



## MICRONESIANS' BLUE-PRINT MAKING 'ONE NATION OF MANY ISLANDS'

From PAMELA G. HOLLIE on Saipan

The preamble to the constitution of the future government of Micronesia espoused all that Micronesia hoped to gain from its 90-day, \$1 million constitutional convention (Con-Con).

When the nearly 50 delegates filed past the table to sign the document on the closing day, November 8, they completed a significant step toward the territory's goal of self-government.

Micronesia is a United Nation's trusteeship, which has been administered by the United States since 1947. It is the last of the original 11 UN trust territories, and the only one which is expected to opt for some kind of "close association" with its trustee instead of independence.

Now in the last stages of the 28-year administration by the US, Micronesia is nearing the termination date of the trusteeship.

The constitution of the Federated States of Micronesia is the outline for the future government of Micronesia after the trusteeship is terminated around 1981. The constitution states that it will become effective not more than one year after the document is ratified by the Micronesian people. Because this may precede the termination of the Trusteeship Agreement, the constitutional provisions in conflict won't come into effect until the trusteeship is terminated.

The 23-page document contains 16 articles. The government will consist of a one-chamber legislature, each of the six districts electing one representative for a four-year term and other representatives, according to state population, for two-year terms. The executive will consist of a presi-

dent and vice-president, who will be chosen from among the six or seven representatives serving four-year terms.

The government will be composed of loosely-federated states (now called districts under the trust territory). The three branches of the government are the executive, legislative and the judicial. The greatest power rests with the districts. The central government will be weak, and relatively small. Power not expressly delegated to the national government is automatically a state power unless otherwise prohibited.

A prominent concern of the Con-Con was the use of Micronesia's land, which is limited. The constitution is silent on the right of eminent domain. Micronesian land will remain in the hands of the people—Micronesian citizens only. A non-

citizen, or a corporation less than 100 per cent owned by Micronesians, may not acquire title to land or waters in Micronesia.

The territory's experience with the US led to sections in the constitution calling for the "renegotiation of any agreement for the use of land to which the Government of the United States of America is a party".

The US holds long-term land agreements—some taken with its right of eminent domain—for use as military bases and testing sites.

The constitution also prohibits the testing, storage, use or disposal of radioactive, toxic chemical or harmful substances on Micronesia's land or waters.

These provisions are expressly aimed at America's use of Micronesia as a "strategic trust" under its trusteeship. In isolated instances,

### PREAMBLE TO A CONSTITUTION

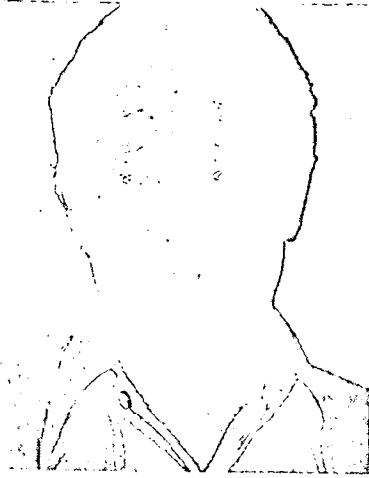
We, the People of Micronesia, exercising our inherent sovereignty, do hereby establish this Constitution of Micronesia.

With this Constitution, we affirm our common wish to live together in peace and harmony, to preserve the heritage of the past, and to protect the promise of the future.

To make one nation of many islands, we respect the diversity of our cultures. Our differences enrich us. The seas bring us together, they do not separate us. Our islands sustain us, our island nation enlarges us and makes us stronger.

Our ancestors, who made their homes on these islands, displaced no other people. We, who remain, wish no other home than this. Having known war, we hope for peace. Having been divided, we wish unity. Having been ruled, we seek freedom.

Micronesia began in the days when men explored seas in rafts and canoes. The Micronesian nation is born in an age when men voyage among the stars; our world itself is an island. We extend to all nations what we seek from each: peace, friendship, co-operation, and love in our common humanity. With this Constitution we, who have been the wards of other nations, become the proud guardian of our own islands, now and forever.



Tosiwo Nakayama . . . "If we fail, the idea of Micronesia may die". Opposite page, the delegates pictured at the start of their 90-day convention.

some islands have been rendered uninhabitable through US nuclear testing or disposal of wastes.

The constitution is a relatively-simple document. It calls for unity. It incorporates the concepts of democracy and a representative form of government, and still recognises the rights of traditional leaders in the new government. It is the best compromise a widely-divergent nation like Micronesia could hope to produce.

Until the last four days of the 90-day convention, it was not certain whether the Con-Con would produce its document. Indecision over major issues in the formation of the government forced the convention into three days of closed-door sessions.

When the negotiators emerged, the Con-Con had miraculously reached compromises that the six districts—Palau, Yap, the Marshalls, Ponape, the Marianas, and Truk—could live with. Every district signed the constitution including Kusaie, now part of Ponape, which will become a district in 1977.

From the beginning the Con-Con faced what seemed to be heavy odds against its success.

It was hoped that the Con-Con would revitalise the political status talks between the territory and the United States. Talks between the two broke down in December, 1974, over land disputes after seven years of negotiations.

Lazarus Salii, chairman of the Congress of Micronesia's Joint Committee on Future Status, was one who had hoped that the constitution would be clear on the question of status. For the last five years, he had headed talks with the US on "free association", a status which is a transition towards full independence, but

requires that some duties, such as defence and foreign affairs, be handled by the US in return for some other benefits in Micronesia.

The US has been under pressure from the UN to terminate its administration, but the US maintained that it had not completed its responsibilities to the territory and that for national security reasons it must retain military bases in the area.

The constitution, it was decided, would provide instructions for the next round of talks, but it would not indicate status.

From the outset, the biggest challenges confronting the Con-Con were: Could it bring unity? Could a constitution be written before the territory's status was settled? Many delegates were dubious.

"There are some who expect we will fail here", Tosiwo Nakayama, Con-Con president, told the delegates on opening day, adding, "If we fail, the idea of Micronesia may die". The 44-year-old president from Truk warned, "It is now or never for Micronesia. Let it be now".

Tosiwo Nakayama, also president of the Senate of the Congress of Micronesia, was one of several long-time politicians at the convention. In fact, the delegations and convention officers closely corresponded with those members at the founding of the Congress of Micronesia 10 years before. The opening day of the Con-Con, July 12, was the 10th anniversary of the founding of the Congress, the legislative branch of the trust territory.

Nakayama's experience and optimism may have been the most significant ingredients in the production of the document.

In the last week of the Con-Con, when the convention's hesitancy to come to grips with major issues spelled failure, Nakayama organised and headed a special committee that "ironed-out" the convention's most difficult problems. Those closed-door committee meetings, Nakayama called the "Micronesian decision-making process".

The Micronesian Constitutional Convention began with high hopes for unity. Although the end-result seems to support the convention's success at achieving unity, the Con-Con had many doubtful moments.

Just weeks before the convention began on the island of Saipan in the Marianas, the Marianas district overwhelmingly voted to become a US commonwealth. Only US delay of a Secretarial Order, which was to separate the district from the rest of Micronesia, drew the disgruntled Marianas delegation to the meeting.

The Marianas—then in limbo, half in Micronesia and half out—notified the Con-Con that they were "without an alternative but to participate". The delegation had expected the Secretarial Order by July 1 and had informed the Con-Con that it would not attend.

The Marianas presence and participation was a constant reminder of the fragility of Micronesian unity. Also present were delegations from the Palau Islands district and the Marshall Islands district, each of which had requested separate negotiations with the US before the Con-Con began. The outcome of the Con-Con would weigh heavy on the US decision to enter into status talks with the two districts, observers felt. Unity became crucial.

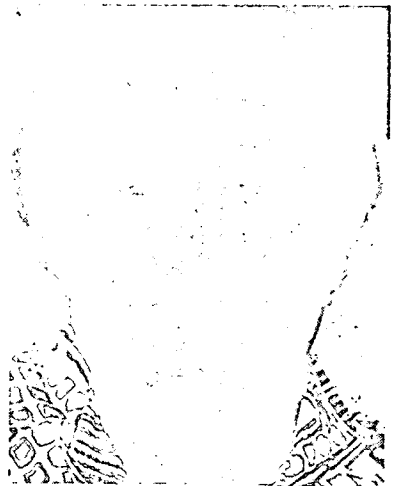
"The only real difference between the possible separation of other districts and that of the Marianas may only be one of timing", said Palau senator Lazarus Salii.

The Con-Con got off to a cautious start. Antagonising one another would defeat the purpose of the meeting. Still, the districts did not immediately pull together.

"Unity", the convention's watchword, was quickly modified to "unity in diversity". Only six days into the convention, the Palau delegation took a tough take-it, or leave-it position, which nearly drew the whole process to a halt.

In seven non-negotiable demands, Palau announced "the terms and conditions on which the Palau delegation and the people of Palau are willing to commit themselves to the unity of Micronesia".

Failure to accept the points might



Lazarus Salii, of Palau . . . "We'll be better off separate".

have resulted in a walk-out, delegates feared. The demands, and a subsequent constitution drawn up by the Palau delegation, became the chief obstacles to the convention's progress.

"Palau will be better off separate than in a united Micronesia", delegate Lazarus Sali warned. "We know this and others should also know it".

Dodging the Palauan ultimatums slowed the convention's work to a crawl. The delegations' goal of unity seemed so tenuous. Confrontations and debate were avoided at all costs. By the time the convention took a 23-day break in August, only the preamble was approved.

In answer to attacks that the Con-Con dragged its feet for the first 40-days, Marshalls delegate John Heine said, "We have approached our work not in the white man's way, but the Micronesian way. It may be slow but very firm".

Well into the last few weeks of the convention, delegates began to lose their enthusiasm. It was difficult to get a quorum. Meetings were short. Everything was postponed, deferred, referred and re-referred. The major issues of governmental structure, taxation, admissions and succession of states and eminent domain were still unsettled.

When the time for confrontation was practically unavoidable, it was not the Palauans who staged a boycott, but the traditional leaders, over their role in the new government. A few lines, attached to a measure in the Declaration of Rights banning discrimination, were designed to protect the rights of traditional leaders. The entire measure failed, mostly because of the part about traditional leaders.

Young Micronesians, educated in American-style schools, have become less and less respectful of traditional customs and laws. When the measure failed, about a dozen of the traditional leaders and supporters boycotted.

Only after the lines protecting the chiefs were removed from the Declaration of Rights, and approved for inclusion in another section of the constitution did the traditional leaders return.

All along, the chiefs had fought to retain Micronesia's tradition against heavy odds in favour of its increased Americanisation. Ponape delegate, Heinrich Iriarte, was one who maintained that some Micronesians "are born to rule". Others, he said, "are born to serve".

The Declaration of Rights was the first part of the constitution to be completed and approved. Based on



Luke Tman, strong advocate of a united Micronesia.

the United States' Bill of Rights, it includes freedoms of assembly, of religion and of expression. The 13-part Declaration of Rights is Article IV of the constitution. It also prohibits capital punishment, slavery and involuntary servitude and imprisonment for debt. It prohibits discrimination because of sex, race, ancestry, national origin, language, or social status.

As the Con-Con inched into its last week, the pressure of decision-making brought on flares of temper at some delegates' support of postponement.

On the last Monday of the convention, the delegates went into the closed-door sessions, barring spectators, press, pages, clerks, even its own lawyers and advisers. Though the unity of Micronesia was most certainly preserved in those meetings, the proceedings were lost to history.

While the constitution contains the essentials of the future government of the Federated States of Micronesia, there are issues that some delegates felt strongly about that were omitted. The constitution is silent on eminent domain. Silent on succession. Silent on status.

What the constitution does speak loudly for is unity. The fact that the document exists seems to be proof enough, for some, that unity exists in Micronesia.

"There is no such thing as disunity in Micronesia", said Yap delegate Luke Tman, a strong advocate of a united Micronesia.

Throughout the convention, the Yap delegation proved the most willing to compromise and conform to the demands unity made on the district.

"We do have our differences", Tman said, "but that does not mean disunity. The unity in Micronesia is viable. It can survive".

## CALEDONIANS ACCEPT PARIS PROPOSALS

A swing in power within the autonomist ranks of the New Caledonian Territorial Assembly has resulted in the approval of Paris proposals over slight changes in the political statutes, relating especially to the Governor's Advisory Council (Conseil de Gouvernement). The changes still leave executive control in the hands of the Governor, a public servant appointed by Paris.

The Paris project was voted by 18 out of the 35 members of the Territorial Assembly, after the autonomists walked out when they saw none of their amendments was being approved. The new shift in power in the assembly came about when certain former followers of Yann Celene Uregei, having broken away from the Union Multiraciale to join the Union Progressiste Multiraciale, voted with the so-called Anti-Autonomists.

Members of Uregei's Multiraciale party were, of course, elected on an autonomist platform and after breaking off from the Paris talks earlier this year, Uregei who lost the Assembly presidency, has since called for the independence of New Caledonia. In the meantime, the breakaway pro-administration group of Progressive Multiraciale has made a press statement explaining that inevitably the island must have autonomy, since history cannot turn backwards. But, in the meantime, they think it better to accept whatever Paris offers rather than to rudely break off the dialogue and demand too much at once.

But although the Paris political proposals were approved by one vote in the Assembly, two strongly-worded protests were voiced by Melanesian autonomist leaders. In a call for 'Kanaka Independence', immediate-past-president of the Assembly, Mr Uregei, denounced colonialist exploitation and concluded "We say 'no' to the French Government and to France, 'yes' to Canaque independence and long live a free New Caledonia".

New Caledonia's Deputy to the Paris National Assembly, Roch Pidjot, claimed that after many weary years of discussion with Paris, "the talks have not advanced" and warned of the "grave consequences for the future". He vowed the Caledonian Opposition parties would not take any part in "this pretence at democratic consultation".