

JOINT COMMITTEE ON FUTURE STATUS  
CONGRESS OF MICRONESIA  
Saipan, Mariana Islands 96950  
"MICRONESIA"

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September 9, 1974

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The Honorable Franklin Haydn Williams  
The President's Personal Representative  
for Micronesian Status Negotiations  
THE WHITE HOUSE  
Washington, D.C.

Dear Haydn:

You have requested a list of the changes proposed by the Joint Committee to the Guam Draft of the Compact, together with our reasons therefor. I am pleased to supply this information herewith. I am also enclosing a copy of the Draft so revised, to which all references herein are made.

1. The title of the completed document is proposed to be amended, to read "Compact between the People of Micronesia and the United States of America." Throughout the body of the Draft, all references to the term "free association" have been deleted.

The use of this term has caused each of us problems throughout the course of the negotiations. The U.S. Delegation has attempted to use its own definition of the term as a tool in the negotiations, in the attempt to justify the inclusion or exclusion of provisions desired by it. We believe that the negotiations should take place on the merits of the provisions themselves, and not on the basis of whether such provisions are rightfully included or excluded by virtue of the fact that we have been negotiating toward "free association". For our part, the phrase has caused a great deal of confusion and generated lack of understanding here in Micronesia; people have been turned on or off, as the case may be, by the phrase itself, and not by the substance of the agreement. This should not be the case. The Agreement should speak for itself. To assign a label to it is only conducive to misunderstanding; you may think of it as whatever you choose to, and we will do the same. As the Bard of Avon said, "What's in a name? That which we call a rose by any other name would smell as sweet."

2. The third "whereas" clause in the preamble is new. As part of the preamble, of course, this change is not

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substantive in character. The Joint Committee believes, however, that its inclusion may provide some additional impetus for acceptance of the Compact by both the United States Congress as well as the people of Micronesia.

3. In Section 101, the phrase "remain consistent" is deleted, and the phrase "not be inconsistent" is substituted therefor. The Joint Committee regards this as a change of little substantive significance from the point of view of the United States; we have entered into these negotiations, and we propose to enter into the future relationship with the United States, in the utmost good faith, as we have said so many times before, and I think I would be safe in giving you my personal assurance that the future Government of Micronesia will refrain from exercising any power or taking any action inconsistent with the Compact, because we are as interested in preserving it as you are.

But it is our position, as we have said for so long, and so many times, that:

"The people of Micronesia have the right to adopt their own constitution and to amend, change, or revoke any constitution or governmental plan at any time".

In other words, the Constitution of Micronesia must be the supreme law of Micronesia. If you require assurance other than our good faith that Micronesia will not abrogate the provisions of the Compact by its actions, short of a clause expressing the supremacy of the Compact rather than the Constitution, we would be more than pleased to discuss any proposals you have to offer. I really believe, however, that in this case the U.S. Delegation may be imagining problems which will not, in fact, occur.

4. Section 102 is amended to conform with and parallel the language contained in Sections 201 and 301. It is our position that the change is not a substantive one, and for the sake of form, the Joint Committee insists that the three sections be parallel.

5. We are still not certain that the Guam Draft of Section 202 affords us sufficient protection in a small class of potential cases as to which a loophole was left open. Our change in Section 202 is meant to remedy this matter. The change is meant to cover those situations

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which, although they might be passed off as a minor matter in a multilateral treaty of general applicability, would have such a primary and pronounced effect on Micronesia as to make our consent imperative for the protection of our interests. For example, let us take a hypothetical case of a world treaty banning the exportation of copra. Admittedly, this is farfetched, but it is only for illustrative purposes. Such a provision would mean little to the United States, which produces no copra. But it would mean a great deal to Micronesia, which is critically dependent on its copra crop. The Guam Draft would have allowed the United States to bind Micronesia by such a treaty, without its consent.

As to this proposal, we are open to suggestions as to how any concerns on the part of your delegation can be met. You are, however, aware of our concerns, which we feel must be protected as well. Again, I think we have to operate on good faith here; certainly, Micronesia would never refuse its assent to any treaty which was in the ultimate best interests of the people of the world.

6. Section 406(d) is amended by the insertion of the words "or more frequently upon the agreement of the two governments". This is quite a minor change; I do not think that either of us should be precluded by the language of the Compact from renegotiating financial assistance when it is in our mutual interests to do so. I would point out, additionally, that under the proposed amendment neither government could force negotiations more frequently than at five-year intervals if the other does not agree.

7. Title VI deals with trade and commerce, and the Joint Committee felt it better to mention the subject of exports rather than at least impliedly having the power to deal with them reserved to the United States under some other title. We presumed that this was your intention as well. Further, we believe that exports are a local matter which should be reserved to us. I can envision no problems here, except in the unlikely event that someone discovers that Micronesia has something besides fish and produce in exportable quantities. In any event, the title on foreign affairs would operate as restraint against our selling plutonium to the Arabs, for example.

8. There were substantial changes in Titles VII and VIII; it was my understanding after the Guam talks that

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the language on these titles was not firm. Indeed, the Joint Committee had never arrived at a fully crystallized position on the subjects of these titles. We have offered the proposed language merely as a basis for discussion, in the attempt to reach agreement upon our goals.

Perhaps, it would be simpler if I relayed those goals to you in plain language, rather than Compact language: (a) Micronesians should be citizens of Micronesia, for all internal purposes; (b) Micronesians should have the status of U.S. nationals for purposes of diplomatic protection while abroad; (c) Micronesians should be free to travel to and reside and work in the United States and its territories and possessions on the same basis as U.S. nationals, except with reference only to residence in U.S. territories and possessions, which would require U.S. consent. I am certain that we can reach agreement on these principles and on language which effectuates them, without undue difficulty.

9. We have proposed the insertion of the U.S. land requirements in the Marianas into Annex B. We do not propose to negotiate these requirements with you; rather, we will accept the language to which you and the representatives of the Marianas with whom you have been carrying on negotiations have agreed.

It has been our position, as to which we are quite firm, that the Compact must come to a vote in all of the districts of Micronesia, including the Mariana Islands District. If the plebiscite is not held in the Marianas, we cannot say that we have treated all of the people of Micronesia in a fair and equitable manner; for your part, the U.S. could never say that it gave the prospect of Micronesian unity a fair chance, and I am certain that the United Nations could not be pleased at such a prospect. If you are certain that the people of the Marianas will reject the Compact and accept that which you have negotiated with them, then you have nothing to fear from having the Compact voted upon in that district. Our mandate, as you know, requires us to negotiate, on behalf of all of Micronesia, a Compact which could be applicable to all of Micronesia. Without the language in question, neither of us will have done our duty to the people of Micronesia.

I should also point out several other points raised by the Joint Committee in its recent deliberations, but as to which

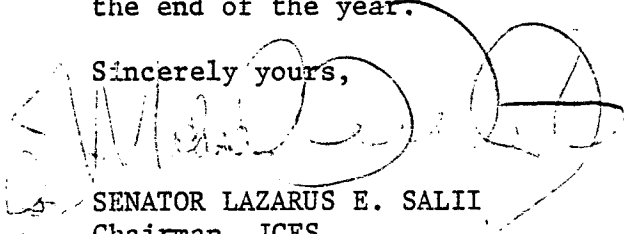
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the Joint Committee did not deem it necessary to propose language changes. I raise these points as propositions which I hope we can discuss at the next opportunity.

1. Section 302(b) does not create in the United States the right to use any of the lands and waters of Micronesia other than those specified in Annex B, except a right to transit.
2. The provisions of Section 303(b) do not infringe upon or limit in any way the Joint Committee's right to seek limitations on the storage and use of nuclear, chemical, and biological weaponry and to preserve and protect the environment, questions which will be dealt with in connection with the negotiations on the leases of the lands concerned.
3. The wording of Section 304(c) does not create any presumption that any right or obligation assigned by the Compact is assignable; no provision of the Compact is or should be assignable.
4. The termination of the Compact, without regard to the limitations imposed by Title XI in terms of time, is a proper remedy for any material breach of the obligations of the Compact.

I look forward to discussing all of these points with you at our next meeting. It is our hope that these matters can be resolved rapidly, so that an initialled Compact can be formally presented to our respective principals by the end of the year.

Sincerely yours,



SENATOR LAZARUS E. SALII  
Chairman, JCFS

Enclosure

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