



THE SENATE
CONGRESS OF MICRONESIA
SAIPAN, MARIANA ISLANDS 96950

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COMMITTEE ON
JUDICIARY AND
GOVERNMENTAL OPERATIONS
Andon Amaraich, Chairman

Olympio T. Borja
Lazarus Salli
Petrus Tun
Ambilos Iehsi

STANDING COM. REPT. NO. 229

September 1, 1972

RE: S.J.R. No. 117

The Honorable Amata Kabua
President of the Senate
Fourth Congress of Micronesia
Second Special Session, 1972

Dear Sir:

Your Committee on Judiciary and Governmental Operations to which was referred S.J.R. No. 117, ENTITLED:

S.J.R. No. 117, "A SENATE JOINT RESOLUTION AUTHORIZING AND DIRECTING THE JOINT COMMITTEE ON FUTURE STATUS TO CONDUCT SIMULTANEOUS NEGOTIATIONS WITH THE UNITED STATES REGARDING THE ESTABLISHMENT OF MICRONESIA AS AN INDEPENDENT NATION";

begs leave to report as follows:

The intent and purpose of this resolution is amply set forth in its title.

Your Committee considered this Resolution in considerable depth. We want to make it clear at the outset that we do not, in any way, pass upon the merits of those provisions of the Draft Compact of Free Association which was presented to the Congress earlier this Session. We note, however, that even after three years and five rounds of negotiation, considerable opposition to the provisions of that Compact was expressed by many of the witnesses before the Joint Committee on Future Status when it met with representatives of the several District Legislatures. We would therefore believe it prudent for the Congress to direct the Joint Committee to begin negotiating alternative forms of political status, in case the Compact which will eventually be agreed upon by the two delegations to the status talks eventually proves unacceptable to the Congress and people of Micronesia. We note the agreement of the Chairman of the Joint Committee in this regard.

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Secondly, we believe that the submission of only one form of political association to the people of Micronesia in a plebiscite, a simple yes-no proposition, does not represent the kind of choice which the people of Micronesia should have on the all-important question of our future political status. We believe that actual alternatives should be presented to the people, so that there can be a clear choice. Based upon the acts and deliberations of the Congress of Micronesia during its 1970 session, we believe that independence -- which appears to have strong and growing support in the Congress and among the people -- should be presented to the people as a political alternative.

In support of this Resolution, we note the provisions of the United Nations Charter and the Trusteeship Agreement, which call upon the administering authority to develop Micronesia toward "self-government or independence, as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned." (Trusteeship Agreement, Article 6 (1); emphasis supplied).

Finally, we note that, from a practical standpoint, the negotiation of independence for Micronesia is highly advisable at this time. It would avoid considerable duplication of effort if the compact of free association were rejected. We cannot afford the four or five additional years in negotiation toward the establishment of an independent Micronesia which would be required if negotiations had to start all over again from the beginning.

Your Committee offers some amendments to the Resolution. These amendments serve two purposes. The first is to clarify the word "simultaneous" which appears in the original version of the Resolution. It is the intent of the Resolution, as we determine it, that these negotiations need not take place at exactly the same time as the continuation of the present negotiations toward free association. The simple deletion of the word would create the impression that Congress intends to discard free association as a political alternative, a result which we do not think the Congress intends to reach at this point. The amendment would clarify what we do expect the Joint Committee to accomplish.

The second is the insertion of two additional "whereas" clauses to clarify the legislative intent of the Congress in requesting the Joint Committee to conduct negotiations toward independence.

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The amendments are listed as follows:

1. In the title, line 2, the word "simultaneous" is deleted.

2. In the title, following the word "nation", the words "while continuing negotiations toward free association" are inserted.

3. On page 1, following line 12, the following is inserted:

"WHEREAS, the emerging agreement on free association between Micronesia and the United States may provide for terms and conditions other than those which the Congress of Micronesia desires, and which may not be in the best interest of the people of Micronesia, and hence would not be acceptable to the Congress or the people; and

WHEREAS, in the event that an agreement on free association proves unacceptable to the Congress and people of Micronesia, the Congress finds that independence is the only viable alternative for the future political status of Micronesia; and"

4. On page 1, line 22, the word "simultaneous" is deleted.

5. On page 1, line 23, following the word "nation", the words "while continuing negotiations toward free association" are inserted.

This Resolution is not a declaration of independence; nevertheless, it is one of the most historically significant documents our Congress has ever considered. We see independence as a viable alternative for Micronesia, at least as viable as free association as it has been presented to us in the form of the Partial Draft Compact. We would also like to see the Joint Committee negotiate with the United States regarding independence for Micronesia, not only as a basis for comparison, but also for the benefit of the many people in Micronesia who do in fact believe that independence is the only alternative. We hope that our people, in voting on their future status in the near future, will have a clear choice, and that the generations to come will be able to recognize the wisdom of that choice.

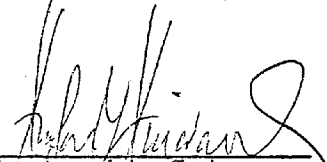
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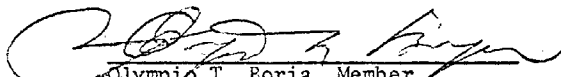
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Accordingly, your Committee is in complete accord with the intent and purposes of Senate Joint Resolution No. 117, and recommends that the same be adopted.


Respectfully submitted,




Andon Amaraich, Chairman



Olympio T. Borja, Member
DO NOT CONCERN



Lazarus E. Salii, Member



Petrus Tun, Member

Ambilos Iehsi, Member

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A SENATE JOINT RESOLUTION

Authorizing and directing the Joint Committee on Future Status to conduct ~~with the~~ negotiations with the United States regarding the establishment of Micronesia as an independent nation, while continuing negotiations toward free association.

1 WHEREAS, the 1947 U.N. Trusteeship Agreement also provides for the
2 development of the Trust Territory of the Pacific Islands towards
3 Independence; and

4 WHEREAS, the Congress of Micronesia in 1970 adopted the alternative
5 of Free Association with the understanding that if the Congress of
6 Micronesia and the United States fail to reach an agreement, Micronesia
7 has no other alternative but Independence; and

8 WHEREAS, the Congress of Micronesia through its representatives has
9 not reached after three years and five rounds of negotiations an agreement
10 with the United States along the lines of "Four Basic Principles and
11 Legal Rights of Free Association" as established by House Joint Resolution
12 No. 102; and

13 WHEREAS, the emerging agreement on free association between Micronesia
14 and the United States may provide for terms and conditions other than those
15 which the Congress of Micronesia desires, and which may not be in the best
16 interest of the people of Micronesia, and hence would not be acceptable to
17 the Congress or the people; and

18 WHEREAS, in the event that an agreement on free association proves
19 unacceptable to the Congress and people of Micronesia, the Congress finds
20 that independence is the only viable alternative for the future political
21 status of Micronesia; and

22 WHEREAS, it is a sacred duty and responsibility of the Congress of
23 Micronesia to explore fully the alternative of Independence so as to
24 enable the people of Micronesia to genuinely exercise their inevitable
25 right of self-determination on the choices between Free Association and

1 Independence during the plebiscite at the termination of the Trusteeship
2 Agreement; now, therefore,

3 BE IT RESOLVED by the Senate, Fourth Congress of Micronesia, Second
4 Special Session, 1972, the House of Representatives, that the Joint
5 Committee on Future Status is hereby authorized and directed to conduct
6 ~~simultaneous~~ negotiations with the United States regarding the establish-
7 ment of Micronesia as an independent nation, while continuing negotiations
8 toward free association; and

9 BE IT FURTHER RESOLVED that certified copies of this Joint Resolution
10 be transmitted to the Chairman of the Joint Committee on Future Status
11 and the President's Personal Representative to the Micronesian Status
12 Negotiations.

13
14 Date: _____ Introduced by: _____
15 Roman Tmetuchl