

REMARKS BY SENATOR KENDALE - JUNE 4, 1974

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Mr. President, and distinguished members of the Forty-First United Nations Trusteeship Council:

It is a distinct honor and a pleasure for me to appear before you today on behalf of the people of Micronesia. May I join with my colleague, Representative Sigrah, in conveying to you the greetings and best wishes of the Congress of Micronesia.

The Fifth Congress of Micronesia recently concluded its Second Regular Session, and again demonstrated its ability to shoulder the increasing burdens of self-government. Following an anticipated Special Session next month, the Fifth Congress, like its predecessors, will have considered and enacted more legislation, of greater importance and scope, than any previous Congress.

Several important pieces of legislation were adopted by the Congress at its recent session and have become law. First and foremost among these is a bill calling for a Constitutional

Convention for Micronesia. The passage of this bill represents the fulfillment of a long-standing desire of the people of Micronesia. It is a giant step forward ^{found} the realization of self-government for Micronesia. The Convention, which will probably be held next year, will consist of sixty delegates. Six of the delegates will be members of the Congress of Micronesia, appointed by each district's Congressional delegation. Twelve of the delegates will be traditional leaders of Micronesia, two from each district. And the remaining forty-two delegates will be elected directly by the people. Once the Convention adopts a draft constitution, the Congress of Micronesia and the High Commissioner will certify it to the people of Micronesia in a popular referendum.

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A second important bill which was recently passed by the Congress is a measure providing for the orderly administration of the Executive Branch of the Trust Territory Government through the establishment of procedures concerning administrative law. A bureaucracy may be a fact of life in the government of today; but this does not mean that the Government should not

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constantly be reminded that it is the servant of the people, and not their master. The new procedures established by the administrative law act will go a long way toward making the Government increasingly accessible and responsible to the people of Micronesia.

A third important piece of legislation adopted will result in the creation of a separate Kusaie District in 1977. This district, which as a result of a historical accident was grouped with Ponape District for many years, will finally realize one of its long-standing hopes.

But much important legislation remains to be considered at the forthcoming special session. Most important is a bill which would result in the return of most public lands from the control of the central government to the people of the ^{respective} districts. The Council knows how important our land is to the people of Micronesia; it is precious to us, and occupies a unique place in our culture. The accomplishment of the return of public lands will ~~also~~ result in a great increase in local control of our development. All of us in the Congress of Micronesia were pleased that the Administering Authority had finally acceded to our long-standing requests to return to the Micronesian people that which was rightfully ours.

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Yet, while the Congress of Micronesia has done much toward the achievement of political and economic self-reliance for the people of Micronesia, there remains much more to be done. Too often, however, the best interests of Micronesia are still being given consideration by the Administering Authority secondary to the consideration of what it believes are in its own interests.

Despite the best efforts of the Congress to make meaningful contributions to political, economic, and social reforms in the Trust Territory, the Congress is frequently frustrated in those efforts by the disapproval of badly-needed legislation. And despite the recommendation of this Council last year, and the repeated requests from the Congress of Micronesia over the years, the Administering Authority has been unwilling to permit any changes in the power of the High Commissioner to disapprove legislation. Nearly one bill out of every six adopted by the Fifth Congress to date has been disapproved by the High Commissioner, a rate double that of the previous Congress. This to us represents an extremely unwelcome and unfortunate trend at a time when the Administering Authority is supposed to be advancing Micronesia's development toward self-government, instead of

restricting it. Much important and far-reaching legislation was disapproved, including a bill making important reforms in our public service; including the extension of the authority of the Congress over the appointment of chiefs of our important operating divisions; a bill which would have provided for the education of handicapped children; and, for the second time, a bill providing a body of admiralty and maritime law for Micronesia.

It is evident that the basic power structure in Micronesia has not been changed. Important decisions continue to be made in Washington. The most senior positions in the Executive and Judicial branches of our Government are still held by expatriates. This marks the thirtieth year of the Administration of Micronesia by the United States; one wonders how long it takes to prepare for the duties of these positions -- and how much longer we will have to wait. It should be obvious that self-government cannot be a reality until Micronesians occupy these positions. The continued appointment of expatriates can only result in divided loyalties. The Trusteeship Agreement seems to place important obligations toward the people of Micronesia on the Administering Authority. The United States

undertook these obligations willingly. It would seem that United States policy toward Micronesia should be directed toward the fulfillment of these obligations. Unfortunately, it has not been. The interests of the United States and of Micronesia have on far too many occasions been different.

To whom is an expatriate High Commissioner expected to answer in such cases?

To the President of the United States, the man who appointed him, and the chief executive of the nation to which he owes allegiance as a citizen?

Or to the people of Micronesia, whose welfare he is obliged to protect by

virtue of the Trusteeship? A man cannot serve two masters. It is time

for the Administering Authority to realize this.

The Congress of Micronesia has been firmly committed to the economic development of the Trust Territory, to the maximum extent desired by the people of Micronesia. Yet, even as this Council was meeting last year, the High Commissioner was acting to place into effect a set of restrictions on the use of land in Tinian, which would have resulted in an absolute halt to the homesteading program, to the leasing of land, and to doing business by noncitizens. This action came as a direct result of the United States' desire to acquire the island for military purposes. There was no advance

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consultation with the people of Tinian, with the Marianas District Legislature, or with the Congress of Micronesia. The decision, in fact, was maintained as an official government secret until its discovery by a committee of the Congress several months later. To this date, the restrictions still have not been lifted, despite the urgings of the Congress. We are informed that the decision came directly from the Office of Micronesian Status Negotiations in Washington.

Last year, this Council was informed of the initiation of a new program of political education for Micronesia. The Congress of Micronesia had supported this program from the outset. But the program was not able to be started in earnest until earlier this year, because the original transcripts of the program were censored and disapproved by the Administering Authority. The Office of Micronesian Status Negotiations refused to permit the use of these original transcripts, and instead returned a revised and edited program to Micronesia, which contained only the basest of propaganda and distortion written by the Administering Authority for its own purposes and not with the idea of fair and impartial political education for Micronesia. Only after the Congress' Joint Committee on Future Status

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raised its strenuous objections was the program permitted to take place. I am pleased to report that the program has finally been initiated, and we are monitoring its progress most carefully.

As part of its growing responsibilities for the welfare of Micronesia, the Congress has taken an increasingly more thorough approach to the legislative process. Yet, on occasion, the lack of co-operation by the Administration and the Administering Authority has been most disappointing. When a committee of the Congress was studying the issue of the return of public lands to the people of Micronesia, three employees of the Executive Branch, on orders from Washington reinforced by the High Commissioner, refused to testify. They were cited for contempt of Congress, but the Attorney General, who had represented them at the original hearing, refused to prosecute the alleged offenders. As a result, the Congress was forced to bring suit against the Attorney General to compel the enforcement of the laws. This dilemma of conflicting roles does not speak well of the Administration's efforts toward the political development of Micronesia.

Congress has, on several occasions, endorsed the Micronesian

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Services Program and the positive contribution it has made to the people of Micronesia. Late last year, the High Commissioner disapproved funds for the continuation of the program. Whatever his motives, his action would have had the effect of denying the benefits of the program to the people of Micronesia. It was only through the intervention of the entire Congress of Micronesia leadership at the United States Office of Economic Opportunity that the program was restored.

An important part of self-reliance is the ability to develop the economy of Micronesia. Certainly, a basic transportation infrastructure is necessary. For several years, the Congress of Micronesia has attempted to provide for the upgrading and improvement of our transportation services. Yet control of air and sea transportation remain the exclusive province of the Administering Authority. Our shipping line, TransPacific Lines, is now but a name and a memory in Micronesia waters, a victim of a bankruptcy that might have been preventable had the Administration listened to the recommendations of the Congress of Micronesia over the past four years.

By the time that consultation was a reality, the line had foundered, never to recover.

The fate of our air services is also hanging in the balance in Washington. Presently before the United States Civil Aeronautics Board is the issue of the award of an air route linking Micronesia with our vital economic market place, Japan. Last year the Visiting Mission recommended that the wishes of the people of Micronesia be given great weight in the selection of a carrier to serve this route. The Congress of Micronesia studied the question carefully, and recommended that the route be granted to the carrier that could link all the districts of the Trust Territory to Japan, and thereby promote our economic welfare. We are hopeful that the Administering Authority will heed our wishes.

All of us in Micronesia were pleased at the recent removal of restriction on investments from foreign countries other than the United States. This action by the Administering Authority represents a development which the people of Micronesia had desired for many years. Although we were somewhat surprised at the method of accomplishment of the change in policy, and at the lack of advance notice and consultation, we are looking forward to the increased economic activity which is certain to result.

We remain concerned, too, at the great measure of control which is still wielded by the military interests of the Administering Authority, frequently without regard to the people of Micronesia. We recognize -- although we do not accept -- that Micronesia has been designated as a "strategic trusteeship". But we do not believe that the Administering Authority should allow its interests to take precedence over ours. The problems arising in connection with military activities in my home district of the Marshall Islands have been well-documented to this Council over the years. The problem of the return of the displaced people of Bikini and Enewetak to their islands is greater than one of the physical rehabilitation of the islands. It is the problem of knowing that some of these islands no longer exist, while others are still considered unsafe for permanent habitation. It is the problem of the displaced people who must live with the awful feeling that their home is not the secure, safe, and friendly atoll which they were forced to leave twenty years ago. Although

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some progress has been made toward the return of the people of Bikini, the people of the Marshalls live in wonder as to what new military developments will next affect their future.

Progress, albeit very slow progress, is being made toward the fulfillment of our goal of the localization of employment. For the second year in a row, the percentage of expatriates employed by the Trust Territory Government has declined, but only by 6%. Four of our nine Department Heads are now Trust Territory citizens, an increase of one from the previous year. We look forward to more rapid progress in the future.

The quality of justice in the Trust Territory leaves a great deal to

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be desired. The Congress of Micronesia is presently studying the problem, and is expected to come up with a comprehensive set of recommendations. But the figures speak for themselves. During the past year, 93.5% of defendants in our courts were convicted; this is probably one of the highest percentages of convictions in any judiciary in the Anglo-American system of jurisprudence. But, while conviction is a near certainty, one convicted felon in five can walk out of court a free man, given only a warning or a suspended sentence. One in three convicted misdemeanants can do the same. Admittedly, our prison system leaves a great deal to be desired; it offers few, if any, opportunities for creative rehabilitation. But this cannot continue to be used as an excuse for the greater ills of the system. Unfortunately, Judicial (and penal) reform seem to occupy a low place among the Administration's priorities. The training of our local Judiciary deserves a much greater measure of attention.

I am indeed sorry to have to report to you that no progress whatsoever has been made in two important areas: ^{first,} transferring control over the Trust Territory's annual budget to the Congress of Micronesia, ^{second,} and the lifting of United States tariff restrictions on goods imported from Micronesia. Both

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of these important areas have been the subject of repeated recommendations by the Congress of Micronesia and by this Council over the years. I can only express my hope that this year, the Administering Authority will heed those recommendations.

One area in which there has been progress over the past year is with regard to the negotiations concerning the future political status of Micronesia. In November of 1973, discussions between the United States and the Congress of Micronesia's Joint Committee on Future Status resumed in Washington, D. C. This Seventh Round of Negotiations dealt primarily with two subjects, the return of public lands and the future financial support for the Government of Micronesia. With regard to the former, we are pleased to report that the United States has agreed in principle to the transfer of title of lands in Micronesia claimed by the Trust Territory Government to the people of Micronesia. During the Congress of Micronesia's consideration of legislation implementing this transfer, however, the

Administration voiced considerable opposition to many of the provisions. We remain hopeful that the Administration will take our interests into consideration on this matter if legislation is finally adopted late this year.

The two delegations, however, were unable to reach any sort of agreement on the subject of future United States financial assistance to Micronesia

following termination of the Trusteeship. The United States delegation broke off the talks following the failure to reach initial agreement.

Copies of the Report on this round of negotiations have been made available to the Council.

Earlier this year, however, the heads of the two delegations met in California for informal discussions concerning the negotiations. I am pleased to report that considerable progress was made toward the finalizing of a draft compact of free association between the United States and Micronesia, including tentative agreements on the important subjects of future financial support and termination of the compact. The tentative draft is presently under consideration by the two delegations. A further meeting of the heads of delegations is scheduled to begin next week, with the prospect of further negotiations between the full delegations likely before the end of the year. It is hoped that a completed draft can be referred to the full Congress of Micronesia at its January, 1975, regular session. It is further anticipated that the Compact would take effect in 1981. Although we realize that the transition period will be a lengthy one, we hope that the Administering Authority will utilize that period to fulfil its obligations to develop

Micronesia towards self-government and to lay the groundwork for the completion of our heretofore neglected capital infrastructure.

In one sense, the coming period of transition must be a time when Micronesia will have to look inward toward the fulfillment of its hopes and aspirations. Despite the restrictions imposed by the Administering Authority, the Congress of Micronesia must begin to devote more and more of its time to the business of governance. The present limitation of fifty days of regular session per year is simply not enough for the adequate consideration of the important legislation affecting the people of Micronesia. Too, we will have to take a long, hard look at our own internal priorities, with a view toward the development of our local resources for our local needs. The failure to make progress toward a more Micronesian-oriented educational system, the lack of progress in our agricultural development, the need for progress toward adequate standards of health care for our people and training for our medical personnel,

and the absence of significant development in other aspects of our economy, are topics which need our immediate attention.

But, to accomplish our objectives, we must have the increased cooperation of the Administering Authority.

I think we can look back with some satisfaction on some of the progress made this past year. But I believe that we must examine these developments against the only really important question of whether a few isolated concessions really amount to a development of self-reliance and self-government. To me these terms do not mean handouts from the Administering Authority. They mean a broad recognition of the rights of the people of Micronesia to determine their own destiny, and the willingness to allow them to take their own future into their **own** hands. When the day comes that we see these, then I will say that we have made progress.

Until then, I can only remind this Council that Micronesia needs your assistance.

THANK YOU.

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