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Congress for INDEPENDENCE!

The Congress of Micronesia voted to begin negotiations toward independence. A majority of the Congress is now on record in support of an independent Micronesia and there is overwhelming opposition to the incomplete draft of the proposed Compact that was presented to the Congress at the Special Session which met in Ponape August 14 to September 2. Although the Compact never formally came up for approval, sixteen members of the Congress signed a letter opposing it.

A bill to create a constitutional convention passed the Senate but was killed in the House because of a shortage of funds. Other legislation to create a Governmental Transition Commission and a National Unity Commission never got out of committee. Legislation was passed, however, to create a Political Education Commission to be under the aegis of the Congress.

Although many members of the Congress recognize the Marianas' right to freely determine its own future, there was opposition to the "divide and conquer" tactics employed by the U.S. Sen. Roman Tmetuchl introduced a resolution demanding \$200 million compensation from the U.S. for the loss of the Marianas.

The sixteen members of the Congress who signed the letter form a majority of the Congress membership, especially now that the Marianas have decided to join the U.S. The letter states that Micronesia must be in full control of internal and external sovereignty and that "Micronesia must be an independent political state, even for a few minutes" before entering into an agreement with another nation. Any such agreement must be in the form of a treaty, not a compact, and the Micronesian Constitution must remain the supreme law of the land. Another major point is that no military bases be constructed against the wishes of the district involved.

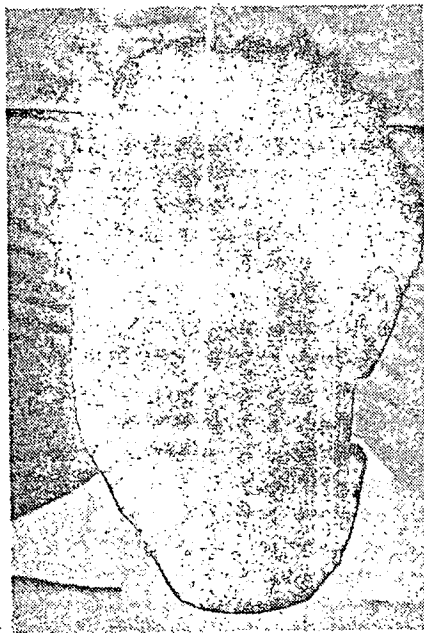
Sen. Ambilos Iehsi Said that "it is now clear that independence is the choice of the majority" and that his previous support for free association should not stand in the way of the

majority point of view. It is also reported that Sen. Lazarus Salii, chairman of the negotiations wanted to remove the ambiguity in the resolution on future negotiations by amending it to read that independence only should be the subject of future rounds of talks. Rep. John Mangefel said if the Congress really wants independence there is no need for further negotiations; the people should tell the U.S., "It has been nice knowing you."

Two parts of the Compact remain to be written, provisions relating to finances and termination, but the five titles that were presented to the Congress for approval give the U.S. complete control over foreign affairs and defense and allow U.S. interference in the internal affairs of Micronesia if American foreign policy dictates make it necessary. The Compact also

specifies military "needs" for 32,000 acres in Babelthaup (over a quarter of the total land area of the Palau District) plus an airport and a shipyard. In the Marshalls, the U.S. reiterated its demand for retention of Kwajelein but this time states it "needs" to re-occupy part of Bikini and Eniwetok. Eniwetok, of course, is being slowly destroyed by the Air Force and Army. The U.S. also wants "occasional and emergency rights" in all of Micronesia. There were no limitations placed on the water area the U.S. could close off.

Opposition to the Compact was not limited to the letter; at least 8 speeches were given. Hans Wiliander spoke of the U.S. as a "manipulator, not a benefactor" and Ataji Balos said: "We



LAZARUS SALII

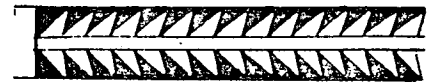
have forgotten that we have before us a choice. We can ratify the Compact and seal our fate forever. Or, we can begin the process of remembering all that we have forgotten about ourselves."

The next round of talks is scheduled to begin September 28 at Barbers



ROMAN TMETUHL

Point Naval Air Station in Hawaii. Why the Micronesian negotiators agreed to meet at an American military base is unclear. It had been planned that the talks would deal with finances and termination procedures but now that the Congress has voted to negotiate for independence and so much opposition to the Compact was voiced, the Joint Political Status Committee may have to change strategies. □



Beginning with this issue the Newsletter will be published quarterly with additional supplements when conditions warrant. Issues will be longer and, hopefully, more interesting.

Editorial

Too much energy is spent on negotiating with the United States. It is too easily forgotten that under the Trusteeship Agreement the U.S. can build its bases and Americanize the people NOW; it has never waited for Micronesian approval for what it has wanted. The people of Bikini were given two weeks notice to vacate their island. When the need for the new Tinian Air Force Base became urgent the U.S. suddenly decided to agree to the annexation of the Marianas. If Nixon is re-elected, outright annexation of all of Micronesia is not unlikely.

With American money and American intelligence agents on the loose all over Micronesia, a great deal more attention needs to be placed on internal needs. The rapid convening of the Constitutional Convention is a necessity if Micronesia is going to be able to stand up to the U.S. Without a common sense of purpose and a set of governmental institutions, Micronesia will never be able to meet the onslaught of America's "Manifest Destiny." Senator Salii is correct in pointing out the need for immediate action.

Micronesia needs the help of the United Nations and new nations outside the American orbit. There are many Asians and Africans who have fought for their independence and who would be very willing to help Micronesia through advice and even financial aid. Instead of hiring expensive American consultants, Micronesia should consider asking for help from people who are real experts in handling colonialist nations--the newly independent people themselves.

Negotiations may not be the answer. The U.S. will negotiate only so long as it does not have an urgent need for more military bases. The example of the Marianas should be in the forefront of every Micronesian's mind. When the need for more land in Palau and the Marshalls becomes more urgent the U.S. will not hesitate to annex the rest of Micronesia. The U.S. will try to present the world with an alternative to annexation but only the Micronesian people can guarantee the freedom of Micronesia.

THE COMPACT

As it now stands, the proposed Compact would make Micronesia perpetually dependent on the U. S. Government. Most funding would come through annual appropriations that could be altered and cut at will by the U. S. Congress each year. In addition, without prior adoption of a Micronesian Constitution, U. S. foreign policy dictates would take precedence over Micronesian law even if Micronesia should attempt to terminate the association sometime in the future. The American demand that a Mutual Security Pact be negotiated prior to the termination of the Trusteeship Agreement would further limit Micronesia's future options.

There are six important areas that the Congress and the people of Micronesia should consider regarding the proposed Compact.

1. COMPACT AND CONSTITUTION

Without the prior adoption of a Micronesian Constitution, which in a legal sense creates the "people of Micronesia," there are real doubts whether the adoption of the Compact, even if ratified by the people, would be a legitimate expression of self-determination. The Constitution, in effect creates Micronesia. Furthermore, without a constitution that precedes, and, therefore, has pre-eminence over the Compact, termination would leave Micronesia without provisions relating to external affairs and without a clear-cut legal-institutional basis vis a vis other nations.

Most important, of course, a prior ratification of the Compact could result in the Compact becoming the supreme law of the land.

2. FINANCING

As proposed in Title IV, long-term funding would be promised by the U. S. executive branch but would be dependent on annual appropriations by the U. S. Congress. Past experience with Congressional appropriations should make it clear that the U. S. Congress cannot be relied upon to provide regular con-

tinuing support for Micronesia.

Most important in this regard, transcripts of previous talks indicate that U. S. hopes to provide a great deal of funding through regular federal programs. There are some major disadvantages to this method of funding, in addition to them being annual appropriations. First, continuity is virtually impossible because programs are frequently altered and discontinued. Especially in Micronesia where implementation takes longer than in the U. S., this can be problematic. Second, these funds come with strings attached. Funding is based on adherence to federal regulations and on constant federal supervision. Experience in the U. S. suggests that many local governments find administrative expenses overbearing, programs not suited to their local needs, and on a number of occasions state and local governments have been forced to refund money already spent because of minor violations of federal regulations.

It should be clear the funding through federal programs would leave the Congress almost completely out of appropriations and supervisory role it is obliged to direct.

3. FOREIGN AFFAIRS

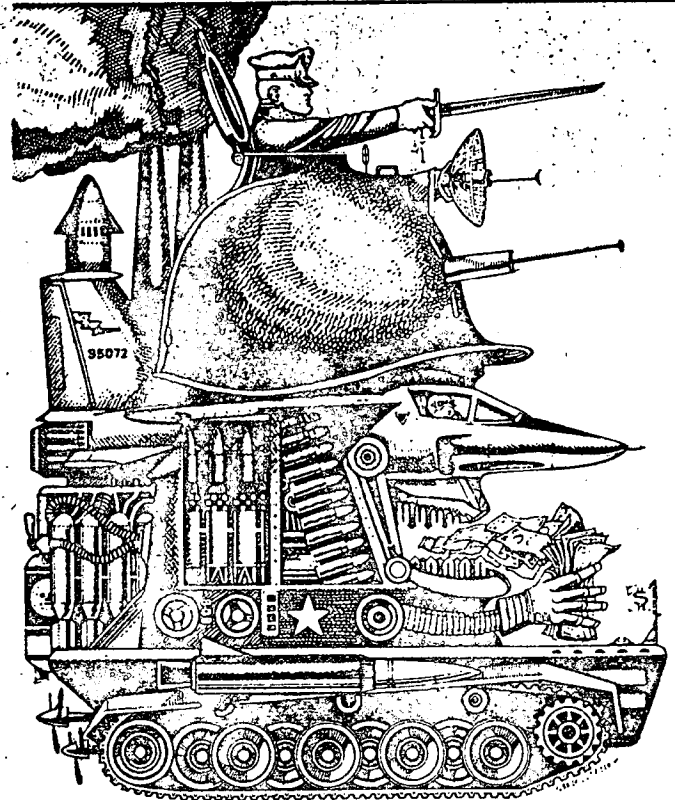
The U.S. has defined "free association" as a status where one nation controls foreign affairs and the other internal affairs, nothing in United Nations analyses of this status suggests that there is any one easy way to distinguish between internal and external affairs, yet the U.S. has insisted that such a distinction is possible and that foreign affairs have dominance over internal affairs at the expense of Micronesia's right to determine its own policy. Although Title I, Section 102 says that: "The duly constituted Government of Micronesia shall have full responsibility for and authority over the internal affairs of Micronesia", Title 2, Section 201 seriously qualifies this right. Paragraph (a) says: "The Government of the United States shall have full responsibility for and authority over all matters which relate to the foreign affairs of Micronesia, not withstanding any other provision of this Compact."

And although Annex A says that Micronesia must promptly terminate any activity which "conflicts or is likely to conflict" with international commitments responsibilities or policies of the United States, the related U.S. statement on internal affairs says that the U.S. will "avoid to the greatest possible extent any interference in internal affairs" and then concludes by saying that there are certain unspecified "internal affairs pursuant to its foreign affairs authority."

4. MILITARY BASES

If the people of Micronesia should decide to allow U.S. military bases, the following considerations should be carefully analyzed in the proposed Compact.

First, the Congress should demand more specific information on bases-- their size, their purposes and their conduciveness to a peaceful world. This is especially important regarding Bikini



and Eniwetok where the proposed Compact suggests that there may be continued military activity that was not mentioned at the Hana and Palau talks.

Second, although the U.S. has given specific figures on land acreage it needs, it has not done so regarding water area. Large portions of the Marshalls have been closed and the Compact says nothing that would prevent the U.S. from restricting Micronesian fishing rights.

Third, the proposed Compact grants the U.S. rights to additional use of land for "occasional and emergency use." These terms are far from restrictive enough and would allow the U.S. to move troops and equipment to any part of Micronesia without Micronesia's approval or prior notification. As presently stated, U.S. Marines could enter Ponape, for example, for extended maneuvers on private property.

Section 303 (c) provides that Micronesia must promptly respond to U.S. requests for additional land, but it should be made clear in the Compact that under no circumstances is Micronesia obliged to provide additional land.

Perhaps most important, provision should be made in the Compact for clear-cut procedures by which the U.S. would guarantee the environmental safety of Micronesia and be obliged to provide Environmental Impact reports prior to any military construction. The Micronesian government should retain a veto power over unfavorable projects.

5. TRADE AND COMMERCE

Title VI on trade and commerce, while not yet complete makes it clear that U.S. foreign policy again directs Micronesia's right to control trade and commerce. Section 601 (a) states that Micronesian trade regulations must be "compatible" with relevant U.S. international obligations. This phrase should be deleted from the Compact.

The future Government of Micronesia ought to have more than "consent" power regarding air and sea routes to Micronesia, as the Compact now states.

6. IMMIGRATION

Title VIII on Immigration and Travel is perhaps the most hazardous title. Confusion of reciprocity with equality, the title would allow almost unrestricted American emigration to Micronesia if Micronesia opted for similar rights to enter the U.S. The U.S. can absorb Micronesian immigration much more easily than Micronesia can absorb American business interests, vacationers, and escapees.

Making Micronesians American nationals would inevitably lead to a brain-drain and the creation of responsibilities by the U.S. which would far outweigh any advantages to be gained. Certainly the status of American Samoans carried with it few advantages Micronesians do not already have or could secure from the U.S.

Furthermore, Section 306 of the draft Compact which allows Micronesians to volunteer for service in the American Armed Forces would encourage this practice and should be deleted from the Compact.

CONCLUSION

This is, of course, only a very general analysis of an incomplete document. Two titles, V and VII, are completely missing from the draft that has been presented to the Congress.

In its present form there are still serious uncertainties about distinguishing between internal and external affairs which are presently worded to the detriment of Micronesian interests. And there are questions about finances, trade, citizenship and about the extent of military power. Most important, termination procedures are completely omitted.

In conclusion, assuming the proposed draft Compact really granted Micronesia complete self-government, then only disagreement about defense and foreign affairs would lead to a Micronesian desire to terminate the Compact but it is precisely in this area where the U.S. is seeking to limit future options on the part of Micronesia. In fact, as it stands, however, the Compact does not even provide for internal self-government for Micronesia. □