

Minutes of the Meeting of the Joint Committee on Future Status, held at 3:00 p.m., August 24, 1972, in the House Chamber, Congress of Micronesia, Kolonia, Ponape.

RE: TESTIMONY OF THE DISTRICT LEGISLATURES

Secretary: Janet Craley

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Salii: I will now call this meeting to order. This is a meeting of the Joint Committee on Future Status with representatives from several of the District Legislatures. We have a schedule of appearance, and the first to appear will be the Speaker of the Ponape District Legislature, Itor Harris, to be followed by representatives from Kusaie, after which the Palau legislators will appear, followed by Yap, Truk and the Marshalls. I would now like to call on Speaker Harris to come forward.

Harris: Thank you, Mr. Chairman. With me are some members of the Legislature.

Salii: We will proceed by asking the representatives from the Legislature to present to the Committee any statements they may wish to present at this time on the Draft Compact. After their presentation, we will give the Committee members an opportunity to ask any questions they might have. Mr. Speaker, please identify yourself and proceed.

Harris: Thank you, Mr. Chairman. I am Itor Harris, Speaker of the Ponape District Legislature. If I may, I would like to introduce to the Committee members the members of the Legislature with me this afternoon. Mr. Ioanis Edmund, Chairman of the Judicial, and Governmental Operations Committee, and Mr. Kaisano Joseph, Vice-Speaker of the Ponape District Legislature, and Mr. Hilary Conrad, Chairman of the Resources and Development Committee of the Ponape District Legislature.

I have no opening statement, Mr. Chairman, except to express the feeling of the Legislature, as well as the people of Ponape, concerning the future status of Micronesia, and that is, Mr. Chairman, that the Ponape District Legislature has never come up with an official stand whether to endorse or to oppose the recommendations of the Congress of Micronesia with regard to future status, which is free association with the United States.

However, Mr. Chairman, talking informally with the constituents of the Legislature, we have found that many of our people have grave concern about political education, particularly the part of our Government, both executive and legislative, on educating our people on the happenings of the future status of Micronesia and at one time, the Legislature has gone on record for a resolution which directed the executive branch of the district-level, as well as Headquarters level, in implementing a sort of training for our people of Ponape and full information. As yet, we haven't received any reaction to that resolution.

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As I said previously, Mr. Chairman, I have no opening statement and I have several questions concerning this Compact. I would like to have the other members of the Legislature make any statement they wish.

Salii: Thank you, Mr. Speaker. Do the other members have any statements to make at this time?

Edmund: Mr. Chairman, after looking at the Draft Compact that we have here, I personally feel that under Title I, Section 101, of the Draft Compact, a thorough study of the language of this section should be made and the reason is, Mr. Chairman, that I think that "fundamental human rights", as it appears in this section. -- that we would consider the problems of democracy against a Micronesian society. This is not necessarily the case. It seems to me that this provision of the Compact is forcing our Micronesian constituents or our Government to abide by the principles of democratic government which is, to my mind, something that I think is not practicable in Micronesia. That is all, Mr. Chairman.

Salii: Do you have comments on the other Titles?

Edmund: I have no further comment -- just this particular section.

Conrad: Mr. Chairman, actually the thing I was going to mention has already been mentioned by the Speaker. I would like to reemphasize the political education which I think is a prerequisite factor in our political future, especially in terms of the plebiscite, in that I think that some political training ought to be implemented as soon as possible to disseminate the information as stated in all the reports and also in the Draft Compact of Free Association and any other documents related to our political future. That is the only thing I have to mention.

Salii: Mr. Speaker, did you say you had some questions to ask, or will you be prepared to answer questions from the Committee?

Harris: I have several questions on the Titles, but if the members of the Committee would like to ask questions first, I am agreeable.

Oltor: This is not a question, but I would like to clarify, or maybe the word has been given to the Legislators from the different districts, that the negotiations in Washington covered just a partial Draft, and the negotiations covered several titles but not all. Titles IV, VI and VIII were given to us by the United States delegation and we did not have time to discuss these before we left. We asked the delegation to give us their positions so we would be prepared to discuss these Titles during the next round of negotiations.

Harris: Mr. Chairman, if I may, in going through the Draft Compact of Free Association, the language, particularly Defense, leads me to believe the United States will have free access to the use of our land in Micronesia and in exchange for that they will give us the defense of our Micronesian territory. Now, am I correct in believing that our position is that we are giving the right for the use of land in exchange for the defense of Micronesia?

Olter: I think that the U.S. interest in the area -- one of the interests is defense. That is a major interest and it is one we see, not all, but it is related to compensation.

Harris: Mr. Chairman, before I go further in this, I think what I will be saying is not necessarily the opinion of the Legislature. It is merely my personal opinion. My concern in that matter is that the chief U.S. interest is the right to use the land. I would rather have the position of Micronesia, in exchange, for the U.S. to help economically, instead of in exchange to have the protection of U.S. defense forces and I feel very much our first priority is for the progress and steady economy of Micronesia and that is the reason I ask.

Salii: The Committee will take note of that concern. Any more questions, Mr. Speaker.

Harris: No, but I think in going back to the concern of Mr. Edmund, I might have the same feeling. In this Compact it is stated that the people of Micronesia will have the exclusive right to create their own constitution but at the same time, in the same Title, it states that the constitution shall be consistent with the democratic principles. Is it democracy or the constitution of the United States? Mr. Chairman, I have no objection to democracy, but I have some reservations whether our constitution should be consistent with the U.S. constitution.

Olter: If I remember correctly, we negotiated on the ground that whatever constitution the Micronesian Government would like to draft, that constitution should not necessarily be consistent with that of the United States, and I think we reached agreement on that with the U.S. delegation.

Harris: I have another question. We have the right of our internal affairs. I am very interested in marine resources. What would the 3-mile limit be -- would this be an internal or external affairs?

Salii: The limit of the territorial waters in Micronesia would have to be determined by the Government of Micronesia when it becomes in existence and when the boundaries are set, it becomes an internal matter under the proposed Compact.

White: Speaker Harris, in answer to your question, sir, the territorial waters of Micronesia would be an internal matter; however, Section 204(b) of the proposed Compact, does provide that certain activities of the Government of Micronesia which have relationship to external affairs which affect U.S. foreign policy, would be required to be consistent with U.S. policy. It is conceivable that the U.S. could take the position that a territorial limit in excess of what the U.S. is willing to recognize in international law would be inconsistent with U.S. foreign policy and they would attempt to prevent Micronesia from doing that.

this is correct!

- Harris: Are you implying that when the constitution is structured, this matter would be included in our constitution as an internal matter?
- White: It could be included in the constitution. It would seem to me to be more appropriately included in the laws of the Government of Micronesia, rather than the constitution.
- Harris: Thank you, Mr. Chairman. Going back to defense, Section 302(b) uses the word "territory". My concern here is that I would like to have our place not to be referred to in this Compact as a territory. It says "lands and waters in the territory of Micronesia". Would it be appropriate just to say Micronesia, rather than territory?
- Salii: In this case, the word "territory" doesn't refer to the Trust Territory. It refers to the geographical area within the limits of the Nation of Micronesia. It is in lower case; it doesn't refer to the former Trust Territory, just to the area of Micronesia.
- Harris: Thank you. Mr. Chairman, if I may, I still have questions. Title III, Section 305, it mentions the legal status of U.S. military personnel. My question here is what about the nonmilitary civilian personnel. Would their status be the same? Would they have the same protection of whatever protection is given to military civilian employees?
- Salii: Under the Compact, and specifically under that Section 304, the American citizens in Micronesia who are not military personnel, or dependents of military personnel, or not connected by employment with the military, will be subject to Micronesian laws. Military personnel, however, and their dependents and employees of bases will be governed by an agreement covering the behavior and activities of such individuals and that agreement will have to be worked out between Micronesia and the United States.
- Harris: Mr. Chairman, would the Committee care to clarify a little more on the use of our land? Has it been made known what sort of military use the U.S. will be asking, other than bases?
- Salii: Yes, their requirements for land for military use -- basically, those in the Marshalls will be basically what they are now. They will use it for the activities they have conducted at those bases in past years and at the moment that is testing of missiles and research and testing.
- Harris: Mr. Chairman, in the area of research, I may be mistaken, but I think it is a very broad word. In doing research, would the U.S. Government notify the Micronesian Government in the event they want to do any biochemical warfare in the territory?
- Silk: In our discussions with the U.S. delegation, we insisted on changing the nature of use of bases they may have now and may have in the future being negotiated. As to your question on biochemical warfare and weapons, they stated the United States is now in the process of destroying all of its stockpile and that the national policy is not to use those any more, but in the agreement where they will be getting

the military bases, each individual land agreement was to specify the nature of the use of the military basis; that is, if the U.S. wants to change Kwajalein from research and development to something else, this would be in the agreement to specify. I forget the section right now, but our delegation insisted in protection of the environment and ecology wherever military bases are being located.

Harris: Mr. Chairman, excuse me, I have a hope here, but did not include the section. However, in this Compact it allows the U.S. or its allies to use the military facilities in the territory. Are these facilities the ones mentioned in this Compact or would this be extended to other facilities that they will be constructing in the future?

Salii: In reference to the allies, the allies of the U.S. are permitted to use those facilities; permission to use them is confined to whatever the U.S. has under this Compact. If the U.S. acquires a base in Palau, this Compact would allow the allies, in conjunction with -- would allow Australian ships, if they are allies, to come and use those facilities, just as U.S. military personnel and ships would be allowed to use those bases. No additional facilities or additional sites or bases will be given to the allies of the U.S., but the use of U.S. bases will be extended to the allies of the U.S.

Harris: That is only for military facilities?

Salii: Right.

Harris: They won't include R and R to any other district? Would that be included in this agreement?

Salii: The presence of any military personnel outside bases will be covered by Micronesian law and not under this Compact and by the Status of Forces Agreement which has to be worked out by mutual agreement of Micronesia and the United States.

Harris: Mr. Chairman, in Financial Provisions, Title IV, would we have any provision of amendment to this? It seems to me that if the Compact is approved and agreed on, we will have a fixed figure of federal funding to Micronesia. I may be wrong, but what I am interested in is could this be amended, the amount of money?

Salii: Let me point out first of all that there is no Title IV in this Compact. The provision included here is the proposal of the U.S. which we haven't negotiated yet. Right now I can tell you this is not acceptable in this form and this will be a basic subject for the next round of negotiations. In our personal thinking, we are contemplating a provision in the Compact providing a minimum annual amount. The U.S. proposal says an amount not to exceed a figure. We feel they should provide a minimum amount annually and there will be an annex or appendix to the Compact on minimum making provisions for amendment to the financial arrangement as circumstances change.

Harris: I have no more questions, Mr. Chairman.

Salii: Thank you. Are there any other questions from the members of the Committee?

Pangelinan: I would like to address the Speaker or any member of the Legislature to the issue that the Legislature has addressed itself to the concept of Free Association; is the Legislature preserving its prerogative to address itself to the concept of Free Association or is the Legislature preserving its prerogative to address itself at a later time, or do we take it you agree by implication with our negotiations, that you are in agreement with what has taken place?

Harris: Mr. Chairman, again, the Legislature hasn't come up with a decision.

Salii: May I interrupt? The people in the back of the room are interested. Will you please speak louder?

Harris: Thank you, Mr. Chairman. Again, the Legislature hasn't come up with any stand on whether to initiate the Legislature as well as the people to come up with a stand. What the Legislature is doing now is seeing the people of Ponape informally, talking with our people, and finding out their feelings on the progress of the status talks. As I mentioned earlier, what we find mostly is the feeling of our people, the lack of political education in the district. Many of our people are ignorant of what is going on as far as future status is concerned, and again of what is going on as far as future status is concerned, and, again, in the Legislature there has been no decision, either formally or informally, what would be the stand of the Legislature on future status.

Pangelinan: One of the members of the Legislature expressed concern over the additional restrictions of the Compact over the Constitution -- it should not be inconsistent with the fundamental human rights, as well as the principles of democracy. The recommendation earlier was to delete these two items. Do you have any recommendation as to what you would like us to consider if we eliminate these principles of democracy and the protection and guaranteeing of human rights?

Edmund: If I may, Mr. Chairman, my recommendation is that the language of Section 101 of Title I be considered so that our Constitution or the Government of Micronesia would not necessarily be consistent with the principles of democracy, which, I think, is not practicable for our people in Micronesia. A change that will assure us that our Constitution would be such that will fit the conditions of our nation.

Silk: I just want to clear my mind as to the comments by the distinguished gentlemen; when we go back to the negotiating table we will be dealing with the wording, and I wonder whether you can help us -- give us some kind of language you have in mind so we can accommodate the wishes of the people?

- Edmund: Mr. Chairman, if I may, one suggestion that comes to mind at this time is whether or not a definition of fundamental human rights and principles of democracy would be included in this particular section.
- Mangefel: I agree with the education aspect of the whole thing; however, I think sometimes we tend to overemphasize the education aspect. If we look at other countries, those decisions are made by very few people and are not through the democratic process and I think if we look back at ourselves, the decisions are made by the Chiefs and the Nanmwarkis. Let me make it clear, I am in favor of education but sometimes we tend to overemphasize this.
- Guerrero: I think we are all very concerned about the lack of political education and the Congress is doing all it can to help out in this area. I wonder if the gentlemen have any suggestions as to how we should properly pursue education of the Micronesian people?
- Conrad: Actually, I don't have any comment. I think a type of program that would best fit this type of education -- I am speaking of Ponape now -- we have several educational programs. The CAA sponsors an education program which goes from community to community and spends about a week. At the same time, there are several women's groups organized. These groups have been getting some kind of training from adult basic education from the Education Office and also from CAA. Knowing that there is no way to get this information out to the communities, I would think utilizing the present programs would probably get the information to them. That is only on Ponape.
- Guerrero: Do you think that there are adequate vehicles for educating the people in Ponape?
- Conrad: Speaking for myself, I think these programs are very beneficial up to now. I can tell you that the subjects or the courses covered in these programs are well learned by a lot of people. In fact, I am a member of the Board and we have an evaluation committee and we evaluate every now and then and so far we seem to be doing okay in our community.
- Tmetuchl: There seems to be two conflicting opinions as to what role our Government should play in conducting political education. Can a district play a role, too, in political education?
- Harris: Mr. Chairman, my answer could be yes or no. This political education needs funding and the district legislature revenue may not allow such a program to be conducted. Now there were several factors in the past. First of all, the District Legislature felt that the executive branch of our district government should initiate and carry out this training. However, we felt that our executive branch, at the district level, did not make any effort in carrying out such a program and it is apparent in a case whereby we have recommended that our Political Section in the district level, man power be increased so such a person could be assigned to that program. Yet, we were not able to

recruit such a person. I think we have to have in mind that a person that should be running this program, particularly political education, should be a person who is very impartial whereby he could conduct this training in a way where he won't be influencing either for the United States or Micronesia in this part of educating. He should educate on the truth and the facts of what is going on.

Pangelinen: Is the District Legislature aware of our activities in the Congress regarding political status. I wonder whether or not our activities in the Congress are fully appreciated. Do you in the District Legislature understand what is going on in the status negotiations?

Harris: I think I can answer that. In my personal opinion, being a Speaker, I am very aware of what is going on and I agree with the undertakings of the Congress or the Committee, and this is my own personal answer. I don't know if the other gentlemen care to answer.

Edmund: I might add that I think a political education that would express the opinion of our local legislators and also our Congressmen and Senators from Ponape, will be a very good educational program in our district. This kind of a program, I think, where the local legislators can participate in the team that Mr. Harris just mentioned and on the radio we can put on such programs. I am reluctant to recommend, Mr. Chairman, further translation of the reports of the negotiations because the people in our district do not read. I think they prefer listening to what is discussed over the radio or communicated to them from the leaders than reading the translation of the negotiations.

Salii: Thank you very much. Do you have any more comments at this time, Mr. Speaker?

Harris: No, except to just react a little to Congressman Mangefel. He stated that the leadership should be leading the people; that the District Legislature should be deciding what is good for the people; however, we realize that since this is a very important matter that is before every human being in our district, the only reason we emphasize education is that we would like to have our people aware of what is Free Association and what is independence and all this so that when and if the plebiscite arises, our people will be at least aware of what they are voting for. Thank you.

Salii: If there are no more exchanges, I would like to thank the Speaker and the other gentlemen on behalf of the Committee for giving us the benefit of your thoughts on this Compact and on the whole political status question. If, during our stay in Ponape, you have additional comments or questions you might want to ask, please contact any of the members of the Committee.

Harris: Thank you very much. We are honored and grateful to your Committee.

Salii: I would like now to call on the representatives from Kusaie. Gentlemen, we are very pleased to have the opportunity to meet with you this afternoon on the Compact and on the question of our future political status. I would like to ask you to give your names for the record and proceed with any statements you may care to make.

Skilling: I am Norman Skilling, Chief Magistrate of Kusaie, and this is Mr. Hirosi Ismael.

Ismael: Thank you, Mr. Chairman, and the Committee for letting us appear before you and your Committee. Rather than wasting a lot of time with interpretation, the Chief Magistrate would like to convey to the Committee some of our thinking and go on to some questions relative to the Draft Compact.

Kusaieans have been following the negotiation of political status with a great deal of interest. There has been considerable discussion relative to the type of government that the Trust Territory might have in the future. Amongst these are the teachers, high school students, leaders, council people and also with the support of Congress of Micronesian Representative Jacob Sigrah going around in each village. Informally, out of the particular three types of government that were discussed, the people of Kusaie informally endorsed this Free Association. The concern is over the type of representation that Kusaie could have within that new status. There is still a lot of need for further education, further political education. Our concern right now is over adequate representation on the Constitutional Convention. One of our concerns is what type of amendment can be made, if possible, by the Constitutional Convention on any draft, or any further draft of this Compact. It is our Kusaiean feeling that the Political Status Commission should submit all further negotiations for study and review by a Micronesia-wide Constitutional Convention before final decision on any of the Compact. We would like now to go into some of our questions on this Compact.

Mr. Chairman, we would like to turn our attention to Title II, Section 201 (a), the last sentence. Would the Chairman please qualify the words ". . . notwithstanding any other provision of this Compact."

Salii: The reason for that note after Section 201 is there were questions raised by the Micronesian delegation as to the effect of the powers of the United States over foreign affairs and their impact on conditions within Micronesia. In order to insure that regardless of the powers which are given under this Title to the U.S. Government over the foreign affairs of Micronesia, that notwithstanding those powers in the possible interpretation which might be given to them, both sides wanted to insure that the Government of the U.S. would not interfere with the internal affairs of Micronesia. That clause is really not part of the Section and was put down by the Committee as to what it should do later on to amend this section.

Ismael: Our next quarrel is with the same Title (b) on the 5th line, ". . . the United States will, to the extent feasible. . ." We feel that the word "will" should be changed and replaced with the word "must".

Salii: The Committee is pleased to take note of that suggestion.

Ismael: Thank you, Mr. Chairman; our next quarrel is with regard to Section 202, the first sentence, which reads, "The authority of the United States under Section 201 shall include the right to apply to Micronesia any appropriate treaty or agreement to which the United States is a party . . ." We feel there should be a word between "shall" and "include" so that it should read "shall not include".

Salii: Again, the Committee notes the suggestion. I would like, however, to explain the thinking that went behind this section and why it was written as it is now. The whole Title II gives a great deal of authority to the United States in the conduct of Micronesian foreign affairs. On the theoretical side, it is conceivable that the U.S. might sign a treaty binding Micronesia when that treaty might not be beneficial to the people of Micronesia. However, the Committee was convinced that in most international treaties in which more than one nation of the world would be concerned, such as the ban on nuclear proliferation, it would be to the advantage of Micronesia to be a part of such international treaties. Again, on the practical side, if Micronesia opts to stay out of any international agreements between the nations of the world, with respect to environmental protection, with respect to certain standards of health services, and so on, that Micronesia will not be able in any way to enforce its own policies in the world and, therefore, that the protection is not so much on what the U.S. might include Micronesia in, in the broadest sense, but the protection we sought to attain was that if a specific international agreement applies predominantly to Micronesia and doesn't apply to the rest of the world to the same extent, Micronesian consent would be required before the U.S. makes such a treaty for Micronesia or for itself and Micronesia.

Ismael: Our conception, Mr. Chairman, was that the broad responsibility being given to the United States in this respect might be inconsistent with our way of thinking and what we may want and that is to provide some protection and, therefore, it is necessary this clause be inserted.

Salii: We will take note of that.

Ismael: Mr. Chairman, may we turn to Section 307 under Title III? We would like to raise a question here with regard to military bases in a Micronesian society. What is the thinking of the Committee with regard to our own laws, our own law enforcement with regard to crime and the U.S.-military M.P.'s? Would there be any conflict?

Salii: Mike, would you answer that?

White: Thank you, sir. The Status of Forces Agreement which is mentioned in Section 305 will govern all the activities of U.S. personnel and their dependents when they are not present on the military base. This

Agreement, together with the leases of the bases, will govern certain activities on the bases themselves so there will be some control over these military personnel in Micronesia. The U.S. will not be able to do absolutely what it wants on these bases and it won't be able to disobey Micronesian law when their personnel are off the base.

Ismael: May I raise a question? If a crime is committed by a seaman, will he be court martialed or brought to a TT court?

White: This would be subject to the Status of Forces Agreement which we would negotiate. I would anticipate that under those circumstances, the seaman would be tried in the civilian courts, although that is not agreed on yet.

Ismael: We would like to request that the Committee pursue this line of thought so we could get equal penalties for everybody in Micronesia under the same system.

Salii: The Committee will note this suggestion from the people of Kusaie.

Ismael: Let's turn to Title VI, Section 601. Mr. Chairman, would you care to clarify this?

Salii: Section 601 reads, "The Government of Micronesia will have the authority to establish, change or eliminate import duties and other regulations including internal charges, laws and conditions governing the importation of and commerce in goods from outside of Micronesia, subject only to compatibility with relevant United States international obligations."

Ismael: What does the last part of the sentence mean?

Salii: Let me give you an explanation by way of a specific example. Before I do that, let me say that this Title VI was requested by our delegation and presented by the U.S., and it was not negotiated and, therefore, is not part of the negotiated Compact, but merely the initial suggestion by the United States to be considered by the Micronesian delegation. Under that Section, if the U.S. doesn't have any trade relations with a particular country, Micronesia will be prevented from conducting trade with that third country with which the U.S. doesn't have any relationship. The rationale behind this is the U.S. will be in charge of enforcing and protecting the interests of Micronesians abroad and if they have no trade relationship with a third country, it will not be possible for the United States to advance the interests of Micronesia in that country if it has no relationship. So, it is necessary to have that since we are giving certain areas of power to the U.S. in the field of foreign relations and that will have an effect on our commerce and trade relations with the country.

Ismael: So, if it costs \$8 a pound for rice in Australia but Red China offers it for a few dollars, we cannot buy from them.

Salii: As I understand it, under most trade relationships, if Australia sells goods at a lower price than the U.S., Micronesia will not be prevented from buying from Australia, rather than the U.S.

Ismael: But doesn't it imply that because of U.S. trade relations, we are limiting ourselves?

Salii: Yes, in the case of Cuba, where there is an embargo on sugar, Micronesia will be prevented from buying sugar from Cuba. The Committee feels it is a limitation that in the broad aspect of trade, will not adversely affect Micronesia.

Ismael: Are we assured we can get financial support from the U.S. so as not to limit ourselves unduly, although we know you have not gone into the financial aspect yet. This is one of the points we wish the Committee to consider in the financing.

Salii: Thank you very much for making that suggestion. When this Compact is completed, it will contain a Title on Finances. It will also have a figure in terms of dollars as to what the U.S. will pay to Micronesia under this Free Association. It will be up to the Congress of Micronesia and eventually to the people to determine whether the amount received is adequate for us to make these concessions.

Ismael: Thank you. One question is on page 22, the first paragraph, under Section (d), the last sentence, "The Government of the United States shall give sympathetic consideration to such requests." It is our feeling this whole sentence should be deleted.

Silk: You just want to delete the sentence or all of Subsection (d)?

Ismael: We feel the whole of Subsection (d) is very good, we just want to delete the last sentence of it.

Salii: We will note your concern about that wording. Please proceed.

Ismael: The last question is on the same page, the last sentence, which reads, ". . . the Government of Micronesia will refrain from or promptly terminate such activity." We feel there are sufficient concessions already and this should be deleted from the section.

Salii: Thank you for pointing those out. If there are no more questions, I would like to thank both of you on behalf of the Committee for stating your views.

Ismael: Thank you, Mr. Chairman.

Salii:

I will now ask the members from Palau to come forward. Because we are running out of time, we will hear the people from Palau and recess these meetings until a later date to be announced when we will meet with the Yap, Truk and Marshall Islands representatives.

Because I know you, I will introduce your delegation. Mr. Sadang Silmai Vice-Speaker of the Palau Legislature, Mr. George Ngirarsaol, Mr. Joshua Koshiba, and Mr. Tadao Ngotel of the District Legislature. Please proceed with any statement you may wish to make.

Silmai:

Thank you, Mr. Chairman. Before I proceed to make an opening statement, I would like to thank you for this opportunity for the Palau delegation to appear before your Committee.

Mr. Chairman, the Palau District Legislature is represented by seven of the ten members of its Executive Committee, including the Vice-Speaker, Floor Leader, and the Chairmen of three of its four standing committees. In addition, the Mayor of Koror Municipality, which has about half the people of the Palau District, is with us today.

We have reviewed the entire Draft Compact, and at this time we are unable to express our approval of those three titles upon which the Joint Committee on Future Status and the United States Delegation have agreed. The Compact, of course, is at this time in a very incomplete state. And before we can give our assent to all or to any of its contents we must know exactly to what extent the proposed Micronesian Government, in general, and the people of the Palau District, in particular, are surrendering their inalienable right to totally govern their entire affairs, both external and internal.

It is possible, however, for us to make several comments on details within the areas upon which an accord has been agreed. We will restrict our remarks to those areas. The most important of the three provisions for the Palau Legislature Delegation is that relating to defense, and the land requirements sought by the United States for its military capabilities.

The most disconcerting aspect of Title III is the large quantity of land sought by the United States for its military use. At this point, the amount of acreage requested is far too large in relation to any compensation that could be paid to the Palau District.

The Palau District has been engaged in a running battle with the Administering Authority almost since the inception of the Trusteeship Agreement over the ownership of our land, fully 60% of which is claimed by the Trust Territory Government. We have great hopes that the resolution of the status question will resolve this ownership dispute; I can assure you that we will not approve any Compact which does not, as a minimum, conclude the question of the ownership of land in our district to the satisfaction of our people of Palau.

With regard to military requirements, we are obligated further to call to your attention that the Palau District Legislature passed a resolution

in October, 1969, expressing its sense that no military facilities of any kind, or troops of any government, be stationed in the Palau District. No change has been made in those sentiments; the sense of that resolution remains valid today.

We also note that the United States has requested for more land from Palau than it has from any of the other districts. Of course, the Joint Status Committee cannot assume responsibility for ascertaining U.S. military requirements in Micronesia. But we wonder if any attempt was made by the Committee to negotiate a reduction in these land requirements. The record does not indicate this, but we would hope that such negotiations are included within the next round of talks.

We are fearful, too, of the "unknown" military use to which the U.S. might put on our land. The Peleliu Drydock Affairs, for example, raises a great number of questions in our mind. Here, in spite of Administration assurances that this facility is solely for the repair and maintenance of Trust Territory vessels, we continue to receive information indicating that the United States does, indeed, have plans to use that facility for military purposes.

So we must ask, "Does the U.S. plan to store nuclear material or weapons on any of those 2,000 acres it designates in Annex B for its exclusive use?" We must have more definite knowledge of the kind of military activities contemplated on our land, and we want these uses detailed in the Compact, or in the Annex itself.

In summary, then, Mr. Chairman, without further answers to the questions we have raised, we are required to reject the terms of Title III of the Compact and the Annex B thereto.

Two sections of Title II have serious deficiencies, whose wording can only work to the detriment of a new Micronesian Government. First, Section 201 (a), giving the United States "full responsibility for and authority over" foreign affairs provides the United States with an unnecessarily large amount of power in this area. Indeed, the majority of the Legislature's Executive Committee disagrees that the proposed Government should relinquish its total rights in dealing with the sovereign nations of the world. Can we not, for example, retain the right to make commercial, cultural or financial agreements with those nations with whom we wish without obtaining prior consent of the U.S. Government, as Annex A, Section I (d) requires?

The severe restrictions imposed upon us in the area of foreign affairs would truly give us the status in appearance, if not in fact, of continuing as a ward of the United States, and would severely derogate from the free association relationship we seek.

The language of Section 201 (c), in which the United States commits itself to "avoid to the greatest extent possible any interference in internal affairs (of Micronesia) pursuant to its foreign affairs authority presents grave dangers to an infant Micronesian Government. Surely, if the United States deems it necessary to utilize Guam to wage war in an area of the

world many thousands of miles away from its shores, it can also, pursuant to Title III, utilize additional land in Palau, or elsewhere in Micronesia, to do battle anywhere in Southeast Asia or the Far East. Such additional use of land would likely be accompanied by restrictions regulating Micronesian travel and use of such land. Which such regulations and use would undoubtedly interfere with Micronesia's internal affairs, the United States could validly claim it had, and I quote Section 20 (c) again, "avoided to the greatest extent possible any interference in the internal affairs" of Micronesia.

Our remarks could continue, Mr. Chairman, but we desire to learn what our sister district legislatures feel about the Draft Compact. Thank you for this opportunity to appear before the Committee.

Salii: Thank you for your statement. Are there any comments or statements from the other members of the delegation?

Ngirarsaol: Thank you, Mr. Chairman. In this Compact, Mr. Chairman, I note that the U.S. has a request for more land from our district than from the other districts. As of my knowledge, the Legislature has passed a resolution in its October Session, 1969, expressing its desire not to allow any military facilities in Palau District. To me, the sense of this resolution has not changed. I strongly feel that the private lands should be returned to the people or the owner from the Trust Territory Government before the military acquires any land for its use. Thank you very much.

Salii: Are there any other comments?

Ngotel: Thank you, Mr. Chairman. Mr. Chairman and members of the Joint Committee, the Palau Legislature delegation has expressed our position on the Draft Compact of Free Association, but at the risk of repeating what has been said, I would like to make my own personal views known to the Joint Committee.

I personally advocate independence for Palau and Micronesia. I would like to know whether under the proposed free association, and particularly under the proposed Compact, eventual independence would still be possible.

I ask the above question because it seems to me that despite the expressed position of the Joint Committee and previous Congressional groups dealing with this matter that free association is not a permanent relationship; the proposed Compact appears to make the establishment of permanent association of Micronesia inevitable. I am afraid, Mr. Chairman, that we may be tying ourselves permanently to the United States if the Congress and the people of Micronesia approve this proposed draft Compact.

I would now like to turn to specifics in the proposed Compact, particularly those relating to the U.S. military requirements in Micronesia.

First, as much as I am against militarization of Micronesia, I would like to find out from the Joint Committee the meaning of certain provisions, clauses, phrases, and words used in the Draft Compact.

In Title III, Section 302(b), it states that "The Government of the United States may conduct all activities and operations on the lands and waters in the territory of Micronesia necessary for the exercise of its responsibility and authority under Section 302(a). What does this provision entail? Is United States permitted to use our islands for nuclear tests, for example, in the Southwest Islands of Palau? Is the United States permitted to store nuclear weapons in our lagoons? The word "territory" is used in the provision. Does this mean that we will still be a "territory" under free association?

What do the phrases, "exclusive right", "unencumbered right", "full freedom of use and access", in Section 303(a) mean? These are words loaded with all kinds of meanings and implications, and I am very much troubled when I see no qualification of their usage in the Compact.

In Section 303(c) when you agreed to set up procedures for the U.S. to acquire more lands in Micronesia, did not the Joint Committee feel that it had given already too much lands to the United States, as provided in Annex B?

In Section 304(b) you agreed to allow the United States to bring in military units from other countries. Does this mean that the U.S. can set up operations like the one they had on Saipan?

Section 305 provides for regulating of U.S. military and civilian personnel. What about the foreign military civilian employees that are brought in as provided in Section 304(b)?

Section 307 states that the U.S. will "to the extent possible without prejudice to the fulfillment of its defense responsibilities accommodate the expressed wishes of the Government of Micronesia." What does this mean?

What will happen if our internal affairs conflict in a serious way with the U.S. military activities or responsibilities? Will we have our way or the U.S. will prevail?

Finally, Mr. Chairman, I submit that the Committee gave away too much of Palau to the U.S. Military. One-third of Babelthup, as our Vice-Speaker has said, is too much and will be rejected by the people of Palau. I am not also sure what are our rights in our own Malakal Harbor when the U.S. begins to use it. And 40 acres, plus submerged land, is a proposition unacceptable to me, and I am sure, the majority of our people.

I wish and hope that the Joint Committee will provide answers to questions I have raised because as one of the voters to be called upon to approve or disapprove the Compact, I want to be satisfied when I cast my vote. Thank you very much.

Koshiha: I think our Speaker has spoken out our feelings. We cannot approve this Compact at this time because we haven't seen the completion of it yet. I think it is true of all of us that when you buy a car, you want to check the engine and body before you commit yourself to spend your money on it, and we are very concerned about this, and I hope some questions can be answered.

Pangelinan: I have no questions, but from the testimony of the members of the District Legislature, there is a serious concern about military land requirements in Palau. Are you inclined to say that the military should be spread out into the other districts?

Silmai: We are not implying that, Mr. Chairman, that the military will be allowed to go in other districts. We are just making our concern about the land known, and we are not recommending the military to use our land and we have the same feeling for the other districts, and we don't recommend the same thing to other districts that are not good for our place.

Pangelinan: Can you give us your thoughts as to what the minimum or maximum allowance that you will accept in providing military needs of the United States in Palau are?

Silmai: Mr. Chairman, as I pointed out in my opening statement, we cannot give you any size of land because we don't know -- we don't know exactly what are the provisions of the leases in this Compact. ~~we don't know how much offer you can give us, or what these military leases provide.~~ Until we know this, we cannot give you an answer at this time.

Koshiha: In other words, I would like to emphasize, we won't know what kind of military installations. Suppose they want to install nerve gas bombs in our place; then I think we have to raise the price. It depends on the type of operation. At this time we don't want any, but if you are forced to negotiate them, we have to find out the kind of military program they are going to put in our place.

Salii: Are there any more questions?

Mangefel: Am I correct in thinking or assuming that if the right price is offered, and the right thing done on the land acquired, then you will be willing to lease such land?

Silmai: It depends on what kind of military activities will be installed in our place.

Mangefel: That is what I mean -- something you are agreeable with and at the right price, perhaps then you will be willing to agree.

Koshiha: I think you got the question from the answer I put out. My point of view in that area is that Micronesia is weak; it cannot challenge the United States in this kind of matter so if you are forced to do it, you must negotiate on the program you want to put in our place. Thank you.

Silk:

Mr. Chairman, we are talking about this land. I share your concern, too, and I think you have every right to have concern, but the point I'd like to bring out is that when the U.S. said they need this large amount of lands in our sister district of Palau, they indicated they may not need them immediately but they will need them sometime in the future. This is the so-called option clause of the provision. In their briefing to us, they indicated their need to use Malakal Harbor and, in line with their responsibility of policing waters off Micronesia, they would also need places to stop to maintain ships and for Coast Guard stations to see that no other country interferes with our fishing programs and all that, and they will need some land for training, bringing in personnel, U.S. military personnel, to be trained, as in Babelthuap, and they will see that no danger is done to the property and, if there is danger, full compensation should be made, and when leases are made or agreed upon, for the use of specific lands, provisions would be included to insure protection of the environment and the ecology. Now, my question is, to what extent you would like to know more about their requirements.

They mentioned biochemical weapons are no longer part of U.S. weaponry; to what extent this is true, I don't know, but they stated that their policy is to stop using them. As to storage of nuclear weapons, your Joint Committee maintained that we must have some control in the change of the nature of use of any military bases. My question is, how far do you need to know? Do you need to know how many personnel, how many ships, how many airplanes land and take off?

Silmai:

I will refer the question to my colleague.

Koshiha:

In Annex B, Section 2(c), it says, "On the island of Babelthuap, the right to acquire 2,000 acres. . ." Now, we question the amount of land that has been requested. Now, we are concerned with accidents and things like this. I think you have been in Palau, and you saw the signs of the last war, and we are still afraid. What concerns us is what kind of military operation will go there, whether they are going to use our place to store weapons that are offensive, or defensive, or whatever they call it. I think if the military says one battalion is going into Palau and two go in, who is to check on that in Palau District? If they say it is for training only, who is qualified to check if this is being used for storage of nuclear weapons? That is what we want to know.

Silmai:

I would also like to point out that the amount of land required in Babelthuap in the Compact is about one-third of Babelthuap, and I think this is a great amount of land which we are very reluctant to agree to in this Compact. We can see from experience in Guam, and even in Cuba today, which is an independent country, but they have no power to exclude U.S. bases in Cuba, and if we accept the

military and later on it is not good for us, then what power do we have in our hands to say to the U.S. to move out of our small place? These are some of the things the Committee should look into. We don't want to see Babelthuap for full military use where it is restricted for people to go in and use it. I would rather see it used for the benefit of the people of Palau, rather than waste it for military use. Thank you, Mr. Chairman.

Salii: Any more comments?

Koshiha: I have one recommendation, Mr. Chairman, if I may. I would like to recommend to the Committee that until such time as you come up with a complete Compact, we don't want to look at it, and we don't want to come back again and look at one part of the Compact and wait for the rest.

Oltter: Mr. Chairman, I would like to compliment the group from Palau. I do share their concern and we, the members of the Committee, are assured of one thing or another by the United States Government, but knowing how Government negotiators talk and what goes on behind the scene, incident by incident, most of the time they are not true, so I think the best person to negotiate with the United States is Russia, but in this case it appears to be Micronesia. We share your concern and I might ask one of my colleagues if he will accept the proposal to relocate Yap on Babelthuap and give Yap to the military? I'm sorry, the last was only a joke.

Salii: If there are no more questions, we would like to thank the gentlemen from Palau for appearing here today and giving us their views.

Silmai: We thank you and we realize you are in a very tough position on behalf of all Micronesian people, and we do hope that your future negotiations will be successful and beneficial to all of us.

Salii: We thank you, and since you told us you don't want to review an incomplete Compact, you can be assured this Committee will not call on you until we have a complete draft.

The meeting adjourned at 5:15 p.m.

Silk: We are ready to start now, and I would like to invite the Yap delegation to come forward. First of all, I would like to apologize to the gentlemen for the delay, but I am sure you will bear with us. We have been in committee meetings for the past three hours and we are sorry for keeping you longer than scheduled.

Will you please identify yourselves for the record and proceed with your statement, if you have one.

Iyam: Thank you, Mr. Chairman. With your permission, I will introduce Mr. Joachim Falmog, Speaker of the Yap District Legislature, Mr. Francisco Luktun and I am James Iyam.

Mr. Chairman and members of the Committee, we don't have many things to say on the Compact, but I guess you are aware that the Yap District Legislature is supporting the idea of Free Association. In addition to that, I would like also to brief the Committee here that our two delegates to the Congress of Micronesia, Representative Mangefel and Senator Tun, have conducted political education programs in our district, both in Yapese and the outer island vernaculars. This has been broadcast several times on the radio, as well as one trip to the outer islands by Congressman Mangefel.

Now I would like to present the statement of the Yap District Legislature.

It is the feeling of the majority, though not necessarily all of the members of the Yap District Legislature, that those Titles and Annexes of the Draft Compact of Free Association which have been agreed upon by the Micronesian and United States Delegations, are on the whole, acceptable. This is not to say that we feel there is no room for improvement, as there certainly is. I should like now to point out two specific areas of particular concern to the people of Yap.

The first area of concern to us is Subsection (4) of Section (a) of Annex B of the Draft Compact. This subsection gives the United States "Continuing rights to use of existing Coast Guard facilities." The Coast Guard presently maintains a Loran Station on Yap which is a powerful radio transmitter used as a navigational aid for United States Navy ships and aircraft in the Western Pacific. This Loran Station occupies a considerable amount of Yap's limited land area under a 99-year lease that has been in existence for approximately ten years. While we do not wish to deny this valuable navigational aid to the United States military or to the many civilian ships and aircraft of countless countries which navigate by its powerful radio signal, we do feel that the lease should be renegotiated and that this should be provided for in the final Compact.

Land and ownership of land is uniquely important in all Micronesian cultures, and especially in the Yapese culture, because we have so little of it. A man's identity and very name in the Yapese culture is dependent upon the ownership of land. As to the 99-year lease which the Coast Guard holds to lands on Yap, we feel both that the term is too long and the compensation too small. The lease deprives a number of Yapese families of the use of their land for almost two generations. We, therefore, strongly feel that the final Compact should require the renegotiation of the Coast Guard Yap Loran Station lease, and we urge the Joint Committee on Future Status to work toward the inclusion of such a provision in the Compact.

The second area of particular concern to the people of Yap, as far as the Draft Compact is concerned, also involves the ownership of and use of lands, specifically those lands which the present Trust Territory Code in Chapter I of Title 67 refers to as "marine areas." The Code provides that the Government owns all "marine areas" below the ordinary high-water mark. Government ownership to these lands was first asserted by the Japanese during their administration of Micronesia, and the present Trust Territory Government has continued to claim ownership to these lands.

Traditionally, for unnumbered decades and probably for centuries, individual Yapese families held extensive and exclusive rights to specific portions of these so-called "marine areas" inside the Yap reef. Though these exclusive rights probably did not and do not now amount to fee simple ownership in the common law sense, they were extensive in scope and approached fee simple ownership.

The Draft Compact is completely silent on the question of ownership of these "marine areas" which lie inside the various reefs surrounding our Micronesian islands. Since the traditional rights of our people to these "marine areas" have been challenged and clouded for a number of years by the claim of ownership of two different administering governments, we feel that the final Compact should include a clear and unequivocal renunciation by the United States of any claim of ownership whatsoever to the "marine areas" inside our reefs. This would allow these areas to revert to their pre-Japanese status and would allow Micronesian, and particularly Yapese families and individuals to reassert their traditional rights over their portions of these lands. It is very important to us that such a renunciation of ownership by the United States appear in the final Compact. If the United States does not intend to make any claim of ownership to "marine areas" then surely it would not object to specifically renouncing such ownership in the final Compact.

In closing, Mr. Chairman, I want to congratulate the Joint Committee, on behalf of the people of Yap, for the considerable success which it has had in the negotiations to date. We all wish you continued success in your difficult endeavor, and we look forward to the day when the final product of your labors can be presented to the people of Micronesia. We only hope that the final product will include the two provisions which I have outlined here today.

Thank you.

Silk: Do you have any other questions besides the two you raised concerning other sections of the proposed Compact?

Iyams: Thank you, Mr. Chairman. We don't have any further questions.

Mangefel: On behalf of the Yap delegation, they asked me to convey to you that, like the Palau delegation, they have not voted on the Draft Compact because it is not complete, but what appears at this time, they are agreeable at this time, but they, like Palau, ask that you don't call them again until you have the complete Compact.

Silk: The gentlemen may be assured they will not be called back until we have the full Compact. Thank you very much. We will now take up the Marshalls.

Silk: Gentlemen, we apologize for the delay, and hope you will bear with us. Our schedule is a little bit off and I am sure you understand the difficulties. Do you have any statement to make? Before doing so, please identify yourselves for the record and please speak a little louder. I will now call on the Speaker for any remarks he would like to make.

Anien: Thank you, Mr. Chairman, Honorable members of the Committee, and all the membership of the Senate and the House of Representatives. I am Atlen Anien, Speaker of the Marshall Islands Nitijela, and these gentlemen with me are Congressman Hundel Dribo, representing our Fourth Election District, and Congressman Artaje Andrew, representing our 2nd Election District.

We are very honored to be here with you in this important special meeting. I am very sorry that the rest of our delegation is not here but they are arriving on the afternoon flight. We are very honored to be here; as you requested us to be in front of you, but it will not be a long meeting this afternoon because our delegation to this session will not be ready to say something about the important Compact of our future. It is because the copy was finally received by us yesterday, and we havenot had any time to read it. And it is also because anything we say here will be from the Nitijela and from our people, it is important to take a copy back home, translate it into our language and try to let the people study it thoroughly. carefully. seriously. The only thing I will say here is that we will do the best that we can to explain it to the people and try to have them give us what they are thinking and their opinion on it.

My colleagues here probably will have something to say on it, and, with your permission, may I ask that someone from the audience please come up to try to translate what they will say.

Thank you, Mr. Chairman, and with your permission, I will go to the airport to meet the rest of the delegation from the Marshall Islands. Thank you very much.

Silk: Mr. Speaker, if the rest of your delegation is not present here, would you prefer that we call another meeting with you at a later time?

Speaker: I think it would be best for us if you do so. It will be all right.

Silk: Then the meeting is adjourned and we will appreciate if you will tell us the time you wish the Committee to meet.

Speaker: We will do so.

The meeting adjourned at 4:10 p.m.