



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OFFICE OF TERRITORIAL AFFAIRS

FACT SHEET

January 8, 1980

Trust Territory of the Pacific Islands

The United States, through the Department of the Interior, administers the Trust Territory of the Pacific Islands under a 1947 Trusteeship Agreement with the Security Council of the United Nations. As Administering Authority, the United States is responsible for promoting the political, economic, and educational development and for improving the health and well-being of the Micronesians through better community facilities and services. The Trust Territory covers a water area of 3 million square miles with a total land area of 516 square miles. The population (excluding the Northern Mariana Islands) is approximately 116,000.

The chief executive of the Trust Territory is the High Commissioner, appointed by the President.

In May of 1977, President Carter announced the intention of his Administration to terminate the Trusteeship by 1981. Ongoing political status negotiations with the Central Carolines (the Federated States of Micronesia), Palau, and Marshall Islands are focusing on a future political relationship of "free association" with the United States.

On July 12, 1978, the voters of the six districts of the Trust Territory voted on a proposed constitution for the Federated States of Micronesia. It was approved by a majority vote in each of the four central districts, but was disapproved in the Marshall Islands District and the Palau District. The enabling legislation provides that the constitution will not become effective in any district in which it did not receive a majority of votes.

The referendum results accelerated moves for legislative and fiscal separation, and this was accomplished through the issuance of Secretarial Order 3027 on September 29, 1978. The Marshall Islands District drafted a constitution and that document, with its effective date of May 1, 1979, was approved in a referendum held on March 1.

In the Palau District, a constitutional convention recently drafted a constitution.

The constitution of the Federated States of Micronesia came into effect as to the four central districts of Kosrae, Yap, Ponape, and Truk on May 10, 1979, pursuant to a resolution of the Interim Congress of the Federated States of Micronesia.

FEDERATED STATES OF MICRONESIA

The Federated States of Micronesia, comprised of Yap, Ponape, Kosrae, and Truk, came into being on May 10, 1979, during ceremonies held outside the congressional building on Ponape. That afternoon the oath of office was administered to the 14-member unicameral legislative body by Trust Territory Associate Justice Mamoru Nakamura.

The members of the Congress met on May 11 and unanimously elected Senators Tosiwo Nakayama of Truk and Petrus Tun of Yap as President and Vice President, respectively, of the Federated States of Micronesia. Both were inaugurated on May 15 during ceremonies held on Ponape. The Executive Branch of the government is comprised of four departments, headed by the following directors:

Department of External Affairs	- Andon Amaraich
Department of Resources & Development	- Ambilos Ieshi
Department of Finance	- Aloysius Tuuth
Department of Social Services	- Yosiwo George

Each of the four states now has a popularly elected governor as the chief executive of the local state governments. The governors replace the district administrators who previously reported directly to the High Commissioner of the Trust Territory. The Governors are: John Mangefel, Yap; Leo Falcam, Ponape; Jacob Nena, Kosrae; and Erhart Aten, Truk.

THE MARSHALL ISLANDS

The locally drafted Marshall Islands Constitution was approved by 65% of the voters in a referendum held on March 1, 1979. Voters in the Marshall Islands went to the polls on April 10 to elect from a field of 134 the 33 members of the first constitutional legislature (called the Nitijela). The newly elected members met on April 24 to choose the President, Speaker, and Vice Speaker of the parliamentary Government of the Marshall Islands.

Amata Kabua, Chairman of the Marshall Islands Political Status Commission, was elected as the first President of the Marshall Islands. Also elected by the Nitijela were Atlan Anien as Speaker and Namu Hermios as Vice-Speaker.

On April 25 President-elect Kabua submitted to Speaker Anien his nominees for the ministers of his cabinet, all of whom must be members of the Nitijela as required by the Constitution.

On May 1, the effective date of the Constitution, inaugural ceremonies were held in Majuro where the High Commissioner of the Trust Territory, Adrian P. Winkel, administered the oath of office to President-elect Kabua. All members of the Nitijela, as well as the nine ministers of the President's cabinet, were sworn in during the ceremonies.

Government of the Marshall Islands

President	Amata Kabua
Minister of Finance	Atjang Paul
Minister of Internal Affairs	Wilfred Kendall
Minister of Internal Security	Ataji Balos
Minister of Public Works	Kunar Abner
Minister of Health	Henry Samuel
Minister of Education	Tom Kijiner
Minister of Transportation & Communications	Ruben Zackhras
Minister of Resources & Development	Kessai Note
Minister of Social Welfare	Jina Lavin
Secretary of Foreign Affairs	Anton DeBrum
Chief Secretary	Oscar DeBrum

THE HIGH COMMISSIONER

With the establishment of duly constituted Micronesian governments, the role of the High Commissioner, as chief executive of the Trust Territory, has been altered to provide for the maximum permissible amount of local self-government. Secretarial Order 3039, signed by the Secretary of the Interior on April 25, 1979, delegates with some limitations executive, legislative, and judicial authority in the Trust Territory to the Marshall Islands on May 1, 1979, the effective date of the Marshall Islands Constitution; to the Federated States of Micronesia on May 10, 1979, the effective date of their Constitution; and to Palau upon the effective date of its Constitution.

The High Commissioner retains only that authority necessary to carry out the obligations and responsibilities of the United States under the terms of the 1947 Trusteeship Agreement and other treaties, laws, and regulations generally applicable in the Trust Territory. With respect to the Palau District, the High Commissioner's authority remains unchanged there until such time as a locally drafted constitution providing for the government of Palau becomes effective.

PALAU

The Palau Constitutional Convention was convened on January 28, 1979, to draft a constitution for the islands of Palau. As the constitutional convention completed its work, U.S. Government officials expressed the view that certain provisions of the draft constitution relating to nuclear materials, the archipelagic basis for 200 mile jurisdiction over adjacent seas, and the land acquisition provisions were inconsistent with the concept of free association with the United States as it was then being negotiated. Proposals to adjust the constitution were rejected, the convention holding that the document could be amended, if need be, after it was ratified. On April 2, 1979, the convention was adjourned after 35 of the 38 Palauan delegates signed the draft.

The sixth Palau District Legislature, however, on Monday, June 25, 1979, passed a measure that repealed the legislation providing for the constitutional convention and the referendum. This controversial measure then became the subject of litigation in the Trust Territory High Court. In spite of the pending litigation, the referendum was held on July 9, 1979, and with approximately 65% of the eligible voters going to the polls, the draft was approved with a 92% plurality.

After the referendum, the High Court ruled that the Palau Legislature had a legal basis to repeal the legislation providing for the convention, and in doing so, voided the referendum results.

A second referendum was held on October 23, 1979, on a "revised" draft prepared by a drafting committee established by the 6th Palau Legislature. This draft, which met the objections raised by the U.S. Government, was disapproved in the October referendum by approximately 70% of the voters.

Dispute arose when the 6th District Legislature maintained that its tenure did not expire on January 3, 1980, but continued until a new constitutional government came into effect. The outgoing Legislature also maintained that the Advisory House of Chiefs, by virtue of Secretarial Order 3027, had acquired an official status equivalent to that of the former Senate of the Congress of Micronesia and accordingly all laws must also be approved by the House of Chiefs. The controversy was ended by the issuance on December 31, 1979, of an amendment to Secretarial Order 3027 which clarified this and other issues. Under the amendment the term of the 6th Palau Legislature expired as of noon January 3, 1980, and the term of the 7th Palau Legislature shall remain in office until a successor Legislature is elected according to law or a constitution has been adopted and put into effect.

Among the early actions that the 7th Palau Legislature must consider will be the question of what to do about the constitution.

Federated States of Micronesia

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Mr. Erhart Aten
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Eastern Caroline Islands 96942

Mr. Leo Falcam
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