

January 1977

MICRONESIAN STATUS NEGOTIATIONS, HISTORICAL OVERVIEW

1964

September 28 - Secretary of Interior issues Secretarial Order No. 2882 establishing Micronesian legislative branch--the Congress of Micronesia (COM).

1965

July - First Congress of Micronesia convenes.

August 18 - Senator Fong introduces S.CON.RES. 50 in Congress of United States indicating sense of Congress that the Trust Territory of the Pacific Islands be incorporated into the State of Hawaii provided the people of both areas agree to such union.

1966

August 3, 1966 - COM passes HJR-47 requesting High Commissioner and Secretary of the Interior to petition the President of the United States to establish a commission to ascertain the political desires of the people of Micronesia and recommend procedures by which those aspirations can be achieved.

1967

June 5 - Representative Bingham introduces HJR 594 to establish a Commission composed as follows: 2 from U.S. Senate; 2 from U.S. House of Representatives; and 5 to be appointed by the President, one of whom would serve as Chairman. Purpose of the Commission would be to determine the political desires of the people of Micronesia and make recommendations on methods to meet their desires.

July 17 - COM enacts Sen.Res.1, S.D.1 endorsing intent and spirit of Congressman Bingham's bill.

1967 (Continued)

July 18 - Senator Mansfield introduces SJR 96 calling for similar Commission with composition as follows: 3 from Senate; 3 from House; 6 from Micronesian Congress and 3 Presidential appointees from the Departments of State, Defense and Interior, one of whom would serve as Chairman.

August 2 - Secretary of the Interior sends proposed legislation to President to establish Commission to explore political future of Micronesia.

August 5 - COM passes SJR 25 establishing a Micronesian commission to study alternatives open to Micronesia as regards their future political status and directing that commission to report its findings to the next session of the COM.

August 21 - President Johnson formally submits to Congress proposed legislation to establish a Commission. His proposal is similar to two previous bills but composition will total seventeen members; 8 Presidential appointees; 4 from Senate; 4 from House and 1 additional Presidential appointee to serve as Chairman.

August 23 - Senator Jackson introduces SJR 106 containing President's recommended commission.

NOTE: .Of the three bills (HJR 594, SJR 96 and SJR 106), only SJR 106 made any headway. It passed the Senate but died in Committee in the House.

November 27 - Chairman of newly established Political Status Commission of Congress of Micronesia (Representative Lazarus Salii) and Director, Office of Territories and Trust Territory officials meet on Saipan to discuss purpose of COM's Commission.

1967 (Continued)

December 1 - Chairman Salii submits to Director, Office of Territories a list of areas which the new Commission intends to explore with regard to Micronesia's future political status.

1968

January 21 - Political Status Commission of COM meets on Saipan with House Subcommittee on Territorial and Insular Affairs to discuss political status of Micronesia.

July 1 - Future Political Status Commission of COM issues "Interim Report" identifying four political alternatives open to Micronesia: (1) independence; (2) free associated state; (3) integration in some form with a sovereign nation; and (4) remaining a Trust Territory. No recommendations are made as Commission felt they had not had sufficient time to realistically evaluate each of the options. The Commission indicated that a final report would be filed with the next session of Congress.

1969

February 18 - SJR 49 introduced in Congress of United States to establish Commission to study Micronesian political status. This resolution, introduced by Senators Burdick, Fong, Hatfield, Inouye, Jackson and Mansfield, was the same as the previous one, SJR 106. It was also blocked by the opposition in the House (Representatives Aspinall and Carey).

May 4 - Secretary Hickel announces on Saipan Presidential decision to have Executive Branch work with representatives of Micronesia to resolve political future.

July 24 - COM enacts SJR 31 requesting President and Congress of United States to consider seriously Micronesia's future political status.

1969 (Continued)

August 18 - Working group comprised of representatives of Departments of State, Defense, Justice and Interior develop proposed "Micronesian Political Status Act" which would make Micronesia a self-governing, unincorporated territory of the United States.

August 29 - High Commissioner signs COM S.B. 55 creating Political Status Delegation to confer with members of U.S. Congress and U.S. Government with view toward seeking early resolution of future political status of Micronesia.

October 1-17 - First negotiating round in Washington. Micronesian negotiators reject U.S. offer of territorial status on objections to U.S. eminent domain authority and U.S. control over Micronesian internal affairs through application of provisions of U.S. Constitution and U.S. law. Micronesian team recommends to COM Free Association as the most desired political status following pattern of Cook Islands with New Zealand; report recognizes Northern Mariana Islands desire to become U.S. territory and recommends COM "not oppose" separate negotiations between U.S. and Northern Mariana Islands.

November 9 - Plebiscite held in Marianas District concerning future political status. Of 4,954 registered voters, 3,233 turned out and voted as follows: 1,942 for reintegration of Northern Marianas with U.S. territory of Guam; 19 for independence; 107 for unincorporated territory of U.S.; 1,116 for Free Association; 1 for Commonwealth of U.S.; 1 for integration with U.S.; 5 for remaining a Trusteeship; 1 for unincorporated territory of Japan; 1 for integration with Japan; and 40 votes invalid.

1969 (Continued)

November 14 - Representative Meeds introduces H.R. 14110, an Organic Act to provide people of Micronesia self-government through adoption of their own constitution as commonwealth of U.S. Fails of approval.

1970

May 4-8 - Second Round on Saipan. Micronesian negotiators reject U.S. offer of Commonwealth status (self-government under a local constitution) on grounds of U.S. eminent domain authority and applicable U.S. law. Micronesians in opening statement set forth four 'non-negotiable principles' which must be met before a status could be agreed to between U.S. and Micronesia: (1) Sovereignty resides in people of Micronesia and their government; (2) right of self-determination includes choice of independence or association with anyone; (3) Micronesia has right to adopt own constitution and amend or revoke it at any time; and (4) Association would come about by compact terminable unilaterally by either side.

August 5 - COM passes HJR 87 endorsing Micronesian Political Status Delegation's four non-negotiable principles.

August 6 - COM passes HJR 90 declaring Commonwealth to be an unacceptable resolution of Micronesia's future status.

August 17 - COM passes HJR 102 establishing Joint Committee on Future Status (JCFS) and setting forth its negotiating mandate. SJR 98 also passes, inviting USG to continue discussions with representatives of COM on basis of either free association or independence as ultimate future status.

1970 (Continued)

August 20 - Mariana Islands District Legislature passes resolution 11-1970 extending invitation to Assistant Secretary Loesch to meet with Mariana Islands District Legislature for purpose of discussing proposal of U.S. for Commonwealth of Micronesia.

August 21 - Mariana Islands District Legislature passes resolution 12-1970 endorsing U.S. proposal of Commonwealth of Micronesia and urging such proposal be submitted to people of Mariana Islands for their endorsement and implementation of that status in the Marianas until the other districts of Micronesia are ready to decide their future status.

August 24 - COM adopts SJR 100 informing the United Nations of present status of discussions. Resolution noted U.S. Government had been "unresponsive to political aspirations of Micronesia and unwilling or unable to sponsor independence for Micronesia!"

1971

March 13 - The President transfers negotiating responsibility from Department of Interior and announces appointment of President's Personal Representative for Micronesian Status Negotiations, responsible to the President.

June 24 - President formally appoints Dr. F. Haydn Williams as his Personal Representative.

July 30 - National Security Council establishes an independent interagency office to support the President's Personal Representative--the Office for Micronesian Status Negotiations (OMSN). State and Defense are to provide financing and Interior is to provide office space.

1971 (Continued)

October 4-12 - First negotiating session (Round III) between both new groups held in Hawaii and results in agreement in principle on major framework of a Free Association status relationship. U.S. will hold foreign affairs and defense authorities; Micronesia will be internally self-governing under its own Constitution; Micronesian sovereignty will rest in the Micronesian people; U.S. domestic laws will not apply except as mutually agreed to; after an agreed period of years (to be negotiated), either party could propose amendments or termination of the Compact.

1972

March - Micronesian delegation meets with U.S. State Department officials regarding Micronesian marine resources; agreement reached in June 1972, whereby either Micronesia will be part of U.S. delegation to UN LOS Conference in Venezuela as "observers" or the U.S. will undertake to represent Micronesian positions on behalf of Micronesia. At subsequent meetings with State officials, Micronesians express concern that U.S. is not protecting local marine resources and requests U.S. to furnish USCG services.

April 12-13 - Round IV, at Koror, Palau, results in agreement on principles of: termination (mutual termination at any time, unilateral termination with timing still to be negotiated); implementation of U.S. responsibility for foreign affairs and defense of Micronesia; and U.S. defense needs. Micronesians request \$100 million annually in U.S. financial grants for duration of Free Association relationship. U.S. consents to a formal Northern Mariana Islands (NMI) request for separate negotiations.

1972 (Continued)

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July 12-August 1 - At Washington, D.C., Round V, draft language is negotiated for the basic elements of Free Association agreed to at Round III: U.S. to hold full foreign affairs/defense rights; Micronesians to accommodate specific U.S. defense land needs; Micronesia to have authority to undertake limited foreign affairs activities subject to U.S. concurrence; Micronesia to have full rights of internal self-government. Finance committees are established to begin study and negotiations on level of U.S. assistance.

September 2 - Special COM session attacks draft articles on grounds too much authority granted USG and adopts SJR 117 instructing Micronesian negotiators to pursue two-track negotiations-- Free Association and Independence options.

September 28-October 6 - At Round VI, Barbers Point, Hawaii, Micronesian negotiators state that it would be "diversionary and premature" to attempt to negotiate an independence option at present time and call for completion of the Compact of Free Association. Agreement is reached for U.S. to send a special team to Palau to enable U.S. to formulate precise land use needs (boundaries and specific location of U.S. base sites in Palau). U.S. requests Micronesians to formulate justification for their request of \$100 million annual U.S. support and to resolve which Micronesian body (COM, Districts or both) will negotiate with U.S. on meeting U.S. land needs. U.S. notifies JCFS that Micronesia must first form a Constitutional government before termination of U.N. Trusteeship Agreement is undertaken.



1972 (Continued)

December 13-14 - U.S./NMI status talks open on Saipan. Agreement reached that NMI will become a permanent U.S. territory under U.S. sovereignty, that NMI will have a local constitution consistent with applicable U.S. law, and that local residents will become U.S. citizens.

1973

Spring - COM endorses Palauan requests that status negotiations be halted until Micronesian public land is transferred from TTFI control to local control and ownership.

May 15-June 4 - Second session of U.S./NMI talks on Saipan.

November 1 - U.S. issues policy statement and guidelines to effect transfer of Micronesian public lands to district authorities.

November 14-21 - At Round VII, Washington, D.C., Micronesians present justification for U.S. financial aid based on: six districts (including Marianas) and need for completion of local economic infrastructure system prior to termination of Trusteeship Agreement. U.S. agrees to obtain commitment on a level of U.S. grants to complete infrastructure. U.S. proposals put forward for financial grants during Free Association relationship based on five districts, declining scale formula, and access by Micronesia to international financing organizations. Further agreement reached on trade and commerce (most favored nation treatment and no tariff restrictions on one another's products unless restrictions apply uniformly to all countries), applicability of U.S. laws and international treaties (Micronesia to enact enabling legislation), extradition procedures (formal agree-

1973 (Continued)

ment will be negotiated later), approval process for Compact (simple majority of those voting in all the districts), and termination of Free Association relationship (by 2/3 of those voting in each of at least 2/3 of the districts). U.S. agrees to JCFS request to permit a district to retain its status relationship upon termination of Compact if a majority of voters disapproves termination.

December 6-19 - Third session of Marianas talks on Saipan.

1974

April 1-5 - In an informal round of Heads of Delegations at Carmel, California, U.S. conditionally agrees to provide \$145 million annually (for six districts) for an infrastructure system to be installed over a five year transition period, contingent upon Micronesian approval of the Compact. Micronesia agrees to complete negotiations on Compact. Micronesian negotiators suggest 1981 as a target date for termination of the Trusteeship Agreement. Agreements reached on certain modifications to Compact, expanded trade/commerce rights for Micronesia, continuation of U.S. defense rights after termination of Free Association agreement, and transitional procedures for installing a Government of Micronesia after the Compact is approved. U.S. agrees to JCFS request that Compact will not become effective in a district if 3/4 of voters disapprove Compact.

May - U.S. extends invitation to COM to participate, as part of U.S. delegation, in UN LOS Conference in Venezuela.

1974 (Continued)

May 15-31 - Fourth session of Marianas talks on Saipan.

June 4 - Election of delegates to Micronesian Constitutional Convention.

July 9-12 - Informal meeting of Heads of Delegations on Guam at which text of Compact is further considered. Micronesians attempt unsuccessfully to dilute U.S. authority for foreign affairs, limit applicability of U.S. treaties, increase control over allocation of grant funds, and win right to bank all unused and carryover Title IV funds in interest bearing accounts. Revised text retaining U.S. primacy in all cases of overlap or conflict between foreign affairs and internal affairs is agreed to. Micronesians do not respond to U.S. opening to discuss independence as status option for Micronesia.

August 19-30 - Palau land survey completed by DOD team.

October 1 - U.S. supports Micronesian application for "observer status" at UN LOS Conference in view of expectation that "issues may arise where our views differ".

October 29-30 - At Honolulu some further refinements to the draft Compact are agreed to by the Heads of Delegations, but the Palau land options and the timing of negotiations relevant thereto, together with the timing of U.S. signature of the Compact remain prominent unresolved issues.

December 5-19 - Fifth session of Marianas talks begun on Saipan. February, 1975 set as date for final meeting.

December 26 - Secretary of the Interior issues order providing for return of public land to district land authorities to be established

1974 (Continued)

by the districts.

1975

February 14 - U.S./NMI sign "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America".

April - Micronesian LOS delegation presents formal request to U.S. at Geneva LOS Convention to allow it to become signatory to UN LOS Convention. U.S. rejects on grounds only States may become signatories.

June 17 - The Marianas Commonwealth Covenant is approved by the people of NMI in a U.N.-observed plebiscite with 95% voter turnout and 78.8% affirmative vote.

July 8 - Referendum called by COM on status options results in low voter turn-out and inconclusive vote.

July 21 - House of Representatives of U.S. Congress approves NMI Covenant (HJR 549) by voice vote without objection.

November 8 - Constitutional Convention completes draft of Constitution for the Federated States of Micronesia. Draft declares the Constitution to be "supreme", thereby conflicting with terms of draft Compact of Free Association.

1976

February 24 - U.S. Senate approves NMI Covenant by 66-23 roll call vote.

March 24 - President signs NMI Covenant resolution into law (PL 94-241). NMI will become a U.S. Commonwealth on termination of UN Trusteeship.

1976 (Continued)

March 24 (Continued)

Secretary of the Interior issues order separating Mariana Islands District administratively from rest of Trust Territory. Spring - Micronesian LOS negotiators petition UN LOS Conference for signatory status, asserting U.S. cannot adequately represent Micronesian LOS concerns. Micronesians ask U.S. to enter into bilateral discussions on marine resources issue. U.S. agrees that marine resources issue . U.S. agrees that marine resources issue should be matter for bilateral resolution within context of political status negotiations. Problem remains unresolved.

May 28-June 2 - At Micronesian Round VIII, on Saipan, U.S. and JCFS initial the Compact of Free Association, completed except for two provisions--jurisdiction over Micronesia's marine resources and formula for allocation of U.S. grants among the districts. U.S./JCFS agree to set technical discussions on law of sea question to resolve this issue within a bilateral context.

June 2 - Commission on Future Political Status and Transition (CFPST) succeeds Joint Commission on Future Status as Micronesian negotiating body. Its charter from COM mandates that the Compact must be brought into strict conformity with draft Constitution. CFPST does not feel obligated to abide by agreements reached by its predecessor (JCFS) and raises issues once thought resolved.

June 30 - Representatives of the Marshalls Political Status Commission appear at Trusteeship Council and state that Marshalls desire separate negotiations with the United States and request Trusteeship Council to support such. Trusteeship Council continues to

1976 (Continued)

stress desirability of maintaining unity of Marshalls and Carolines.

July 8 - United Nations Trusteeship Council adopts report of its observers approving conduct and validity of Marianas plebiscite. Trusteeship Council, in its report to the Security Council, states: "Like the Visiting Mission, the Council does not wish to make precise recommendations on the future status best suited to the Caroline Islands and the Marshall Islands, or to commit itself on the question of free association. It simply notes that the status of free association at present under consideration, if endorsed by the population, would not be inconsistent with the aims of the Trusteeship Agreement."

September - Palau Political Status Commission conducts referendum in Palau. U.S. has stressed that results will not be considered binding. With about 50 percent voter turnout, 88.8% of those voting favor separate talks with U.S.

October - The Micronesian team asks for a discussion of marine resources and Compact/Constitution compatibility issues by the Heads of Delegations in Hawaii during December, 1976. U.S. suggests meeting in January, 1977. Micronesians, pointing to forthcoming COM session recommend consideration of March/April 1977 for meeting of Heads of Delegations.

Prepared by:  
OMSN