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OMSN-C31-80

THE PRESIDENT'S PERSONAL REPRESENTATIVE
FOR MICRONESIAN STATUS NEGOTIATIONS
WASHINGTON, D.C. 20240

August 15, 1980

MEMORANDUM FOR WALLACE GREEN

Subject: Northern Marshalls (U)

(U) Thank you very much for the package of material under cover of your letter of August 13 to Charles Domnick.

(U) I do not have any specific comment on the substance of either Domnick's incoming or your response because they relate to technical issues with which my staff and I have not been intimately involved. However, I would like to take this occasion to make a broader point which is of paramount importance to the rapid conclusion of the Compact negotiations and to our joint objective of smoothing the transition from trusteeship to free association.

(U) Until recently the inhabitants of the Trust Territory have had little say in the formulation of Washington and Saipan decisions affecting them. This has obviously changed with the establishment of constitutional governments in the FSM and the Marshalls and the consequent devolution of considerable authority to those governments. A good deal of authority has also passed to the Palauans even though they have not yet established their constitutional government. Nearly total authority will pass to all three governments with the termination of the trusteeship. Hence it is logical and, indeed, intended that the TTG and the USG consult with the Micronesian governments on issues affecting them, even where formal authority for those issues has not now passed to them.

(C) For years our two offices, the only Executive Branch agencies dealing with the Micronesians directly on a regular basis, have found themselves in the peculiar position of dealing with the same Micronesian leadership in sharply contrasting ways. Interior has regarded the local Micronesian political leadership (the Congress of Micronesia and the State Legislatures), possessed as it was of only minor decision-making authority, as lying outside of the chain of command through which the most important decisions affecting the TTPI were made and implemented. OMSN has had to deal with these very same individuals in their capacities as members of the political status com-

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missions where they possessed ultimate decision-making authority on the Micronesian side of the future political status negotiations.

(C) With the creation of elected constitutional governments the scope of the Micronesian leaders administrative authority is beginning to catch up to their planary negotiating authority. However, many USG officials are experiencing difficulty in shifting gears. It is now incumbent upon Interior and other agencies dealing with the Micronesians during this transitional phase not only to give effect to the transfer of the full range of legal administrative authority thus far awarded to the fragile new Micronesian governments, but also to consult with them in those areas where the USG retains authority.

(C) Our current failure to consult with the Micronesians as fully as we should is causing difficulties, sometimes acute, in the context of the negotiations even more than in the administrative areas in which the failure of consultation itself occurs. This is because the negotiations remain the one area in U.S.-Micronesian relations in which the USG is obliged to deal with the Micronesian as complete equals. Two recent incidents illustrate the point:

(C) 1. Satellite Communications. Interior has been trying to get the Micronesian to agree to accept a COMSAT system. It appears to be less expensive than would a Japanese system and it is certainly more acceptable on the Hill. The State Department's major concern has been to avoid giving needless offense to the Government of Japan. The GOJ, heeding USG expressions of interest in a Japanese aid program in Micronesia, has been extremely forthcoming in responding to the specific request of the GFSM and the MIG for assistance in the satellite communications field. Neither department appears to have taken adequate pains to insure that either Micronesian government was fully briefed on the reception which a Japanese offer of assistance in this field would receive here. Nor was either government briefed on the USG view that there was a need to insure that the GOJ was not exposed to embarrassment by the rejection of its offer of assistance as a result of U.S. political considerations or because a better offer made by a USG agency (COMSAT). Accordingly, the State Department's decision to brief the GOJ on the situation (an absolutely essential move) without advance consultation with the MIG or the GFSM produced a major

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crisis in our relations with the MIG. I hope that will not prove the case with the GFSM. I trust that we will overcome this problem but, in the meanwhile, negotiations with the MIG on all aspects of future political status have been suspended pending assessment of the situation by President Kabua.

(C) 2. The Northern Marshall Islands Radiation Situation. The 1980 Omnibus Territories bill which requires a DOI report to the Congress on January 1, 1980 became law on March 12, 1980. The preliminary meeting with representatives of the affected peoples and of the MIG to seek their input was not scheduled until August 4. For reasons which are well known Interior was not in a position to give any of the Marshallese parties advance notice of what it would propose for the scope of work and other important related subjects. The MIG objected vehemently, claiming that it could not participate productively unless and until it knew what approach DOI was going to take. After the meeting they said they needed some time to get back to DOI with their comments. I now understand from your referenced letter to Domnick, mailed August 13, that the MIG is to be given only until August 18 to furnish its input.

(C) It would not surprise me if the MIG considered this to be inadequate consultation. Our experience has, as aforesaid, demonstrated that dissatisfaction on the part of the Micronesian governments with USG consultation finds its primary forum and impact in the status negotiations. The Micronesians tend to associate USG performance in consulting with them under the trusteeship with our anticipated handling of the important consultation provisions contained in the Compact of Free Association. In other words, the Micronesians believe that if we do not consult adequately now we will not consult adequately under free association and that the free association relationship contemplated under the Compact is therefore of considerable diminished value.

(U) I therefore draw the following conclusions:

(U) 1. It is a matter of the greatest urgency that officials of the Trust Territory Government and the Departments of Interior and State as well as all other affected agencies take immediate steps to insure that all matters affecting the administration of the TT become the subject of thorough and timely advance consultation with the

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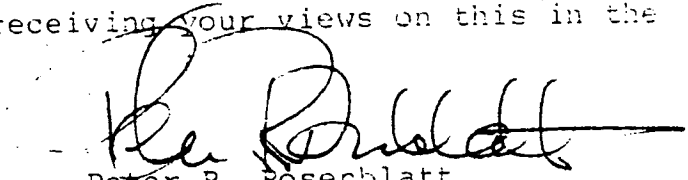
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affected Micronesian governments. This will undoubtedly require changes in procedure and of fundamental outlook towards the Micronesian governments.

(U) 2. I will discuss with the Department of State amendments (already proposed by the MIG) to the agreed foreign policy procedures to strengthen their consultation provisions.

(U) 3. These recent incidents strengthen the conviction which I conveyed to you at our meeting on August 5, that we must have a more effective interagency structure for the coordination of USG activities in the TT during the remainder of the current transitional period. I had suggested the reestablishment of the Micronesian Interagency Group working group on transition under your chairmanship.

(U) I look forward to receiving your views on this in the nearest future.



Peter R. Rosenblatt
Ambassador

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