

ESG

NOTICE



May 20, 1977

No. 66



- Acting High Commissioner J. Boyd Mackenzie signs the Proclamation setting July 12, 1978 as the date for the Referendum on the proposed Constitution under the watchful eyes of the press and representatives of the Commission of Future Status and Transition. L to R: Cisco Uludong (PDN), Abby Brown (Marianas Variety), Petrus Tun (CFST), Frank Rosario (MNS), James Hall and Strik Yoma (Public Affairs) and Asterio Takesy (CFST).

PROCLAMATION

CALLING FOR A REFERENDUM IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS
ON THE PROPOSED CONSTITUTION OF THE FEDERATED STATES OF MICRONESIA

WHEREAS, Under Article VI of the Trusteeship Agreement between the United States of America and the United Nations, the United States, as administering authority, is obligated to promote the development of the inhabitants of the Trust Territory toward self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the free expressed wishes of the peoples concerned; and

WHEREAS, the Fifth Congress of Micronesia, Second Regular Session, passed S.B. No. 38, S.D.1, H.D.3, approved as Public Law 5-60, which established a Micronesian Constitutional Convention and conditions for a Referendum to approve the Constitution; and

WHEREAS, the Micronesian Constitutional Convention met on Saipan between July 12 and November 8, 1975 and drafted the proposed Constitution of the Federated States of Micronesia; and

WHEREAS, the Seventh Congress of Micronesia, First Regular Session, passed H.B. 209, H.D.1, approved as Public Law 7-31, which required the High Commissioner to designate, within 60 days from the effective date of the law, a date for the Referendum between June 15 and August 15, 1978; and

(Cont'd on page 4)

Truk's Charter Completed

Introduced by Resolution on May 18, the proposed Charter for Truk District has been considered by the District Legislature.

If the Charter is approved according to the law (PL 6-30 as amended), it would provide for an elected governor of Truk District, a 16 member legislature and a judiciary.

In addition, the charter described the powers and responsibilities of the new district government in much the same way the proposed Constitution of the Federated States of Micronesia does except the 17 page document appears to contain more detailed descriptions.

Article I describes the district geographically and establishes Moen as the Capital.

Article II is the Bill of Rights in 18 sections.

Article III concerns suffrage and elections and gives the right to vote to Truk citizens 18 years and older.

Article IV describes the legislature and the 13 electoral districts from which the 16 legislators will be elected.

Article V describes the executive branch of government.

Article VI establishes the District Judiciary and states that the District Court will be the highest court.

Article VII describes the taxation and Finance provisions and indicates that property taxes will be primary sources of revenue for the government.

Article VIII makes provision for local municipal governments.

Article IX outlines the responsibilities of government in the fields of health, education and welfare.

Article X indicates the desire to conserve and develop the resources of the district.

Article XI contains a list of five general provisions not falling under other categories.

Article XII describes the manner of amending and revising the charter.

Article XIII describes the transitional provisions and the effective date of the Charter. It becomes effective upon its adoption by the Congress of Micronesia, whether amended or revised, and its approval by the High Commissioner. The first general election shall take place not less than 90 days after the effective date of the Charter.

Nakayama Sums Up COM Views in Honolulu

HONOLULU, MAY 23 (MNS)---The following is an excerpt from the closing statement of Congress of Micronesia Senate President Tosiwo Nakayama of Truk.

"Our discussions have dealt very little with basic issues. Nevertheless, we leave this meeting very hopeful that what has happened here signals a new beginning. Undoubtedly no one will take from this meeting a sense of great accomplishment or satisfaction on any specific issue. And for those who came expecting that, the meeting may be remembered with disappointment.

"I say in all honesty that like everyone here, we came supposing that it might be possible to obtain specific undertakings from the United States representatives on points that we believe and still believe to be fundamental to Micronesia's future.

"I believe that in his opening remarks Mr. Oakley (of the State Department) provided a useful frame of reference when he spoke of the two sides of our future status as being first, the relationship of Micronesians to Micronesians, and second, the relationship of all Micronesians to the United States.

"It is clear that a continuation of the dialogue that has occurred here on Micronesian to Micronesian relationship with the United States. So we proposed to meet again very soon in Micronesia with representatives of all districts to discuss among ourselves the proper approach to our common problems. The United States will not attend this meeting, but could make it possible by agreeing to provide special funding for it."

Nakayama then said: "A very great deal must be done properly to inform the Micronesian people on both aspects of the future relationships questions between now and July 12, 1978, the date of the referendum on Micronesia's constitution. They must be made aware, for example, of the promise made here that the United States in no way looks to the termination of the Trusteeship as a point where its essential role in the building Micronesia's economy will diminished.

"Without such an educational program Micronesians will not be able to make an informed and truly determinative decision about the future in 1978 or at any time.

Round Table Summary

The talks held in Honolulu, Hawaii between May 18 and May 21 concluded with a general consensus that there should be another meeting in Micronesia within two months.

In summary, the talks were held in a very informal manner. During the half-day sessions, Ambassador Philip Manhard, head of the U.S. delegation chaired the sessions in the mornings. Afternoons and evenings were devoted to private meetings of various delegations and the U.S. group.



- The Honolulu Round Table talks took place around a hollow square in one of the banquet rooms of the Princess Kaiulani Hotel.



- At the closing press Conference, several delegation spokesmen responded to questions from the press. From left to right: Andon Amaraich, Tosiwo Nakayama, Philip Manhard, Tony DeBrum and Jacob Jena. Not shown are Johnson Toribiong and Dwight Heine.



- Representatives of the Trust Territory Government Delegation from left to right: Dwight Heine, J. Boyd Mackenzie, Mrs. Ruth Van Cleve, High Commissioner designate Adrian Winkel, State Dept. LNO representative Nick Mauger and COM secretary Janet Craley.



- Mrs. Ruth Van Cleve, newly appointed Director of the Office of Territorial Affairs discusses the proceedings with staff member James Berg.


The nearly 100 participants were divided into a variety of interest groups. Among them were each district delegation, the Law of the Sea delegation, the Commission on Future Status and Transition, the Congress of Micronesia, the Trust Territory administration, including the new Director of Territorial Affairs, Mrs. Ruth Van Cleve and the new High Commissioner Designate, Mr. Adrian Winkel.

According to the final joint press release issued by the participants, no final decisions has been made and future talks, some between Micronesians alone and then another conference of Americans and Micronesians will be called in the near future.

WHEREAS, the Congress of Micronesia finds that the general public interest of the people of Micronesia demands the carrying out of the purposes of Public Law 5-60, as amended;

NOW THEREFORE, I, J. Boyd Mackenzie, Acting High Commissioner of the Trust Territory of the Pacific Islands, pursuant to the authority vested in me under Public Law 7-31, do hereby designate July 12, 1978, as the date for said Referendum to ascertain the wishes of the people of Micronesia with respect to the proposed Constitution and I urge all eligible and qualified voters of Micronesia to participate fully in this historic process of self-determination through careful study, discussion and evaluation of the proposed Constitution of the Federated States of Micronesia.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 11th day of May, 1977.


J. Boyd Mackenzie
Acting High Commissioner

Multilateral US-Micro Talks to Continue

HONOLULU, MAY 23 (MNS)---The "spirit of Honolulu" lasted from the time it took to walk from the closing plenary session in the Liki Liki Room of the Princess Kaiulani Hotel to the Pikake Room next door where the final press conference was held.

After all the closing remarks were concluded by the United States to the Congress of Micronesia, and the various district delegations, all the delegates stood around the conference table and joined hands in a symbolic gesture of goodwill and a camaraderie, according to a report filed from Honolulu by Press Officer Jim Hall.

But in the ensuing press conference, the differences quickly resurfaced. The representatives of the press were quick to note that the final joint communique contained the phrase "another series of

informal multilateral and bilateral exchange of views." The press interpreted this statement as suggesting that the U.S. would, in the future, talk to both the Congress of Micronesia and the Marshallese and Palauan Political Status delegations.

Ambassador Phillip Manhard reiterated his position that these talks and the proposed future talks are only informal discussions leading to the resumption of formal negotiations with the constituted authorities.

His view was disputed by Johnson Toribiong, speaking for the Palau Delegation and Tony DeBrum, speaking for the Marshalls Political Status Commission. DeBrum quoted from the Marshallese closing statements that the Americans know "in their heart to hearts" that they had been in "one hell of a negotiating session."

The CIA issue resurfaced in the Congress of Micronesia and the Palauans and the Marshallese were still on different wave lengths. The Congress continued to insist on further information from the United States Government before they would agree to proceed with formal negotiations. The Palauans and Marshallese reiterated their position that the CIA incident is a thing of the past.

Concerning the really major issues, this "spirit of Honolulu" was illusory. However, everyone did agree that many important questions had been raised and many minor questions had been resolved. and everyone also agreed that in total, the roundtable talks in Honolulu, were a major step forward.

Social Studies Curriculum Distributed

The product of the curriculum writing workshop for social studies, summer of 1976, has finally been distributed to the participants.

Following the arrival of the new Dept. of Education Social Studies Coordinator, George Haverman, recently of American Samoa, the preliminary work done by teachers and consultants in Ponape and Palau last year was collated and distributed.

The rough curriculum guide consists of teaching ideas for the Law of the Sea, Micronesian economics, the proposed Constitution and the Democratic Process.

It is expected that another workshop this summer will be held in order to polish and update the materials.

July-30 for Marshalls Referendum?

A bill providing \$12,000 to conduct a referendum in the Marshalls on July 30, 1977 was recently passed by the Nitijela and sent to the District Administrator for final action.

If approved, Bill No. 114 N.S.-3 will present the voters of the Marshalls on with the question:

That the Marshall Islands pursue its own political status separate and apart from the rest of the Trust Territory. Yes No

In a letter transmitting the bill to Mrs. Ruth Van Cleve, Director of the Office of Territorial Affairs, Distad Oscar DeBrum characterized the referendum as "one that will enable our lawmakers to ascertain the political aspirations of the Marshallese people. It is in keeping with the doctrine of self-determination and based on the principle and application of home rule."

A similar referendum was held in Palau in September, 1976.

Nakayama . . .

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We in the Congress have stated that we support unity for Micronesia. That principle to us holds the greatest promise for all districts. We thus were very pleased to hear Mr. Oakley list the various reasons why the U.S. also supports a unified Micronesia.

"Even so, we acknowledge that our brothers from the Marshall Islands were correct in pointing out that far too little examination has been made into specific benefits that unity will provide.

"As a consequence, it is necessary for all of us now to join in making a profound analysis of this most fundamental subject. We have said much here of our pride in the fact that the approach of the Congress is governed by the rule of law. Our Palauan brothers wisely reminded us of the danger that the rule of law can become an obstacle to the will of the people.

That of course, is the all-important reason why those who have had the responsibility for administering the rule of law must never lose sight of the primary responsibilities to make that law a vital and responsive institution.

"In any government of diverse people it is inevitable that there will always be differing views over the most appropriate course of the law to follow. And we in Micronesia are no exception. Nevertheless, we feel that Micronesians can and should take great pride in their existing legal institutions," Nakayama pointed out.

He said that the Congress, the Commission and the Law of the Sea delegation, are convinced that as "we approach the end of these days of our history, the established legal institutions are a most valuable resource in finding the proper rules to our self-determination."

Nakayama also said: "I should like to take note of some positive aspects of these informal talks in the area of marine resources as well. On the vital subject of safeguarding for all of Micronesia's inhabitants, the tuna resources of our waters, we are glad to hear that the United States recognizes that our differences are honest disagreements which are inevitable in view of the differing interest of our two countries."

He also said: "In particular, I expect that the law of the sea delegation of Micronesia will at once seek to pursue the comments made by the U.S. spokesman. It will renew the efforts it has been making over the last year to have a detailed expert consultation with the United States. It will explore the cooperation and allocation of responsibilities between the United States and Micronesian governments, current and future, so that it may be possible.

"Finally, with reference to the frequent mention of the 1981 as a planned date for the termination of the Trusteeship, we would like to express our concern that rigid adherence to any arbitrary time is almost certain to be contrary to Micronesia's best interest. The date, 1981, was the key to the completion of a series of economic development programs now several years behind schedule. It may be that 1981 will have prove to be the year in which termination becomes feasible. But any attempts to apply techniques in the future status area, which have only the virtue of speed could have tragic consequences," Nakayama concluded.

Joint Communique

HONOLULU, MAY 23 (MNS)---The following is the joint communique issued by representatives of the United States and Micronesia following the conclusion of roundtable discussions held in Honolulu.

"The Honolulu May 18 to the 21st roundtable discussions hosted by the United States, was attended by representatives of the Congress of Micronesia, the Micronesian Commission on Future Political Status and Transition, the delegation of Micronesia to the United States Law of the Sea Conference, the district legislatures of Kosrae, Ponape, the Marshall Islands, including the Marshall Islands political Status Commission, Palau, including the Palau Political Status Commission, and the Trust Territory Administration. The District Legislatures of Truk and Yap authorized the Congress of Micronesia, the Micronesian Commission on Future Political Status and Transition, and the Law of the Sea delegation to represent them and speak on their behalf.

"The participants engaged in forthright and constructive multilateral and bilateral exchanges of views on a number of subjects including current and future political relationships and on the means of resuming formal status negotiations.

"In order to continue the fruitful exploration begun during these discussions, the participants agree to another series of informal multilateral and bilateral talks to be held at the earliest possible date in June or July. The Trust Territory participants expect to discuss further among themselves the nature and extent of the relationships they look forward to establishing with each other and with the United States in the post Trusteeship period. The U.S. will give sympathetic consideration to lending such assistance as may be required to convene these meetings. The participants expect these talks to facilitate progress toward termination of the Trusteeship Agreement in a manner consistent with the needs and interests of the people of Micronesia and of the United States."

The preceding was a joint communique issued in Honolulu at the conclusion of the U.S.-Micronesian roundtable talks

Characteristic of the talks was the polarization of various Micronesian groups. On the one hand, Palau and Marshall's delegations consistently presented their arguments for separation from the rest of the Trust Territory while the other four districts indicated their preferences for unity and frequently stated that the Congress of Micronesia delegation headed by President of the Senate Tosiwo Nakayama was their spokesman for status issues.

More details on the talks will be found in various MNS articles in this issue of ESG NOTES.



- Chairman of the US delegation to the Honolulu talks ambassador Philip Manhard (in white shirt) prepares to call the session to order.



- Several press conferences followed the plenary session. Here US spokesman Cmdr. Dick Wittenbach and Commission Chairman Andon Amaraich field questions from TV and newspaper reporters.

LATE BULLETIN: Word was received on Saipan May 26 that Mr. Adrian Winkel has been confirmed by the US Senate as the new High Commissioner. More in our next issue.

Vetoed Upheld

Word has been received in Saipan that the two vetoed bills sent to Washington for final action have been returned with the High Commissioner's vetoes upheld.

One of the bills would have established a 200-mile economic zone around Micronesia's islands and the other would have required reconfirmation hearings on executive appointments which originally called for congressional advise and consent.

The messages to the Congress of Micronesia from Washington were not available to ESG NOTES at the time of printing.

NOTE TO MARIANAS READERS

We have been requested by the Marianas legislature to inform interested persons of the availability of a new newsletter published by the legislature.

Called the NMIL GAZETTE, the publication contains accounts of legislative activities.

Copies may be obtained by writing to the Office of the Speaker, P.O. Box 129, Saipan, M.I. 96950

—Letters to the Editor—

Dear Acting High Commissioner:

My name is Albert Isaac, a Political Science major at Northwest College from Wapona Dist.

I would like to take up this opportunity and congratulate you in regard to our approval and signing Senate Bill 7-93 into law in spite of its unanimous opposition throughout the nation. It takes perceptive leaders like you to stand up boldly against "blind" opposition and lead the people toward our true destination.

As we look toward self-government, we Micronesians should come to grips and realize that a nation's Economy and Political powers are literally based and dependent upon its income tax rate. It is very conspicuous then that where there is a low income tax rate there is a weak center government and vice-versa. I envision it a "shame" to be almost totally relying on the United States government for the

building up of our economy and yet at the same time demanding in negotiations for self-government.

It would be appropriate for each one of us Micronesians to ask ourselves individually, "Where does self-government come from? Does it come from within or outside of a nation?"

Today is the very appropriate time for investment and not a time for spending. Our commitments now could be the "saviour" of our disappointments in the future. It will be a great sacrifice on the tax payer's part but as a wise observation stated, "The calmest hour comes after the roughest storm."

In speculation, it will take another decade or so to reach and achieve our goal of "true" self-government if we are going to continue on the basis of the former tax law of PL 4C-2. One day it will be the pride of our nation when our children will say, "Our fathers brought forth this nation through a lot of tasks, efforts and sacrifices. Love it or leave it."

Once again, congratulations and keep up the good work.

Sincerely yours,

Albert Isaac
Northwest College

Dear Editor:

May I respond to the letter written by Mr. Kidaro K. Aisek, The letter was in the April 1, 1977 issue of the ESG NOTES.

Mr. Aisek, even if the Palau and Marshall Islands separate from Micronesia, there will not be any war between the rest of the Districts. Palau and the Marshall Islands, as you mentioned in your letter, will take a look at the former Vietnam, for example. North and South Vietnam were at war because they are big countries. Can't you see that on the map Micronesia is just like a dot? You will say that it is hard for us to separate because we are one. I don't think so. Being one does not mean one cannot pull out if he or she wants.

My hope for all the districts in Micronesia is that they remain "brothers". Before, when we were still young, we were living together in the same house or government. Then we grew up and gradually found wives. Even though we separate and stay with our wives far away from our brothers, we can still remember them and we still love them.

Letters to the Editor

(Con't from page 7)

Well then, fellow Micronesians, we all know that before we were born we were brothers. So now we are looking for our own wives or governments. Even though Palau and the Marshall Islands separate from Micronesia, we can still remember them and they can also remember us.

So, Mr. Aisek, I think you misunderstood the moves of the Palauans and the Marshallese. I agree with their idea of separation because they can run their own governments the way they see fit for the welfare of their peoples. Furthermore, running one's own government does not cost much money and gains the pride of the people, just as it takes care of their satisfaction and wishes.

So, Mr. Aisek, sorry if it hurts you, but this is the only way that I can share my ideas with you. Oh! I forgot to tell you something: Best regards from the class of '80 ----- (Xavier High School).

Sincerely yours,

Kainid K. Kanto
Fabian Iyar

Dear Editor:

"United We Stand, Divided We Fall"

I was very disturbed by the letters from the Micronesian students concerning the unity of Micronesia. I am happy that they have expressed their ideas so that we can all consider them, but I would like to sound a few warnings which others seem to have inadequately considered.

First, in sympathy with Mr. Naich, I feel we should pay close attention to what the elites are going that govern our districts. If we remain indifferent, we might find ourselves destined to a fate similar to that of the American Indians. Namely, that our land will be taken from us by American big business under the protection of government treaties, which as in the case of the American Indians has shown, will only be broken. For example, U.S. mining companies, on discovering valuable minerals on Indian reservations, exerted pressure on the government to release this land to them thus depriving the Indians of their homes and racial territories. Fellow Micronesians, we don't want the same things to happen to us in the future and we must keep alert to this danger. Let us remember that today's reform may be tomorrow's disaster.

Secondly, we Micronesians historically have not been united, which is exactly the reason why the American Indians were not able to resist. We don't want any district divisions to weaken us so we must realize that the only way to protect the identity of each district is by working together. "United We Stand, Divided We Fall".

Thirdly, to stress my feelings on this matter, I would like to state that as in the case of the Modern American Indian resistance at Wounded Knee (Indian land taken away by American government) and other places, I would seriously consider laying my life on the line in order to prevent American dominance over Micronesia. The insidiousness by which this has been brought about, as for example in Hawaii and Puerto Rico, is not to be underestimated.

Cordially yours,

Purly S. William



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