


OFFICE FOR MICRONESIAN STATUS NEGOTIATIONS
WASHINGTON, D.C. 20240

August 19, 1980


NOTE FOR WALLACE GREEN

At the request of Ambassador Rosenblatt, who left Washington on Saturday for nine days leave, I am sending you a copy of the enclosed report of a telephone conversation I had last Friday with Dick Copaken. Ambassador Rosenblatt asked me to convey to you his concern over the impact on the negotiations of the matters addressed in the report and his desire to discuss the matter with you as soon as possible upon his return--now scheduled for Tuesday, August 26. I might note that this matter usually would have been taken up with Gordon Law but we understand he will be out of Washington for the next week or so.


James D. Berg

Attachment

bcc: Don Gregg, NSC
Jeffrey Farrow, DPS
Rozanne Ridgway, State

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OFFICE FOR MICRONESIAN STATUS NEGOTIATIONS
WASHINGTON, D.C. 20240

August 19, 1980

MEMORANDUM FOR THE FILES

From: James D. Berg

Subject: Telephone Conversation with Richard Copaken
August 15, 1980, 4:00 p.m. to 5:10 p.m.

Copaken called from Cape Cod where he is vacationing to discuss the satellite communications matter and its relation to the free association negotiations. He asked me if OMSN is aware of the Marshallese position that there can be no negotiations on the Compact, its related agreements or the Kwajalein Interim Use Agreement until a reversal is made of the action taken by the Department of State informing the Government of Japan to delay the dispatch of its technical aid mission to the Marshalls. I told him that we were aware of this position and asked if his colleague, Elaine Falender, had briefed him on the August 13 meeting with EA/PIA Deputy Director Mark Mohr on this subject. He said he had not received a briefing so I reviewed it for him.

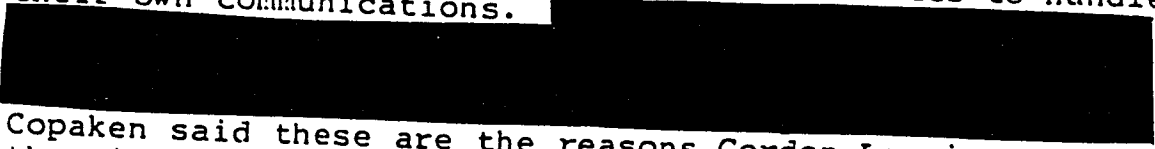
In that session, which was also attended by Barry Israel, associate legal counsel for the FSM, Chuck Downs of the Interior Department and Al Short and myself from OMSN, Mark Mohr reviewed his conversation with Mr. Numata of the Japanese Embassy. He said he told Numata that because several officials in the United States Government had been in contact with the GOJ over the past eighteen months in an effort to facilitate a Japanese decision to approve the principle of economic assistance to the Micronesian states before and after Trusteeship termination, we felt it incumbent to inform the Japanese of the lately developed Congressional opposition to the potential GOJ satellite communications proposals. We believed this information particularly timely since a GOJ technical mission was soon to depart for the Marshall Islands. Mohr also told Falender and Israel that he regretted our not having first discussed this approach with them.

Copaken asked me why the USG did not consult with the Marshallese and FSM representatives before talking to the Japanese. He told me that Interior, the State Department

and OMSW had been on notice that the Marshallese had a large stake in the satellite communications matter, that they were aware of the Congressional concerns and that they expected to be consulted by us prior to our taking any actions. I repeated that we regretted not having consulted with them. Copaken said he was not persuaded that his colleague's (Elaine Falender) suggestion to rework the agreed foreign affairs procedures to provide for prior consultation by the U.S. would be an adequate way of dealing with this issue.

Copaken then said that even if these events had not occurred, the Marshallese Government was justified in deciding that the Compact negotiations were worthless. He recalled that the MIG initialled Article III of Title One of the Compact (the Communications article) with the understanding that, after the termination of the Trusteeship, any of the Micronesian governments would have the authority to manage its international communications including representing itself internationally. He said this is "obviously not the real U.S. position" and cited the following examples to support his view:

a. At a meeting the previous week, Copaken says Gordon Law of the Interior Department told him and MIG Foreign Secretary Tony deBrum that Ambassador Rosenblatt had given away U.S. security interests in communications sections of the Compact and that he (Gordon Law) intended to get it back. Copaken says Law cited national security reasons for opposing the Japanese communications proposal and the ability of the freely associated states to handle their own communications.

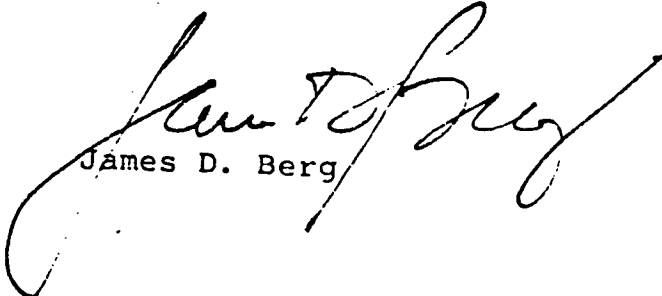


Copaken said these are the reasons Gordon Law is pressing the Micronesians to accept the communications proposals of COMSAT.

b. Copaken said that in his discussions with George Lawler of COMSAT, Copaken had tried to negotiate a clause in the proposal whereunder the Marshalls Government could, at some future date, buy out COMSAT's interest in any earth station. Copaken had told Lawler of the Marshallese position to effect this buy-out immediately upon

termination of the Trusteeship Agreement. He explained that even though the MIG realizes that management of its communications systems will be more expensive, it is willing to pay the price because control over communications is an element "critical to sovereignty". Copaken says Lawler expressed doubt that the MIG could effect the buy-out in the short term but agreed to the clause because "Gordon Law had personally informed him that there was no way the Trusteeship Agreement would terminate in 1981". Copaken says Law told Lawler that 1984 or 1985 was the like termination date.

Copaken claimed that from the above, he is forced to conclude that the negotiating efforts on the Compact have been worthless and that the Marshalls must withdraw its initials from the Compact. I asked Copaken to discuss this matter with responsible USG officials upon his return from vacation prior to reporting conclusions to his client. He agreed to do this.


James D. Berg