

# Micronesian Draft Constitution

The Micronesian people, in the exercise of our inherent sovereignty, hereby adopt this Constitution. We do so in order to achieve a unity of purpose and of function that will permit us and our descendants to develop in freedom, while preserving the cultural diversity entrusted to us by our ancestors.

In finding their home in the land and surrounding waters of Micronesia, our ancestors displaced no other people. None, therefore, has prior or competing claim.

We extend to all countries what we expect from each, friendship, cooperation and recognition of our common humanity. No nation is our master and none is our enemy. We take with pride our rightful place in the world community.

## ARTICLE I. NATIONAL DEFINITION

Micronesia consists of the island chains known as the Marianas, the Marshalls and the Carolines, together with the surrounding waters in accordance with recognized principles of international law. The territory of Micronesia includes six Districts, exercising internal self government. These Districts are the Marianas, the Marshalls, Palau, Ponape, Truk and Yap.

## ARTICLE II. RESPECTIVE RIGHTS AND RESPONSIBILITIES

All rights and responsibilities not specifically given by this Constitution to the Central Government of Micronesia shall be reserved to the Districts and the people.

## ARTICLE III. FUNCTIONS OF THE CENTRAL GOVERNMENT

Section 1. The Central Government shall have the powers detailed in this Article so as to carry out the functions necessary to ensure the unity of Micronesia, to provide for its internal security and to conduct its relations with foreign nations.

Section 2. Communication. The Central Government shall provide for the creation and maintenance of communication facilities, by all available media, to permit the free, full and efficient interchange of information between and among the Districts and their constituent municipalities. For this purpose, appropriate federal regulatory agencies shall be established.

Section 3. Transportation. The Central Government shall provide for the creation and maintenance of adequate and efficient means of transportation throughout Micronesia. This responsibility will involve the encouragement of private carriers and the establishment of all needed public facilities. For these purposes, appropriate regulatory agencies shall be established.

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Section 4. Revenue Authority. The Central Government shall have authority to raise revenue needed for the discharge of its functions through the imposition of excise taxes on any and all items and functions, which are subject to its regulation. It shall also have authority to receive all funds obtained from foreign sources. All revenue, whether internal or external in origin, shall be placed in a general fund. Disbursements shall be made from this fund for expenditures incurred by the Central Government in the discharge of its functions. Any funds received which are designated for specific purposes shall be disbursed from this general fund in accordance with such purposes. All other funds shall be distributed to the Districts in accordance with legislation enacted by the Congress of Micronesia. No income tax or general sales tax may be imposed by the Central Government.

Section 5. Education. The Central Government shall have authority to establish such standards for the minimum substantive content and procedural methods to be followed by the Districts in their educational programs as will promote Micronesian unity and ensure free and full communication and cooperation between and among the Districts. These standards shall include a requirement for public primary and secondary schools and for the teaching of English in such schools in addition to such other languages as each District may determine.

Section 6. Central Government Police Force. The Central Government shall have authority to establish and maintain a police force adequate to ensure the safeguarding of Central Government facilities and to enforce laws on customs and immigration. Such police force shall be available to assist the Districts in the maintenance of law and order, but shall not intervene in District matters except on specific request by a District government.

Section 7. Foreign Affairs. The Central Government shall have full and exclusive authority to conduct relations with foreign governments and to represent the people of Micronesia in international organizations and conferences. These powers shall include the authority to enter into appropriate treaties and to appoint representatives of Micronesia to foreign governments with the approval of an absolute majority of both Houses of the Congress of Micronesia.

Section 8. Utilization of Land. The Central Government shall have the power to receive and to utilize for the conduct of its functions and responsibilities such land as may be granted for these purposes by the Districts.

Section 9. Capital City. The Central Government shall take action to establish a permanent Capital of the government of Micronesia. This location shall be determined by legislation enacted by the Congress of Micronesia.

ARTICLE IV. THE EXECUTIVE BRANCH

Section 1. The executive authority of the Central Government of Micronesia shall be exercised by an Executive Committee. One member of this Executive Committee shall be elected from each of the six districts of Micronesia, and shall hold his office for a term of four years. The terms of each member shall run concurrently and shall expire on the same date. The exact dates for elections and commencement and expiration of terms shall be set through legislation by the First Congress of Micronesia convened after adoption of this Constitution, but within a sixty-day period. In the event of disability of a member during the period of his elected term, the District concerned shall, within 30 days of such disability, hold a special election to determine a successor who shall serve until the end of the term for which his predecessor was elected.

Section 2. The members of the Executive Committee shall hold an organization meeting within thirty days of their election and shall select a Chairman. The Chairman shall function as the chief executive officer and, in concert with the full Executive Committee, shall be responsible for the execution of the laws of Micronesia. He shall serve as Chairman for the full term to which the members of the Executive Committee have been elected, subject to the right of the Committee by a two-thirds majority in a vote in which he shall be eligible to participate, to replace him with another member of the Executive Committee.

The Executive Committee shall function by majority vote. In case of a tie vote, the vote of the Chairman shall be decisive.

The Executive Committee shall have the authority to appoint agency and division heads as authorized by law and subject to the approval of a majority of the Congress. Such other officials as are necessary to facilitate the discharge of Central Government responsibilities may, by act of the Congress, be appointed in the discretion of the Executive Committee.

ARTICLE V. LEGISLATIVE BRANCH

Section 1. The Congress of Micronesia shall consist of a House of Representatives and a Senate. The membership of the House of Representatives shall consist of three members elected from the Marianas, four members elected from the Marshalls, three members elected from Palau, four members elected from Ponape, five members elected from Truk and two members elected from Yap. The members of the Congress shall be elected for a two-year term, such terms to run concurrently and to expire on the same date. The exact dates for elections and for determination of the two-year period shall be set through legislation by the last Congress of Micronesia prior to the effective date of this Constitution.

Section 2. The full legislative power of the Government of Micronesia shall be exercised by the House of Representatives, except as specified in this Article. All legislation shall be initiated by the House of Representatives. The legislative power of the Central Government shall, however, be limited to those areas necessary to the unity and security of Micronesia and its relations with foreign nations and international organizations.

Section 3. The Senate of Micronesia shall consist of six members, one elected from each of the Distr-

House of Representatives, except as specified in this Article. All legislation shall be initiated by the House of Representatives. The legislative power of the Central Government shall, however, be limited to those areas necessary to the unity and security of Micronesia and its relations with foreign nations and international organizations.

Section 3. The Senate of Micronesia shall consist of six members, one elected from each of the Districts for a term of four years. The Senate of Micronesia shall have authority to review all legislation passed by the House of Representatives but shall not initiate legislation. The Senate may, by majority vote, refuse its approval of any bill which has passed the House of Representatives and, in the event of such refusal, the bill shall not become law. In case of a tie vote, however, the Senate shall be deemed to have approved the bill.

Section 4. The Congress of Micronesia shall have authority to determine the compensation to be received by the members of the Executive Committee, the Senators and Representatives and all officials of the Central Government of Micronesia.

#### ARTICLE VI. JUDICIAL BRANCH

Section 1. The judicial authority of the Central Government shall be vested in a Supreme Court of Micronesia. This court shall consist of five members appointed by the Executive Committee with the approval of at least four members of the Senate of Micronesia.

Section 2. The Justices of the Supreme Court of Micronesia shall be appointed for life and may be removed only for good cause as determined by a majority vote of both Houses of Congress of Micronesia. Their compensation shall be set by law.

Section 3. The Supreme Court of Micronesia shall have jurisdiction to interpret this Constitution, to decide all questions arising under the Constitution and laws of Micronesia and to rule on disputes arising between and among the Districts of Micronesia. The Supreme Court of Micronesia shall have no jurisdiction, however, to decide questions arising under the laws and customs of the Districts.

#### ARTICLE VII. RIGHTS OF MICRONESIAN CITIZENS

Section 1. Citizenship. All individuals who were regarded as Micronesians under the laws prevailing during the trusteeship shall become citizens of Micronesia upon adoption of this Constitution. Any resident of a District may be granted Micronesian citizenship by special bill enacted by the government of the District in which he resides. and for Senators, Representatives and members of the Executive Committee of the Central Government from his District.

Section 2. Every citizen of Micronesia shall be guaranteed the right to vote for his local government.

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The basic principle underlying the school's philosophy is self-reliance and self-sufficiency. The rights of the U.S. government.

Section 3. Each District of Micronesia shall assure to all citizens of Micronesia the equal protection of the laws.

Section 4. No law of the Central Government or of any District shall deny to any person due process of law in any matter whatsoever.

Section 5. The Central Government shall have no authority to pass laws or to make regulations which interfere in any way with the exercise of religion.

Section 6. The District governments shall guarantee to all citizens and residents of Micronesia the rights to free expression of their views, free access to all communications media, freedom of movement within and without the territory of Micronesia and the right to meet in peaceful concord.

Section 7. No District may pass any law or make any regulation that will operate retroactively to penalize conduct that was lawful at the time of its occurrence.

#### ARTICLE VII. AMENDMENT

This Constitution may be amended by proposal of the Congress of Micronesia or by any District of Micronesia. Upon approval of two-thirds of the House of Representatives and four members of the Senate, the proposed amendment shall be submitted to each of the Districts of Micronesia for acceptance or rejection in accordance with the procedures established by each District. No amendment shall become effective without the approval of all Districts of Micronesia.

#### ARTICLE IX. RATIFICATION

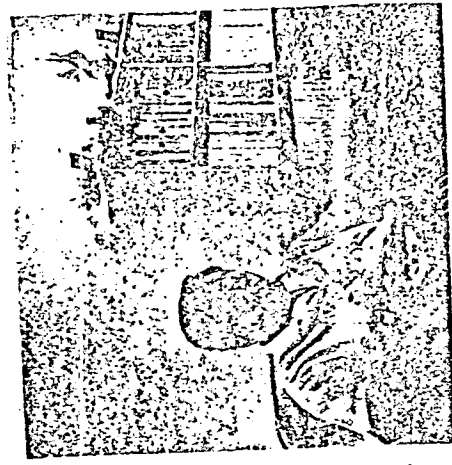
This Constitution shall be submitted to the people of Micronesia in an election at which every person considered as a Micronesian citizen under the laws prevailing during the trusteeship shall be entitled to vote. Ratification and adoption of this Constitution shall require a majority vote in each of the Districts. If any District shall fail to approve the Constitution, it shall be returned to the Congress of Micronesia, for appropriate revision and resubmission.

TIA BELAK  
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# "Palauans Are Uncommitted On Status Alternative"-OLBEDABEL

THIS IS THE FIRST IN THE SERIES OF INTERVIEWS WITH THE PALAU DELEGATES TO THE MICRONESIAN CONSTITUTIONAL CONVENTION TO BE HELD IN SAIPAN NEXT YEAR. THE EDITOR SPENT TWO HOURS IN A CANDID AND FRANK CONVERSATION WITH JOHN OLBEDABEL NGIRAKED WHO WAS ELECTED FROM DISTRICT 2 ALONG WITH JACOB SAWAICHI. DISTRICT TWO COVERS NGCHESAR, ALL THE WAY TO KAYANGEL AND AROUND TO NGEREMLENGUI ON THE ISLAND OF BABEL-DAOB AND IS THE STRONGHOLD OF THE PROGRESSIVE PARTY. NGIRAKED IS AN EXPERIENCED POLITICIAN WHO WAS ONCE PRESIDENT OF THE SENATE OF THE CONGRESS OF MICRONESIA AND HAD HELD SEVERAL GOVERNMENTAL POSITIONS. A SELF-TAUGHT LEGAL COUNSEL, NGIRAKED IS THE FIRST MICRONESIAN TO ESTABLISH HIS OWN PRIVATE LAW FIRM AND IS A WELL KNOWN FIGURE IN THE COURTROOM HERE. HE IS FROM WUDS CLAN, THE LARGEST AND THE HIGHEST CLAN IN THE EASTERN PART OF BABELDAOB AND IS ONE OF THE MOST INFLUENTIAL AND ARTICULATE SPOKESMAN OF THE PROGRESSIVE PARTY. HE DISCUSSED IN THIS INTERVIEW VARIOUS SUBJECTS AND WE ARE PRINTING WHAT HE SAID.....Editor's note



JOHN OLBEDABEL NGIRAKED

in whatever direction we decide be it comm-wealth, free assoc-iation, or independ-ence. If any one dist-ric determines to follow one status al-ternative without co-mpromise our consid-eration to the rest then the question of loose federation, be-comes moot. We had placed our faith in the Congress of Mic-ronesia to unite the

six districts but unfortunately as the state of affairs in the territory is, the congress has failed in bringing the six districts together to seek one future government."

## STATUS COMMITTEE AND TALKS...

"There seems to be a sense of restlessness in the members of the status committee and maybe discontent and disappointment of the direction the status committee has taken and the way talks have been handled. But now we welcome the convention because it provides one more political area in which we can attempt again to promote cohesiveness and unity of Micro-nesia."

## U.S. TACTICS IN THE NEGOTIATIONS...

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## CON CON ELECTION AND ITS SIGNIFICANCE...

"Most people don't care, they go to the poll because they like certain candidates, but beyond the election and casting the vote, Palauans are uncommitted, even though they know the importance of deciding the future government and they placed in the hands of us elected in the last con con election the mandate to choose the government for them. It

"Most people don't care, they go to the poll because they like certain candidates, but beyond the election and casting the vote, Palauans are uncommitted, even though they know the importance of deciding the future government and they placed in the hands of us elected in the last con con election the mandate to choose the government for them. It was the vote of confidence from the people for us to make the decision for them. They gave a blank check to us to act in their name. They trust us to speak for them but as the convention progresses it is necessary that we keep in touch with the people and solicit their reaction."

#### PALAU'S POSITION ON STATUS...

"We should bring to Saipan a blank sheet of paper, Palau by and large is uncommitted. Common Palau is not committed to any status, be it commonwealth, free association, loose federation or poor independence. Leadership here is identified with free association or independence but these terms are abstract and over the heads of the people. Palauan people are not committed largely because political education has been lacking and inadequate. At the present time, we need proper awareness of the people in order to face the question of the future government."

#### CONVENTION ITSELF...

"I don't expect the convention to complete in 90 or even 100 days. It will probably go in different stages like the status talks because we have to develop the base, that is, dialogue between the six districts as to what we want together and separately."

#### POSITION ON THE STATUS ALTERNATIVES...

"The priority issue is whether the six districts can stick together, can we go anywhere as an entity in a unified government. Cohesiveness of the six districts becomes the major issue, unity is the basic problem. My hope is that the six districts unite and move

the status committee has taken and the way talks have been handled. But now we welcome the convention because it provides one more political area in which we can attempt again to promote cohesiveness and unity of Micronesia."

#### U.S. TACTICS IN THE NEGOTIATIONS...

"The United States may be using these status talks to create the atmosphere of confusion among us due to our inability to decide our status from its failures to live up its side of the contract. The United States can force us to make the decision and when we cannot, it can declare to the rest of the world that there existed a chaos in Micronesia which will be an excuse to put us under harsher rule than what we have now and closes Micronesia to the rest of the world. We should give the United States a specific timetable to implement the provisions of the Trusteeship Agreement."

#### SECESSION OF THE MARIANAS AND THE MARSHALLS...

"It is out of desperation that the Marianas and the Marshalls are trying to secede. We are sinking so abandon the boat and seek survival. The congress has not provided the leadership in Micronesia responsible to the wishes of the people. They are getting out because they don't feel their interests are served by being part of Micronesia. I feel we can accommodate their desires and bring them back to the fold. One of the reasons for the discontent in the territory is the failure for the United States government to provide the basic governmental infrastructure to deal with our problems and needs therefore we are trying to find solutions outside of the present set-up as in the case of Saipan and the Marshalls. We can accommodate the wishes of the Marshallese by giving them 50% or even 75% of the revenues from there under loose federation government. Marianas can have whatever it wants. But we'll have to negotiate as one unit, one nation."

LIBEDABEL.....

MICRONESIA AS A NATION...

I feel it is essential that we unite as one nation due to our small islands, limited land resources, small population, and in context of the world and international politics, we will command better respect as a nation if we stick together instead of scattered into six small headaches."

INDEPENDENCE FOR MICRONESIA...

"Independence is not a matter of choice like free association or commonwealth because it is a status alternative, it is not a form of government. Any person born or people or nation coming to existence must strive for independence and if that is not a goal then it is not worth living or existing as a nation. Independence is our goal and we must work to achieve it--it is an ultimate goal because only in independence can any people hope to gain freedom. We are talking about an interim government before independence. It is not a matter to be negotiated but of unilateral declaration on our part. It is a God-given right. One angle to our problem concerning the status question is that independence has been mixed up with the alternatives and the status committee has not defined the issues clearly."

ON STATUS QUO...

"Some people may raise the question whether it is necessary to change the status quo-Trust Territory Government. Outside of the United Nations's insistence that we will be the last people on earth still under the trusteeship system, the change of the status may be the

government. Has the United States built roads, developed the economy, communication, or inter-district commerce to the point of self-sufficiency-has the United States discharged its obligations under the agreement? The United States may be passing the buck to us after they had failed to live up to the terms of the contract. Are we relieving the United States of its obligations?"

PALAU TO SECEDE...

"When worse comes to worse Palau is all for and by itself. We had never been affiliated with other islands until we were made one territory by the foreigners. But realistically considering the world political and economic situation, once Palau disengages itself from the Trust Territory, it will find itself under another country. Palau cannot survive by itself. I would like to see Palau to be the last district to leave the convention floor in case of split up then we'll have no choice but make it on our own. I would like to emphasize that in trying to build our nation we have to withstand many differences between the districts and we have to be willing to make sacrifices because no nation has succeeded without sacrifices and compromises. If unity of Micronesia becomes a failure and if the convention becomes a confrontation and is exploited by political factions within or without Micronesia, then I will be satisfied to come home and tell the people of Palau that we have to see our future status all by ourselves. I will do all I can to fight for the

*(Handwritten signature)*



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