

September 19, 1974

It is with regret that I find that I must disapprove Senate Bill No. 347, S.D.1, H.D.L, C.D. 1, entitled:

"An Act Amending Public Law 5-60 calling a Constitutional Convention for Micronesia; prescribing its powers, duties and functions; and for other purposes".

Most of the Bill's provisions deal with procedures for the convention in a proper manner and are important for a smooth-running convention, and the disapproval of this Bill should in no way impede the important process of planning for that convention that is now under way as provided for by Public Law 5-60.

With respect to Section 8, ~~however~~, Article 6 of the Trusteeship Agreement states: "the Administering Authority shall... promote the development of the inhabitants of the Trust Territory towards self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned". The anticipated Micronesian plebiscite on future political status will be an integral part of the termination process of the Trusteeship Agreement, and the holding and timing of such a plebiscite is the final responsibility of the Administering Authority and not the legislative body of the Trust Territory.

While the Administering Authority may find it desirable to conduct the Micronesian plebiscite and constitutional



referendum at the same time as proposed in the amendment the Administering Authority cannot be bound by legislation of the Congress of Micronesia in this matter. The Administering Authority wishes it to be known, however, that it does not intend to exercise its authority without advance consultations with the Congress of Micronesia. The Administering Authority in fact desires close consultation and cooperation at every step as it develops plans for the Micronesian plebiscite. Final authority in this area under the Trusteeship Agreement should not diminish such cooperation.

Section 8 also would require that the Micronesian constitutional referendum be held in all of the districts of the Trust Territory, including the Mariana Islands District which has asked for a future status different from the remainder of Micronesia. It would be improper for the Administration to approve legislation requiring Mariana Islands participation in such a constitutional referendum if its people have approved other definitive arrangements prior thereto.

A related difficulty is presented by Section 9. Under these provisions if the Marianas do not participate in the Micronesian constitutional referendum, adoption of the Micronesian constitution could be blocked by the failure of only two other districts to approve it. Although it is up to



the Micronesians to set their own standards for approval of their constitution, they obviously are assuming here that the constitution would apply to all of the present six districts. Should the Congress decide to amend this legislation it should clarify the adoption provisions.

