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FROM: USUN: Stress
UNITED STATES GOVERNMENT

memorandum

DATE: August 4, 1980

REPLY TO: H. Carl McCall, USUN

SUBJECT: Marshallese Proposal on Permanent Denial

TO: Rozanne L. Ridgway, Chairman, Micronesia Interagency Group

USUN appreciates the opportunity to comment on your memorandum of July 28, containing the analysis of the Legal Committee on the Marshallese proposal and Amb. Rosenblatt's comments. The Legal Committee's work has been most enlightening and would surely aid the IAG in dealing with problems of language if it is decided that the permanent denial concept should be incorporated into the Compact of Free Association. How we treat the other three issues raised in the Legal Committee memo clearly remains dependent on the position taken on the first issue, which USUN considers to be crucial to UN approval of the post-Trusteeship status arrangements.

Amb. Rosenblatt's memorandum sets out the choices. Again permanent denial is the key issue. OMSN's discussion of this issue, however, greatly minimizes possible UN fallout. It is certainly true that clear and unequivocal Micronesian support would be essential to UN approval of a compact containing a "permanent denial" provision. Even with that support, however, our ability to obtain UN approval of such a compact would be difficult at best. USUN's views are laid out in my memo to you of June 30.

The IAG concluded its meeting on July 1 by deciding (OMSN dissenting) that it was premature to recommend choices to the White House. We continue to believe that it is premature to make a USG decision on the issue of permanent denial until we have answers to the following questions:

A) What is the official position of the Federated States of Micronesia (FSM) and Palau on the permanent denial proposal? We are not aware of any effort to ascertain formally their official views. The permanent denial concept does not appear to be worth pursuing unless all three entities are willing to accept it, and to defend their position publicly. If we make it a condition of the compact and they reject it, we simply do not have a compact. If we force them to accept it begrudgingly, as a precondition for termination of the Trusteeship Agreement, it would be the kiss of death for the compact in the UN approval process.

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B) What is the attitude of key allies to the permanent denial concept? We believe it is important that we get a reading from the French and British members on the Trusteeship Council, as well as from countries of the Asian/Pacific grouping, since their support will be critical in the UN approval process. Given the close and supportive attitude of the UK and France, we really must inform them soon of the critical turn this issue has taken over the past six weeks. If it were not for the fact that the key players in their missions have been away on leave for the month of July, we would have already been guilty of a breach of confidence in not having briefed them on the state-of-play.

C) What will be the ballot choice offered to the Micronesian people in the final plebiscite? Ultimately, what we include in the compact on free association -- including permanent denial -- may not matter from the UN's point of view so long as the choice in the plebiscite ballot clearly allows for an independence option. USUN continues to believe that such a clear choice will be the final litmus test for the UN.