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DEPARTMENT OF STATE

AIRGRAM

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Future Status Negotiations With Micronesia

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- A. Saipan A-5, 3/19/75
- B. Saipan A-3, 2/21/75
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Summary

With the Marianas apparently firmly fixed on its course toward permanent union with the United States the rest of the Trust Territory seems to be floundering about its future political status. Prospective resolution of the public lands problem as a TT-wide concern, by making possible through a Secretarial order the transfer of custody from the High Commissioner to the districts, has spared the Congress of Micronesia (despite its outcries at being bypassed) a difficult problem; but it has also removed what could have been a strong bargaining counter for those Micronesians who favor a central government with substantial authority. Constitutional problems, including the unity of Micronesia, are at present being considered at the district level. Beginning July 12 the locus of the problem will move, formally at least, to the Micronesian Constitutional Convention; but at this writing the emergence from the ConCon of an agreed concept for a

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strong central government appears one of the least likely possibilities. At present there is little evidence of immediate interest in the collective future political status of the other five districts, although there is now considerable activity concerning each district's future status. Action by the Congress at its last session had the effect, and quite possibly the intent, of putting off comprehensive consideration of Micronesia's future. This airgram discusses recent developments and concludes that, as far as Micronesia is concerned, the chances of concluding negotiations on the Compact of Free Association in time to meet a 1981 deadline for the termination of the Trusteeship seem slight indeed.

Introduction--Background and Recent Developments

Interest in future political status is now heavily focused on the upcoming (June 17) plebiscite in the Marianas which will give that district a choice between political union with the U.S. or continuing as a part of Micronesia as the latter negotiates its future status. The past six months have witnessed the successful conclusion of the Marianas negotiations whereas, in the case of negotiations with the other five districts, movement has been retrograde. The partial resolution by Secretarial order of the long-pending and emotional problem of public lands has apparently been accepted by the districts (action by the District Legislatures to create a legal entity to receive these lands is proceeding in the Marianas, Ponape, and Palau, at least) but the temper of the Congress of Micronesia, and the atmosphere of its relations with the USG, were notably soured in the process.

In its January-March 1975 session the Congress took limited action on the Compact of Free Association by rejecting Title IV (financial provisions) without committing itself in any way on the rest of the document. Perhaps more important, it admitted to indecision and doubts as to whether it was properly representing Micronesia with respect to future political status, doubts which by implication included the Congress' chosen course of free association (see Saipan A-5). Whether the "informal" referendum proposal passed by the Congress as SB 6-89 and approved by the High Commissioner as P.L. 6-20 will serve to resolve these doubts remains to be seen; the voters will be asked to vote "yes" or "no" on each of six status options under question (1), thus permitting an individual voter at least theoretically to cast a no preference vote (i.e., all "yes" or all "no"). It is expected that this referendum will be conducted on July 8, i.e., between June 17 (the date of the plebiscite in the Marianas) and July 12 (the scheduled opening of the Micronesian constitutional convention), but without Marianas participation if the Marianas have voted for the Covenant by a margin of 55 percent or more. On April 28 the Congressional leadership asked for a ten-day special session beginning June 19; among the topics recommended for that session was "legislation affecting the future political status of Micronesia."

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Present Status of Negotiations With the JCFS

The record of the negotiations to date can be viewed critically as a slow accession by the U.S. to the positions put forward by the JCFS. Unfortunately whether because the U.S. response has been slow, or because concessions appeared to be made grudgingly, or because (as seems most likely to the reporting officer) the Micronesians are not really agreed on what they do want but, while waiting for a consensus to develop, enjoy ratcheting the U.S. into being increasingly forthcoming, it can only be taken on faith that we are closer to our goal of an agreement which will make possible the termination of the Trusteeship. If the referendum on future status is inconclusive, as seems likely, or the outcome of the constitutional convention is equivocal (or worse) with respect to any of the fundamental provisions of interests to the U.S. (defense, denial, foreign relations), which appears almost certain, the negotiating picture will be no clearer six months from now than it is today. In addition to these considerations, Senator Salif has set forth the expectation that a new U.S. administration in Washington (i.e., in January 1977) would be more forthcoming, and a number of members of the Congress of Micronesia have come more and more to focus on the obligation of the U.S. to develop Micronesia economically (to an unspecified but almost certainly unrealistic level) as a prerequisite for concluding the future status negotiations (see Saipan A-3, February 21, 1975). Taken together, these considerations make it appear that the Micronesians either do not wish, or will not be prepared, for the resumption of meaningful negotiations on the Compact of Free Association in the foreseeable future. We could, of course, pick up the Congress of Micronesia's rejection of Title IV and prepare ourselves to offer more generous financial terms, but it is far from certain that such action would change many minds locally, not to mention the probability of strong objection by the U.S. Congress to committing itself to an even higher level of appropriations.

The basic problem confronting the U.S. is not so much that the Micronesians are likely to become appreciably more restive under these circumstances as that time is running out against what has become "our" target date of 1981 for termination of the Trusteeship. To meet it we shall, at a minimum, have to shorten the transition period. There appears to be no overriding reason why we cannot; the ambitious infrastructure program foreseen in the present draft transition proposal could either be curtailed or extended into the first years of the Compact's effectiveness. The difficult problem facing U.S. policy makers will be to channel the negotiations in such a way as to prevent our time limit--the 1981 termination of the Trusteeship--being used to wring further concessions from us. It behooves us to review our requirements in order to determine whether they are still realistic in the light of such factors as the defeat for U.S. objectives in Indochina and its effect, if any, on U.S. strategy in the

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Western Pacific, budgetary restrictions, and a distillation of our negotiating experience with the Micronesians to date. Among the wild cards in this deck is the possibility that Senator Salii, the principal Micronesian negotiator, conceivably may not run for reelection in November 1976 and, even if he runs, may well be defeated.

The Future U.S.-Micronesian Relationship

For some years now the United States representatives and the COM's Joint Committee on Future Status have been negotiating a Compact of Free Association. Free association, despite some approximate precedents in other formerly-dependent areas, is a term of art: it is what the Compact says it is. As noted earlier, there has been considerable progress on paper; there is now an almost-complete draft Compact. Unfortunately, on the Micronesian side, there has been little positive action, as noted above. In addition, it is increasingly evident that interpretation of Title II as between U.S. and Micronesian views will be contentious at best. Given Micronesian ambitions as evinced both by the Congress and Micronesian bureaucrats in the Executive branch, there seems certain to be a series of issues, such as commercial policy, civil aviation and foreign loans, which, without fundamental goodwill on both sides, will be difficult if not impossible to resolve. A more immediate example is the approach by COM members at the LOS conference in Geneva staking out a claim to authority with respect to marine resources in the off-shore "economic zone" (Geneva 2965) which would encompass most of Micronesia's meaningful foreign relations. After almost a year's residence here, I have reluctantly concluded that Article II (and Annex A) would be virtually unworkable given the present relationship between the U.S. Government and Micronesian leaders, and the ambitions of the Congress of Micronesia. If, as seems most likely, the eventual Micronesian central government is weak vis-a-vis the districts, many of these subjects would also be subject to arguments between them, in which the U.S. would willy-nilly become involved.

It is also worth remembering in this context that the Congress has not withdrawn its instruction to the JCPS, adopted in September 1972 in the form of a Senate Joint Resolution, to negotiate also an independence option. Accepting that most crystal balls don't give a clear picture, at this point it is hard to believe that someone--the Congress of Micronesia, or the Trusteeship Council, or even the U.S. Congress--will not insist on such an option being offered if and when the Compact of Free Association is submitted for a popular vote. Quite possibly, a number of members of the Congress, including some who are also members of the JCPS like Senate President Nakayama, will insist on the negotiation of an independence option for simultaneous presentation with the Compact--if and when it is completely negotiated--before a choice can be laid before the people of Micronesia.

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Politics, Leadership, and Unity

Uncertainty about future political status has encouraged various uncorrelated and disparate developments for the Trust Territory. In its current session the Ponape District Legislature has asked for the dismissal of District Administrator Leo Falcam, a native Ponapean, and legislative members have talked about "independence," according to press reports. However, it appears that the Ponapean language cannot handle the distinction among autonomy, self-government, and independence, so that there is considerable confusion about what is being advocated. According to a Ponapean on duty here in Saipan, the most likely explanation of "independence" talk is the search for self-serving publicity by individual legislators and it does not express the wishes of any large number of Ponapeans, much less an organized movement.

In Palau the District Legislature, meeting at the same time as the Palauan constitutional convention, passed a resolution (No. 75 (1)-2) on April 28 creating an 11-member Palau Political Status Commission to conduct studies concerning future status and relations with the rest of Micronesia and the U.S., or other nations; to conduct discussions and negotiations with the U.S., and "to enter into a preliminary status agreement" with the U.S. subject to the approval of the Palau Legislature and the people of Palau through a plebiscite; and to review the Micronesian and Palauan ConCons' draft constitutions and make recommendations thereon. This resolution is being sent formally both to the High Commissioner and to Ambassador Williams.

The Palauan ConCon has produced two draft constitutions; according to press reports, one emphasizes Palau's sovereignty while the other recognizes the "rights and duties of Palau as part of Micronesia." (Saipan's A-10, May 1, 1975.)

The Marshalls District has yet to complete its Micronesian ConCon delegation; the Marshallese COM delegation has not chosen its representative, nor have the two traditional leaders been appointed. Also undetermined, or at least unannounced, are the conclusions of the Marshalls District Political Status Commission, activated last year, which is still "holding hearings" according to our most recent information.

The much-talked-about "unity of Micronesia" has probably never been in such poor shape. The Trust Territory Government is an administration, not a political organism, and the Congress of Micronesia's pretensions to speak for Micronesia politically have been seriously damaged by the signing of the Covenant by the Marianas in fulfillment of the long-standing wishes of the people of the Marianas. While the Marshall delegation browbeat the last session of the Congress into meeting its demands, it made no promises that it would drop its interest in separate status.

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It must be borne in mind that we are ultimately dealing with a political construct, the "people of Micronesia," which is fundamentally reluctant to make any kind of political decision in the sense that that term is understood in western culture. Such expressions as making up one's mind, "biting the bullet," living with the consequences, "you've made your bed, now lie in it," have no echo in Micronesia; as well as I can understand it, decisions, although articulated and carried out by the leadership, can only be "made" when preceded by consensus in depth. (I do not know whether consensus has to be unanimous, or whether a small minority--how small?--can be ignored. Traditionally, on some islands, they were given a canoe.) The process of negotiating future status has been confused by the fact that the Micronesian negotiators are themselves chosen by an electoral process which is essentially foreign to Micronesia, and that into their existence we have sought to breathe legitimacy by Secretarial order and by negotiating with them. The negotiators' own doubts about their authority and legitimacy were reflected in the last Congress when they called for a popular referendum on future status and passed in both Houses a measure to reorganize the Micronesian negotiating body (it foundered on a parliamentary problem).

Except for this general unwillingness to make any decision which lacks unanimous support, the districts have little in common with each other--an observation made often enough to have become a cliché. The Micronesian political elite, often well-educated, clever, and articulate, is not only small; the real problem is that it does not yet embody leadership which can make decisions on behalf of the people. Senator Salii, an impressive negotiator as Chairman of the Joint Committee on Future Status, was unable to keep the Palau District Legislature from endorsing last fall the return of public lands by Secretarial order, despite an all-out effort; Senator Amaraich, one of the most highly regarded members of the Senate, was defeated in last fall's election in Truk; Senator Tmetuchl, often spoken of as the most powerful politician in Palau, was barely reelected last year; Representative Rugulimar, a member of the Congress since its inception in 1965, was turned out by an almost 2 to 1 vote in the conservative Yap district.

As to the traditional leadership, its position is threatened by the ubiquitous and inexorable process of modernization, although remaining important in all districts except the Marianas. In the Marshalls there is an active movement to reduce the prerogatives of the Iroi; Palau is divided on a number of planes (religious, economic, political); the Ponapean Naimwarkis see the return of public lands to their custody as a means of reasserting traditional control, which won't be done easily; Truk has too many chiefs, none recognized as paramount; only in Yap is the even tenor of traditional ways generally accepted. In part the traditional leadership has maintained its prestige and authority because

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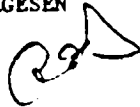
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there is no model for a "modernized" island community, or at least none that inspires emulation (Hong Kong? Guam? Mauru?).

Conclusion

Thus the questions posed by the law calling for a future status referendum, before the constitutional convention convenes, are peculiarly timely. From this referendum may emerge clear guidelines: yes, a plurality--or even a majority--in most districts favors free association; yes, everyone "supports" unity of Micronesia; naturally, the Congress of Micronesia is the appropriate agency to negotiate future status. If all these things happen, then the JCFS would continue to be the group the U.S. has to negotiate with; but even then we should recognize that the situation has not remained static. Unfortunately, for the reasons discussed in this airgram, such a clear-cut outcome seems unlikely. The most recent bit of confusion is the introduction, in the Palau District Legislature, of a resolution importuning Palauans to boycott the referendum. If the vote on the first question--the choice of statuses--is divided, or there is an appreciable "no" vote with respect to Micronesian unity or the Congress' authority, we will be back very close to the starting line. I see no effective way for Washington to seek to influence the outcome of this referendum, nor do I think the attempt should be made. But it will probably be necessary for us to re-think both our objectives and our approach, depending on developments in the next two months.

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