Constitution which would have to have been approved by the residents of the islands and also be consistent with U.S. enabling legislation.

The Micronesian Delegation did not consider the Commonwealth proposal, other than to identify what it considered the objectionable features. Rather the Delegation indicated a strong preference for "free association" with the U.S. based on Micronesian sovereignty, the right of self-determination, the right to draft a Micronesian constitution and the right of unilateral termination of that association. Independence was cited as the delegation's second choice if free association should prove unacceptable to the U.S. An overwhelming majority of the Congress of Micronesia subsequently endorsed the Delegation's position and declared the U.S. Commonwealth proposal unacceptable.

It was at this point that Mariana Islands District separatist sentiment began to emerge in full force. The only members of the Congress of Micronesia to endorse the United States' 1970 Commonwealth proposal were from the Marianas. Following the Congress of Micronesia's rejection of the Commonwealth offer, the Marianas District Legislature passed a resolution endorsing that proposal. The resolution also urged that the Commonwealth proposal be submitted directly to the people of the Mariana Islands for their endorsement, and that the United States proceed with its implementation in the Marianas "until the other districts are ready to decide".

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This development was not unexpected. Since 1959 the Marianas District has sought close and permanent association with the United States. Significantly, the people of that district had clearly expressed and documented their desire for close association through a series of petitions to the U.S. Government and to the U.N., district legislature resolutions, speeches by their representatives in the Congress of Micronesia, testimony before the United Nations and unofficial plebiscites.

In March 1971 the President appointed Dr. F. Haydn Williams as his Personal Representative for Micronesian Status Negotiations with the rank of Ambassador and in July provided him with a negotiating scenario and terms of reference (see Annex I). In essence a "modified Commonwealth" without a termination provision was set as the preferred status option; if that proved impractical he was to seek a modified Commonwealth arrangement with provisions for unilateral termination of the relationship. As further fallbacks he was authorized to pursue a multiple solution involving the fragmentation of Micronesia or a form of "free association" with close ties to the United States.

In October of that year Ambassador Williams met for the first time with the Joint Committee on Future Status (JCFS) of the Congress of Micronesia at Hana, Maui, Hawaii. It was clear at the conclusion of this round that both sides were once again talking and that a great deal of progress had been made in identifying the issues, although the nature of the future relationship remained to be defined. At these same talks the JCFS acknowledged in its opening statement that the Marianas aspired to become "more closely affiliated with the United States" than did the other districts. The U.S. Delegation and the Mariana Delegates on the JCFS informally discussed the possibility of separate negotiations, and the latter were informed that the U.S. would not impose on the Marianas any solution not acceptable to that district.

Near the end of the next round of negotiations in Koror, Palau, in April, 1972, the same Marianas Delegates presented Ambassador Williams with a formal "Statement of Position". This document described the desire of the people of the Marianas to affiliate politically with the

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United States and asked if the U.S. Government would be willing to consider separate discussions with the representatives of the people of that District. In a formal response Ambassador Williams expressed the willingness of the U.S. Government "to respond affirmatively" to the request for separate negotiations.

On April 18, 1972, immediately after the Koror Round and during a visit to Saipan, Ambassador Williams was presented a formal letter signed by eleven key Marianas leaders articulating the desire of the people of the Marianas to "open formal discussions with your government at the earliest opportunity for the purpose of effecting a close political union with the United States". In May, 1972, four representatives of the Mariana Islands presented statements before the Trusteeship Council in New York, in which they traced the history of the Marianas separatist movement and again expressed their peoples' "deep longing" for a closer association with the United States than that promised by negotiations with the JCFS.

Just prior to that Trusteeship Council session the Marianas District Legislature had adopted a resolution endorsing a "close and permanent affiliation with the United States of America" and formed a Mariana Political Status Commission to conduct separate negotiations on behalf of the people of the Marianas. In October, 1972, the Chairman of this Commission informed Ambassador Williams that the Marianas Delegation would be prepared to commence negotiations by the end of the year.

There have been two further rounds of Micronesian talks since Koror, but agreement has not yet been reached on all of the details of the proposed free association relationship. The JCFS continues to look toward a looser rather than a closer form of association. (There is currently underway an interagency study which assesses the state of the Micronesian Status Negotiations and reviews the U.S. position).

The Congress of Micronesia and the JCFS have not formally accepted the decision of the Marianas to negotiate a separate settlement with the United States. Some Micronesian Congressmen have criticized the United States for responding affirmatively to the Marianas' request and on occasion have also charged that the United States and the Marianas are acting

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illegally. A joint resolution was adopted in late February by the Congress of Micronesia which asserts that the JCFS is the sole body authorized to negotiate status matters for all six districts. Still, the Congress seems to recognize the strong separatist sentiments of the Mariana Islands and that it will eventually have to accommodate those views. The U.S. Government has maintained that it has the legal right supported by precedent to negotiate separately with the Marianas District and has so informed the United Nations. The Attorney General of the Trust Territory shares this view and has advised the Congress of Micronesia accordingly.

An immediate and troublesome problem is the Congress of Micronesia's insistence that its present legislative authority extends to all of the districts, including the Marianas. There is legal validity to this argument, so long as the current Secretarial Order establishing the Congress remains in its present form. The Congress of Micronesia could use this authority to attempt to obstruct or at least embarrass the Marianas' efforts to forge a separate relationship with the U.S. (See section VI below).

D. The Opening Round of the Mariana Status Negotiations

The initial negotiating session, held in Saipan on December 13-14, 1972, was mostly ceremonial and exploratory in nature. Nevertheless, it served not only to launch formally the separate negotiations but also to reaffirm the serious intent of both parties to negotiate a close association. The public meetings were characterized by mutual expressions of warm sentiment and were apparently well received by the local population. The one closed working session concentrated on procedural matters and on answering questions posed by the Marianas Delegation. The queries revealed the primary Marianas' concerns to be their future political structure, land, finances and transition to a new status.

The Marianas Delegation noted in its opening statement that it would be investigating three types of status in the U.S. system - unincorporated territory, incorporated territory, and Commonwealth. The Delegation also stated that if existing U.S. territorial models do not satisfy their requirements it might be possible to work out some "unique" status which would do so.



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It is clear that the Marianas Delegation has high financial expectations and will seek federal programs normally extended to members of the American political family, as well as direct budgetary support for the operation of the Marianas Government.

Additionally the Marianas Delegation holds strong views on land and is seeking means within the framework of the U.S. Constitution to prevent non-Marianans from gaining title to land in the Marianas. There are clear indications that, while the Marianas people are not averse to providing land to the U.S. for military basing purposes, they will be extremely tough bargainers with respect to both the area and costs of land.

In general, however, the Marianas Representatives and people appear to be both genuine and serious in their expressed desire for close association with the United States and it is expected they will make a sincere effort to reach an equitable agreement. Many of the hard positions which the Marianas negotiators are now taking and will take are no doubt designed primarily to strengthen their bargaining position and are in part a result of the extreme positions concerning Micronesian future status which the Congress of Micronesia has continued to publicize.

E. Next Steps

The current negotiating instructions make only a brief reference to the desire of the Marianas District for a separate status, and provide as one option the possibility of some fragmentation of the Trust Territory. But they furnish little guidance on conducting separate negotiations. The fundamental needs at this point are: an in-depth consideration of the issues which flow from the opening of separate Marianas negotiations; an assessment of the options and recommended courses of action; and a set of negotiating instructions tailored to the Marianas situation. In considering these issues and options, the study takes into consideration the obvious relationship between the negotiations with the Marianas, and those with the rest of Micronesia -- including the impact of the former on the latter, both positive and negative. The general time frame also must be kept in mind. The next negotiating session with the Marianas Political Status Commission is tentatively scheduled for April 1973. Hopefully, the negotiations can be successfully concluded sometime in 1973 and a plebiscite held shortly thereafter.

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