

OPENING STATEMENT FROM
THE MICRONESIAN DELEGATION

1. It may assist the discussions if, at this opening meeting, a general statement is made of the position of the Micronesian Delegation.
2. First of all, I would like to refer briefly to Senate Joint Resolution No. 63, which defined the functions of the Political Status Delegation. That Resolution directed the Delegation "to identify the major political, legal and administrative questions which will have to be decided in the event that Micronesia chooses to enter into free association with the United States, and likewise those which will have to be decided if Micronesia chooses to become an independent state." Those are our functions, and those are their limits: to examine questions relating to free association and to independence; and to report back to Congress.
3. We hope that the United States Delegation will be able to make a parallel statement in regard to its own position.
4. In the course of our deliberations, we have reached certain conclusions as to how the functions of the Delegation can be most effectively performed during the current series of meetings. We do not think that it would be profitable to center discussion upon an examination of any of the draft bills that have been prepared for possible introduction in the United States Congress. We propose, instead, that there should be a broad survey of the issues to be resolved - in relation both to free association and to independence - and of the procedures that could best be followed in order to resolve them.
5. At this point, I should perhaps make one comment on a matter of procedure. We recognize that on some issues the position of one delegation may present

difficulties to the other. We suggest that, after examination of any such difficulties, the meeting should proceed to the next item on its agenda.

In other words, we suggest that all the items that may be placed on our agenda should be discussed before we finally return to any unresolved problems.

6. In line with this approach, the Political Status Delegation has decided that I should state the basic conditions that it believes must govern its work and underlie its report to Congress. A proposal for free association between Micronesia and the United States must recognize and be in accordance with the following principles and legal rights:

- (a) That sovereignty in Micronesia resides in the people of Micronesia and its duly constituted government;
- (b) That the people of Micronesia possess the right of self-determination and may therefore choose independence or self-government in free association with any nation or organization of nations;
- (c) That the people of Micronesia have the right to adopt their own constitution and to amend, change or revoke any constitution or governmental plan at any time; and
- (d) That free association should be in the form of a revocable compact, terminable unilaterally by either party.

7. In stating these fundamental principles and claiming these legal rights, we are not unmindful of practical considerations. We recognize that the form in which expression might be given to them will be affected by political, economic, financial and other factors. But recognition of the rights and principles themselves is an essential - a non-negotiable - component of any acceptable scheme for free association between Micronesia and the United States. If the United States should be unable, or unwilling, to recognize each and

all of them, the Delegation would be compelled, in accordance with its terms of reference, to examine the question of independence.

8. There would seem to be two alternative routes by which Micronesia could advance to self-government in free association with the United States. The first is direct and, from the Micronesian point of view, presents few pitfalls; the second is tortuous and beset by difficulties.

First Alternative

9. Micronesia would become independent when the Trusteeship Agreement ceased to be in force and then immediately enter into a free association with the United States, the detailed provisions of which would have been agreed upon by both parties in advance.

10. Under this procedure, the Constitution of Micronesia could gain its legal force from an act of the Micronesian people themselves, through their representatives in the Constitutional Convention. The Convention would adopt the Constitution and declare it to be the Supreme Law of Micronesia from the date at which the Trusteeship Agreement ceased to be in force. The Constitution could be amended only in accordance with the procedure that was prescribed by its own provisions; and United States law would be in force in Micronesia only to the extent that was provided by the Constitution or by laws made under it.

11. The adoption of this procedure would seem desirable on many counts from the Micronesian point of view. It would also have substantial advantages for the United States. In recent years opinion in the United Nations has hardened on the issues of "independence" and "self-government". When the United Nations is asked to accept any alternative to independence, it requires to be convinced

that the status proposed will be entered into freely by the people directly concerned. If it were proposed that Micronesia should proceed from trusteeship to independence and then, as a sovereign power, sign a compact for free association with the United States, doubts in the United Nations would be greatly reduced. In other words, the adoption of the procedure here being suggested would, in our opinion, greatly facilitate the procedure for the termination of the Trusteeship Agreement.

12. We are certain, moreover, that the just interests both of Micronesia and of the United States could be fully safeguarded within this procedural framework, provided we continue to work together in a spirit of friendship and co-operation. We know that this will remain the spirit displayed by the Congress of Micronesia, and we are confident that it will also be the spirit in which the United States Government acts towards Micronesia.

Second Alternative

13. Free association between Micronesia and the United States could become effective at the moment the Trusteeship Agreement ceased to be in force.

14. A decision in favour of this method would be compatible with the framing of a Constitution by a Micronesian Constitutional Convention. It would seem, however, that the Constitution so framed could gain legal force only through an act of, or under the authority of, the United States Congress. We are aware that undertakings might be given, and procedures be adopted, to minimize or perhaps remove - the danger that the Constitution adopted in Micronesia might be changed in the United States. We are aware, too, that the procedure for subsequent amendment of the Constitution might require the express consent of Micronesia to any proposed amendment, given in accordance with due

constitutional process. Yet we remain uneasy as to the manner in which such procedures would work. We would not favour the adoption of this procedure for the enactment of a Constitution, therefore, unless a firm assurance can be given on three points:

- (a) That the Constitution, as adopted by the Convention, would not be amended by the United States;
- (b) That the Constitution should not be required to be consistent with the Constitution of the United States; and
- (c) That the power of amendment of the Constitution should not be limited by a requirement of consistency with the Constitution of the United States.

15. There are, however, other matters associated with the adoption of this method of transition from trusteeship to free association that cause the delegation considerable disquiet. It would appear that the United States Congress might retain legislative power in respect of Micronesia, including the power to amend the Constitution. The scope and effect of such powers would therefore require careful examination.

16. Now, I should like to turn to some other aspects of the problem we are considering - that of transition from United Nations Trusteeship to free association with the United States.

17. First, I should like to consider the legislation that it will be necessary for the United States Congress to pass. You will realize that we are not thinking in terms of an Organic Act and that we are not authorized to consider a draft bill of that character. We are of opinion that United States legislation will be required for three main purposes:

- (a) The creation of authority for the various steps that must be taken before the Trusteeship Agreement ceases to be in force;
- (b) The termination of existing United States powers in Micronesia when Trusteeship ends; and
- (c) The creation of the powers necessary for United States participation in the agreed form of free association.

These subjects, I realize, have been stated rather baldly; but they will gain substance from the remainder of my remarks.

18. Let me now consider some of the subjects on which action - either executive or legislative - will be required during the transition period. I shall list them rather briefly, adding comment only where it seems essential at this stage in our discussions:

- (a) The establishment of a Constitutional Convention;
- (b) The making of provision for a plebiscite under United Nations supervision. It is our understanding that the administration of such a plebiscite would be a responsibility of the United States, as Administering Authority under the Trusteeship Agreement. As you will understand, however, the plebiscite will be an act of the very greatest importance to the Micronesian people, since in it they will, individually as voters, be making a decision as to their country's future. We, therefore, ask that the United States Government should give consideration to appointing a nominee of the Congress of Micronesia as its Plebiscite Administrator or, alternatively, to appointing such a nominee and an American as joint Plebiscite Administrators.
- (c) Establishment of a time schedule for the transfer of governance;

(d) Transitional changes in the structure of the Executive Branch.

In particular, if free association should be agreed on and should be reached by the procedure envisaged in our first alternative, it would be necessary to provide for an Executive to assume office immediately the Trusteeship Agreement ceases to be in force and for that Executive to consist of a person, or persons, associated with the framing of the compact for free association. In other words, authority must exist in Micronesia at the moment of independence to enable the compact between the United States and Micronesia to be brought smoothly into operation.

(e) The establishment of authority for the settlement of all claims between the Micronesian people and the United States as Trustee (and possibly as successor to Japan as Mandator).

19. Next, I should like to refer to a matter on which the Micronesian Delegation will be seeking information, rather than, at this stage, expressing an opinion - the role and function of the United Nations during the period leading up to the termination of the Trusteeship Agreement. We have, I think, a fair idea of the character of the United Nations' association with the plebiscite. But, there remain a number of intricate questions relating, for example, to the United States' approach to the United Nations on the various aspects of the transition, to the role of the various organs of the United Nations in the procedure for termination, and so on.

20. Finally, I think I should refer to a subject that might already be in your own minds. What form of Constitution are the Micronesian people likely to adopt? The Micronesian Delegation realizes, of course, that the United States would be reluctant to enter into a free association with a country

possessing a form of government that was not democratic and that did not protect the rights and freedoms of the individual. The United States Delegation will equally realize that our belief that the Micronesian people should make their own Constitution prevents us from forecasting, in any detail, what they may decide. However, it is possible, I think, to say enough to satisfy any doubts you may have. Our Constitution will contain a Bill of Rights; it will be republican and democratic in form. And, of course, American advice will be welcome when we are drafting it and discussing it. Our traditions, though they differ between one part of Micronesia and another, nowhere incline us towards autocracy; and our association with the United States for more than twenty years has firmly committed us to the values of the free world.

21. There is one subject of great importance which I have not mentioned - and on which I do not intend to speak at this stage: the actual contents of a compact of free association between Micronesia and the United States. This is a subject to which, as you know, the Political Status Delegation has already given some consideration. But it is a subject of great complexity, which I could not usefully discuss except at length. It has seemed best to the Micronesian Delegation, therefore, that we should first ascertain that free association, as we understand it, is acceptable to the United States. For, if it is not, its details will become irrelevant; and our talks will, therefore, take a different direction - an examination of the gains, of the losses, of the perplexities that independence might entail.

22. But, gentlemen, I cannot permit myself to end on this negative note. The form of free association that we are seeking is no more than that which has been freely granted to countries similar to Micronesia in other parts of the Pacific, and of the world. It is no more than free association as the term is

understood by the United Nations - the authority which entrusted the Micronesian people to the care of the United States till they were ready for "independence or self-government". The fact that we are seeking the latter of these alternatives - unlike most former Trust Territories - is an indication of our regard for the United States. It would, indeed, be surprising if agreement were not reached on the basis of the submission that I have made this morning on behalf of the Political Status Delegation of the Congress of Micronesia.