

STATEMENT BY JAMES M. WILSON, JR.
UNITED STATES DEPUTY REPRESENTATIVE
FOR MICRONESIAN STATUS NEGOTIATIONS BEFORE
THE TERRITORIES AND INSULAR AFFAIRS SUBCOMMITTEE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE

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MONDAY, JANUARY 29, 1973

Mr. Chairman, Members of the Sub Committee:

It is a privilege to appear for the first time before the members of this subcommittee to discuss progress in our talks on the future political status of the Trust Territories of the Pacific Islands.

Ambassador Haydn Williams, the President's Personal Representative for these talks, would be only too pleased to respond in person to your chairman's invitation. Unfortunately his other responsibilities as President of the Asia Foundation have made it necessary for him to be out of the country on an extended trip. As his deputy I will do my best to update this subcommittee on the recent course of the negotiations and then try to answer any of your questions.

Ambassador Williams has appeared informally before the members of this subcommittee on many occasions. His last formal appearance seems to have been something over a year ago in executive session. With your indulgence then it would probably be worth while as a starting point to go back to the negotiating situation as it existed in November 1971 and trace the major events since that time.

A major intervening development, -- the formal acquiescence in the request of the Mariana Islands District for separate status talks -- makes it necessary to divide this presentation essentially into two parts. The first will deal with our negotiations with the Congress of Micronesia's Joint Committee on Future Status. The second will sketch the events in the separate Marianas discussions.

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NEGOTIATIONS WITH THE JOINT COMMITTEE

You will recall that in November 1971 Ambassador Williams had just completed a third formal round of discussions with the Joint Committee at Hana, Maui, Hawaii. This had resulted in a series of agreements in principle covering six major topics previously at issue. These were:

- (1) The Micronesian request for a "Compact of Free Association" in lieu of the earlier U.S. offers of modified territorial and commonwealth status, which they had rejected;
- (2) Means for satisfying U.S. ²⁾ future land requirements for military and civilian purposes and at the same time meeting Micronesian desires for the return of their lands held in public trust;
- (3) Determinations regarding the future applicability to Micronesia of U.S. laws and the extent to which the future government of Micronesia would legislate its own affairs;
- (4) The extent to which U.S. Federal Programs and Services might be made available in the future;
- (5) The anticipated future needs of the people of Micronesia for financial and economic assistance and the willingness of the United States to extend future assistance; and
- (6) Arrangements for terminating any Compact of Free Association and residual arrangements.

The Fourth Round

Both sides had agreed to study these matters further and to meet again as soon as possible. The next meeting was in fact held at Koror, Palau, in April 1972. This fourth round served to confirm the agreements reached at Hana and resolved most of the remaining differences in principle. These were set forth in the joint communique issued at the conclusion of the talks,

copies of which have been made available to this sub-committee.

So far as the Compact of Free Association was concerned it was agreed that the instrument itself after final negotiation would be submitted for approval to the United States Congress and the Congress of Micronesia. Thereafter it would be put to the people of Micronesia for their approval or disapproval in a plebescite which would represent the exercise of their right of self determination.

Under the Compact the U.S. Government would have responsibility for external affairs and defense; the Micronesian Government, for internal affairs. The Micronesian Government would be free to negotiate and sign contracts not involving intergovernmental obligations and responsibilities and to participate in appropriate regional organizations. It would also be fully consulted on international matters involving the interests of the people of Micronesia.

Micronesia would also be expected to draw up and adopt its own constitution, which would not have to be consistent with the U.S. Constitution so long as it guaranteed the peoples' fundamental rights and freedoms and was not inconsistent with the compact. The U.S. would have no power to amend it. The Micronesians would, so long as the original conditions regarding fundamental rights and consistency with the compact were met.

On the sensitive issue of land it was agreed that U.S. military and civilian needs would be negotiated before there was a change in Political Status of the TTPI. Thereafter all public trust lands would revert to the Micronesians and the U.S. would have no power of eminent domain. The Government of Micronesia, however, would obligate itself to negotiate in good faith any subsequent or emergency U.S. military requirements.

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After considerable discussion it was decided that the Compact could be terminated by unilateral action of either party after it had been in effect for an agreed number of years. The exact number of years was not established and this was left for further discussion. Upon termination of the Compact U.S. military leases would continue in effect for their originally designated term of years, and that arrangements would be made to protect larger U.S. security interests in the area after determination.

Financial and transitional arrangements were left for further discussion and agreement.

The Fifth Round

After Koror the two sides met again in July and August last year here in Washington to begin work on the actual draft of the Compact. Tentative agreement was reached on the text of a Preamble and articles on Internal Affairs, Foreign Affairs and Defense together with annexes on foreign affairs responsibilities and agreed U.S. military requirements. This committee has been provided with the text of these drafts. It was stipulated between the two delegations, however, that the text would be considered as tentative and preliminary pending agreement on the Compact as a whole.

Things thus appeared to be moving very well after the Fifth Round, although work still had to be done on finance, trade and commerce, nationality, transitional arrangements and further important details of termination. Then in September the Congress of Micronesia met in special session in Ponape. After receiving the report of its Joint Committee on Future Status it specifically failed to endorse the draft articles put

together in Washington and instead passed a joint resolution which "authorizes and directs the Joint Committee on Future Status to conduct negotiations with the United States regarding the establishment of Micronesia as an independent nation, while continuing negotiations toward Free Association." In its report the Congress indicated a desire to put to the people of Micronesia in the final plebiscite two choices: one for free association; one for independence.

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The Joint Resolution of the Congress of Micronesia, coming as it did just on the eve of the scheduled resumption of talks between the two delegations, gave rise to a large measure of uncertainty. When the Sixth Round began at the end of last September at Barbers Point, Hawaii, the United States Delegation pointed out the inconsistency introduced in the previous position of the Micronesian Delegation, which until that point had maintained that its efforts were focussed on the development of a mutually agreeable text of a Compact of Free Association. Efforts to elicit from the Micronesian Delegation what they had in mind by way of an "independence option" were turned aside. In response the Chairman of the Micronesian Delegation said on this issue:

"You have ... suggested some exploration now of the position of those who espouse full independence as the immediate result of the termination of the trusteeship. We will give this suggestion thoughtful consideration. It appears to us, however, that an effort to deal in depth with the alternative status of independence at this time would be diversionary and premature. In our view priority could be given to continued good faith efforts by both delegations to complete promptly a draft Compact of Free Association."

For its part the United States Delegation expressed the need to consider these new developments most carefully, and both sides agreed to recess the talks to provide each with an opportunity to study its position further.

No attempt was made to continue the joint drafting process. Meanwhile

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was agreed that a survey of precise U.S. military requirements in Palau would proceed, with participation by members of the Micronesian Joint Committee.

Recent Developments

(B) Since last October there have been two further developments. In November the regular elections for the Congress of Micronesia were held, resulting in the defeat of two members of the Joint Committee and a contested election in the case of the committee's co-chairman. Under the circumstances the Joint Committee's Chairman decided it would be impossible as a practical matter to meet with the U.S. delegation before the new Congress of Micronesia convened in regular session the first part of this month and indeed that no further meetings would be possible until late spring at the earliest.

In November also some of the traditional leaders, magistrates and district legislators in Palau met and issued a so-called "declaration" in which they expressed their opposition to the U.S. military requirements in Palau. This had been made an issue during the election campaign, when a considerable amount of misinformation regarding the nature of the U.S. requirements and U.S. intentions was disseminated. Ambassador Williams and the Chairman of the Joint Committee visited Palau together last month in an effort to clear up these misunderstandings, which appeared to be initially successful. Unhappily, however, thanks to subsequent efforts of unfriendly individuals in Palau, considerable misinformation still appears to persist. Further efforts will be necessary to straighten out the record, although the land survey scheduled earlier may be able to proceed in the near future.

During the intervening period the Executive Branch has been urged to

a reassessment of the United States position - a process which is continuing. Upon its completion the members of this committee may be sure that we will, as in the past, consult fully regarding any changes in the position previously outlined to you. You will of course be kept continuously informed of any new developments.

MARIANAS NEGOTIATIONS

In his last formal statement to this sub-committee Ambassador Williams noted that the Third Round of talks at Hana had brought out the desire of the Marianas for a close and permanent association with the U.S. This had been acknowledged by the full Micronesian Delegation, and the prospect that a separate status would be negotiated for the Marianas had been openly recognized by the Chairman of the Micronesian Joint Committee. Subsequently during the Fourth Round at Foror the representatives of the Marianas on the Joint Committee officially requested separate status negotiations with the United States. The U.S. Delegation after careful consideration agreed. Ambassador Williams said at the time:

"As the record shows, U.S. policy as the Administering Authority for the Trust Territory of the Pacific Islands has been to develop Micronesia toward a common status upon termination of the Trusteeship Agreement and our efforts have been directed toward this end. ...

"The further pursuit and implementation of this objective, against the expressed will of the people of the Marianas, would deny them their right of self-determination and impose upon them a future political status which they have said is unacceptable.

"Under these circumstances, I would like to state that my Government is willing to respond affirmatively to the request that has been formally presented to us today to enter into separate negotiations with the representatives of the Marianas in order to satisfy a desire which the Joint Committee has already recognized."

The Marianas' request by no means represented a new development. They and again in the past they and their leaders had expressed dissatisfaction with the "accident of history" which led to the U.S. acquisition of Guam.

the end of the Spanish-American War had lumped the rest of the Marianas with the Carolines and Marshalls, first under the Germans and then under the Japanese and Americans. The people of the Northern Marianas by history, tradition, language and ethnic and family ties had been linked with Guam from time immemorial. (They had nothing in common with the rest of Micronesia.)

Their initial desire, expressed in a long series of votes and petitions to the United States and the United Nations, was for reunification with Guam. This appeared to be the easiest method of achieving their long sought after goal of becoming a part of the American family. Guam, however, was not so enthusiastic back in 1969, rejecting the idea of unification in a preliminary vote. When it appeared that the rest of Micronesia had a chance to become part of the U.S. family under the initial U.S. territorial and commonwealth proposals, likewise, the Marianas had been willing to go along. But when it became clear in the summer of 1970 that the rest of Micronesia was bent on a much looser form of free association the Marianas drew back and asked to be considered for a different and closer status.

Opening Discussions in Saipan

The formal opening of separate status talks took place in Saipan on the 13th of last month with a Marianas Political Status Commission established by a resolution of the Marianas District Legislature. Its Chairman, Senator Edward Pangelinan, is the senior Marianas representative on the Micronesian Joint Status Committee. Its co-chairman is the President of the Marianas District Legislature. The other 13 members represent a cross section of various groups and opinions in the Marianas, both governmental and non-governmental.

The meetings themselves were largely ceremonial in nature, with a gala opening ceremony followed by plenary and working sessions of the two delegations. The results are fairly reflected in the joint communique issued at the close of the talks, copies of which have been made available to this sub-committee. The two delegations agreed to meet again in the spring - possibly as early as April - after the Marianas delegation had a chance to study out the details of its position.

The forthcoming discussions will undoubtedly concentrate on three major areas:

(1) The form of political association, i.e. whether the Marianas will have some form of modified commonwealth or territorial status or some other, which will be put to the U.S. Congress for its approval and also the people of the Marianas;

(2) The land question: U.S. military requirements (primarily on the Island of Tinian) on the one hand, and the desire of the Marianas for return of all public trust and military retention lands on the other, together with some sort of arrangement - as yet unspecified - which will provide protection to the residents of the Marianas against the future alienation of their land; and

(3) Financial and economic arrangements to apply in the future, whether through the extension of Federal programs or through some form of grants in aid.

As in the case of the rest of the TIFI transitional arrangements will also be of great importance. But termination will not be, for if the new arrangement meets with the approval of the U.S. Congress and the Marianas, this is expected to be a permanent association.

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The Executive Branch at the present time is busy developing the details of the U.S. position on these and related matters. Again, as in the case of our negotiations with the Micronesian Joint Committee, we will expect to stay in close consultation with the interested Committees of the Congress including this Committee in particular and will value most highly your wise advice and counsel.

CONCLUSION

Let me sum up this brief recitation of developments, Mr. Chairman, by saying that we appear at this time to be at something of a water shed. We shall be embarking shortly on a new set of negotiations with the Marianas. At the same time we will be reassessing our respective positions further on both sides with respect to the other five districts of the TTPI with a view to a resumption of discussions on this subject somewhat later in the spring. Throughout we shall have in mind the three principal interests of the United States in this matter outlined by Ambassador Williams to this Committee a year ago:

- "(1) Our general concern for the long-term welfare of the people [of Micronesia];
- "(2) Our legal and moral obligations as the administering authority under our agreement with the U.N.; and
- "(3) Our larger Pacific role and our commitments with respect to the maintenance of peace and stability in the Pacific Ocean area."

Thank you, Mr. Chairman. This concludes my statement.

DIGRESSION

At this point, Mr. Chairman, if you believe it would be useful, I might digress from my prepared statement to pick up for the benefit of the new members of the sub-committee in the briefest manner possible the general outline of events prior to Ambassador Williams' last formal appearance.

The U.S. by agreement with the U.N. has been the administering authority for the Trust Territory of the Pacific Islands since the end of World War II. This area also referred to as Micronesia-- is made up of something over 2,000 islands spread across a vast expanse of the Pacific Ocean just north of the equator, roughly the extent of the Continental United States less Alaska. There are around 100,000 inhabitants living in a dry land area of less than 700 square miles. It is divided geographically into three island groups (The Marshalls, the Carolines and the Marianas) and politically into six districts (Marshalls, Ponape, Truk, Yap, Palau and Marianas).

Between World War I and II Micronesia was controlled by Japan under a League Of Nations Mandate; between 1900 and World War I, by Germany; and for 350 years before that, by Spain. Guam, which is geographically the southernmost island in the Marianas chain, was acquired by the U.S. from Spain at the end of the Spanish American War. It is not part of the TTPI but an unincorporated territory of the U.S.

Under the terms of the Trusteeship Agreement the United States is obligated to "promote the development of the inhabitants ...

toward self-governments or independence as may be appropriate

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to the particular circumstances of the Trust Territory and its people and the freely expressed wishes of the people concerned."

For a number of years the U.S. has been engaged in a series of discussions with the Micronesians, represented by a Joint Committee of their Congress, aimed at determining what their future political status should be.

In 1969 the Micronesian Congress conducted its own study of this subject and after examining various alternatives concluded that their first preference would be for "a status of self government in free association with the United States." The U.S. in turn proposed status as an unincorporated territory of the United States. That was turned down by the Micronesians. We then proposed a modified commonwealth status. That was similarly rejected. In a third round of talks a new proposal for a compact of free association was considered with the results indicated in my statement, which I shall resume with your permission.

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