

JOINT COMMITTEE ON FUTURE STATUS
CONGRESS OF MICRONESIA
Saipan, Mariana Islands 96950
"MICRONESIA"

Lead file
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Sen. Lazarus Salili, Chairman
Rep. Ekpap Sili, Co-Chairman

December 2, 1974

Sen. Toslwo Nakayama
Sen. Andon Amaralch
Sen. Bailey Otter
Sen. Edward DLG. Pangollnan
Sen. Petrus Tun
Sen. Roman Tmetuchi
Sen. Amata Kabua
Sen. Ambilos Iehsi
Sen. John Mangefel
Rep. Herman Q. Guerrero

Ambassador Franklin Haydn Williams
The President's Personal Representative
for Micronesian Status Negotiations
Old Executive Office Building
Washington, D. C.

Dear Ambassador Williams:

I am in receipt of your note of November 30, 1974, concerning the issue of the return of so-called public lands in Micronesia to the rightful owners thereof.

Perhaps there was a massive failure of communications between us at our recent meeting in Honolulu, but I found that your note, and your previous correspondence and news releases on the subject to be far from what I had understood we agreed upon. Our notes of the Honolulu discussions indicate that you have, hopefully unintentionally, misquoted and distorted our position on this question. Let me go over your note point-by-point.

It is true that we did not rule out the return of lands by executive order. However, I thought that we had made it clear that this was a secondary alternative to the accomplishment of the return by legislation enacted by the Congress of Micronesia and signed into law by the Administration. Additionally, I am quite certain that we did make it clear that executive action would not be acceptable unless and until the Joint Committee had the opportunity to consult with the Department of the Interior, and the right to approve the order, prior to its issuance. In this connection, I take the liberty of quoting our minutes of the meeting, which were drawn up before any disagreement was apparent, immediately upon our return to Saipan:

"Chairman Salili explained that our position was that the Joint Committee

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desired that S.B. 296 be signed into law after repassage. If it is not, there could be no progress in the negotiations. Ambassador Williams explored the subject of returning public lands by executive action. Chairman Salili stated that this was not acceptable, and that there was no sentiment for executive action since the Congress of Micronesia had acted . . . (Senator Salili stated that he would prefer effecting the return of public lands by legislation, but could accept a return through executive action if no conditions were placed on the return.)

"It was agreed that the return of lands by executive action would not be unacceptable, if there were advance consultation and input into the order from Micronesia, including participation in the drafting process and approval by the Joint Committee.

I did make the statement that "the results are what counts, not the method", in reference to our ultimate objective of the return of lands without any conditions other than those which the Congress of Micronesia adopted in S.B. 296. At no time could I or would I have endorsed any other position. In the veto message of the High Commissioner, a number of issues were raised. I told you in Honolulu that some of them were basic on which we could not compromise, but others were less basic, which could be adjusted in a new bill in January.

✓ You may have "observed that some form of executive action would be required in any event". I did not do so, and certainly not in the context in which you raise the point. If you recall, you informed us that the matter of return of public lands was beyond your control but was handled by the Interior Department which, again you informed us, was in the process of drafting an executive order. In this you ✓ confirmed my fear that action was being taken without our knowledge. In the face of this accomplished fact, we tried to foretell the issuance of the order by informing you that if the JCFS could participate in drafting the order and approve it before it was issued, we then could accept this approach in view of the fact that both sides desired to move on with the Palau negotiations. To my recollection,

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the only reason that this discussion physically took so much time is that I was seeking some sort of good-faith commitment on the part of the United States to accommodate our interests and desires, above and beyond mere consultation, which I regarded then and still regard now as a meaningless exercise.

Accordingly, you may have checked with Washington as to whether consultation would be acceptable; we made it plain to you at Honolulu, however, that we desired the right of approval as well as consultation. You may not have checked that with Washington.

With regard to your reference to the news release which appeared in the Marianas Variety, we have asked you before not to attempt to determine our position from news releases following status talks. The particular release in question was purposely worded in its general fashion. I presume that your reference is to that portion of the release which reads, "(Senator Salii) said that the Joint Committee took the position that it should participate in the drafting of the executive order to ensure that Micronesian interests are protected." We did not intend this to be inconsistent, nor do we view it as inconsistent, with our position as we expressed it to you that we would require a right of approval. We made it plain to you, I had thought, that mere consultation alone could not possibly protect Micronesian interests. A news release is not a memorandum of understanding; henceforth, please do not treat it as such.

I would appreciate also your refreshing my recollection as to when, if ever, I may have requested that the return of public lands, with the conditions which the United States policy paper proposes to place on that return, should be accomplished by executive action rather than legislation. The Palau Legislature took the position at its special session following the November 1973 negotiations, that if the Congress failed to pass enabling legislation to return lands, they recommended executive action. I agreed. The Congress did act in S.B. 296, and therefore Palau has declared that it opposes the use of executive action. I am unable to ascertain any change of position which we may have made between our Honolulu meeting and my previous messages to you, although we have carefully examined every communication, memorandum, and news release issued by us since that

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time. As I stated above, the only other possible conclusions are that you misunderstood the position which we thought we had explained quite clearly. I am pleased, however, that you have recognized my right to change my position, particularly in light of the fact that such an executive order is being presented to us as a fait accompli. In the latter respect, you may be sure that you did impress that fact upon us at Honolulu. 12

What we would like you to be clear about is that, although all the people of Micronesia agree with the general principle that the United States is holding title to lands which belong to the Micronesian people, and with the Policy Statement's objective of the return of title to those lands, it would be a gross exaggeration to say that the people of Micronesia wished for the conditions which the United States proposed to place on the return of those lands. I have reviewed the transcript of our discussions in November, 1973, and I find that while the Joint Committee did agree to the general principle, we stated specifically that a review of the details of the policy would be necessary at some future time. The Congress of Micronesia, of course, undertook that review in connection with its consideration of S.B. 296. Further, even a cursory examination of the position of the leadership of Palau who were present at that meeting indicates to us that they shared exactly the same position. I am unaware of any other district's presence as a district delegation at that time or at any other time; perhaps you are referring to some other district to which you choose to refer only when it suits your purposes. You also fail to take note of the latest expression of position from Palau, which states explicitly that the Palau Legislature is opposed to return of public land by unilateral action in the form of executive order, although thanks to your "divide and conquer" tactics, this may again change shortly. The Palau Legislature as of this writing is considering calling a special session to consider the land problem. It is my information that a certain person or persons in Palau were led to commit himself or themselves to the return of public land by executive order. They are putting pressure on the Legislature to change its recent position, thanks to you. We regard this activity as a breach of good faith on your part.

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You state that you "now know of nothing that should stand in the way of the wishes of the people of Micronesia for the return of public lands." I know of something: the United States Government's continued refusal to agree to assure the protection of Micronesian Interests, in accordance with our expressed wishes and desires. I know of no one in Micronesia who has ever contemplated that in returning Micronesian lands, the primary objective was the protection of U.S. Interests.

For more than fifteen years the people of Micronesia have demanded the return of their lands, initially through district bodies and, after its creation, through the Congress of Micronesia. For the first time last year, the United States acknowledged its obligation to return the lands--officially and in writing. For this acknowledgment we were not ungrateful. Unfortunately, the conditions set by the U.S. for the return of Micronesian land were designed to protect American interests instead of Micronesian interests. In order to protect Micronesian Interests, the Congress of Micronesia passed S.B. 296, which of course was vetoed. After fighting for so long for what is ours, it would be foolish on our part to accept an executive order which did not require our prior approval. On your part, it would give the appearance of having lived up to your obligation without jeopardizing your selfish interests.

And finally, if there has been any unnecessary delay in connection with the return of title to the so-called public lands, it has been occasioned by the United States having issued the public lands policy without any consultation or input from the people of Micronesia; by the United States having disapproved Senate Bill No. 296; and by the United States still refusing to agree not to issue an executive order without our approval.

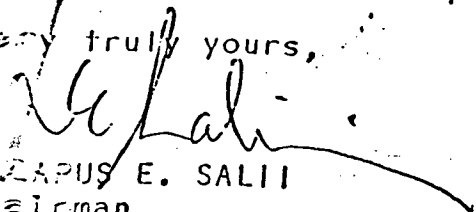
The leadership of the Congress and of the districts of Micronesia will be taking a position as to their posture with regard to the proposed Honolulu meeting with Interior within the next few days. Because of the United States' attitude in this matter, I am reluctantly forced to admit that the prospects for the success of that meeting, if indeed there will be a meeting, are not good. As I stated in Honolulu, and will not repeat, we shall attend the meeting -- if you and Secretary Morton assure us, in advance,

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that the JCFS will fully participate in drafting the order,
and that the JCFS's approval of the order will be required
before its issuance. Only then.

I hope I have made our position quite clear.

Very truly yours,


LAZARUS E. SALII
Chairman