

FROM TRUSTEESHIP TO ... ?

Micronesia And Its Future

A joint publication of the
MICRONESIA SUPPORT COMMITTEE
and PACIFIC CONCERNS RESOURCE CENTER

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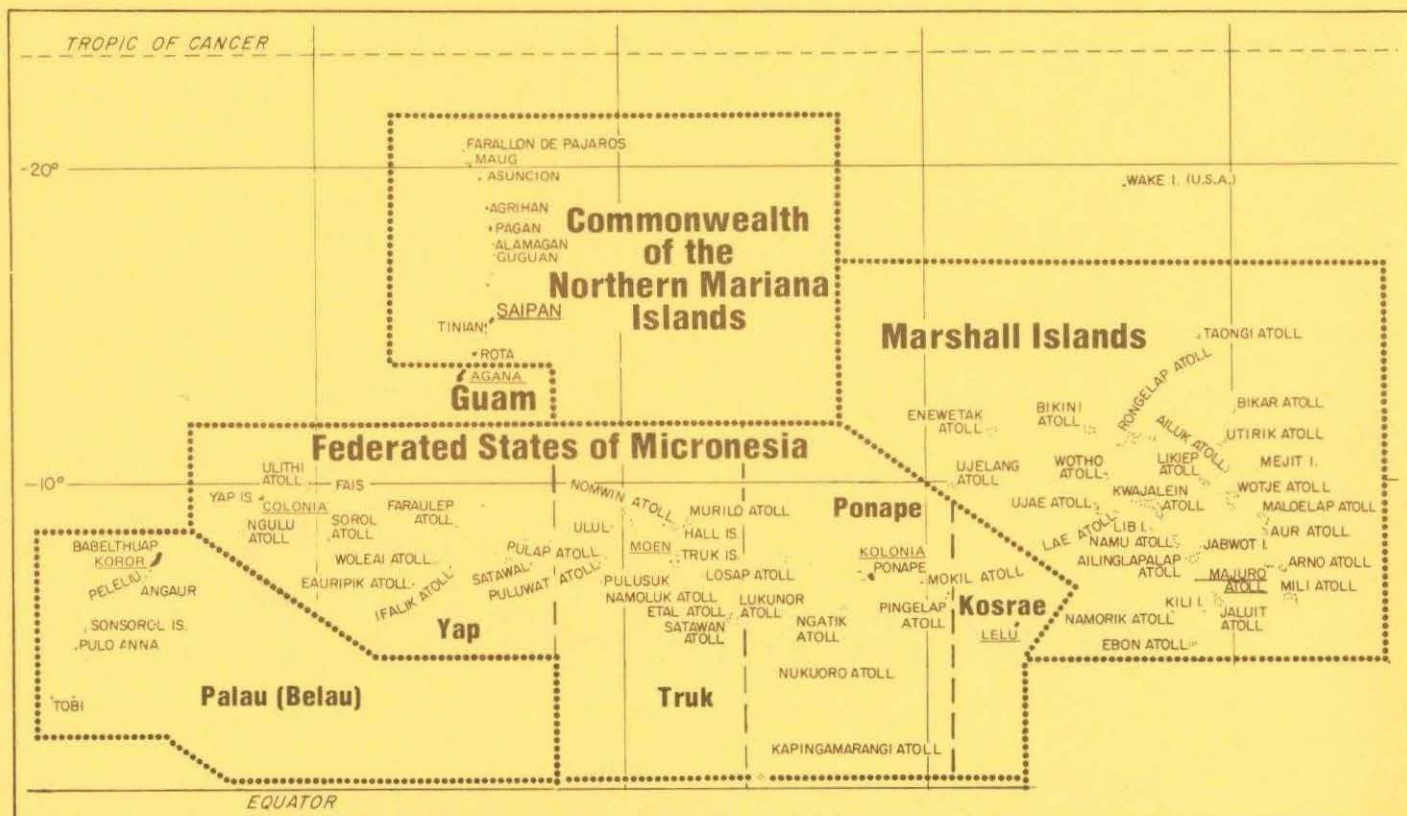
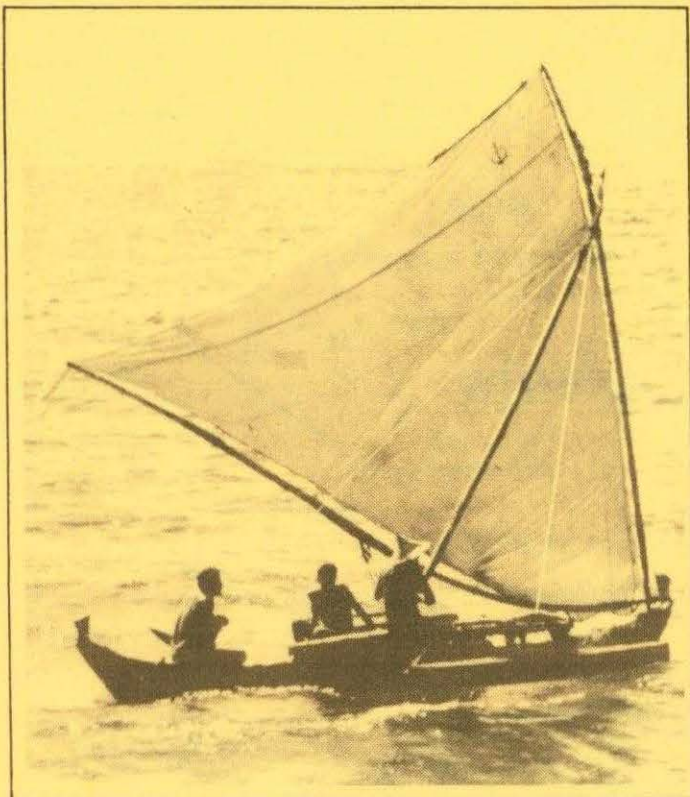


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PART I: INTRODUCTION



Truk Outrigger Canoe --S. Polson

After 13 years of negotiations between the United States and Micronesia, a Compact of Free Association is on the verge of completion. The Trust Territory of the Pacific Islands is now composed of four separate governments:

- (1) The Mariana Islands, which in 1975 approved a commonwealth agreement with the U.S.;
- (2) The Republic of the Marshall Islands, the first Micronesian government to sign the Compact of Free Association, aiming for an October 1, 1982 termination of the U.N. Trusteeship;
- (3) The Federated States of Micronesia, which has threatened boycotts of the negotiations, demanding that the U.S. complete essential capital improvements before termination of the Trusteeship;
- (4) The Republic of Palau, coming out of a struggle to implement a sovereign constitution, appears ready to sign the Compact and terminate the Trusteeship.

Many Micronesians were self-sufficient a generation or more ago. Now over 50% of the work force is government employed. As people in Palau, the

Federated States of Micronesia and the Marshall Islands face a referendum on the Compact, what choices are available to them? How have most Micronesians adapted to conditions under the United States as Administering Authority following the devastation of World War II? How have U.S. economic policies prepared people for the future? How has the U.S. responded to the suggestions and criticism of the United Nations since the beginning of the Trusteeship?

In 1947, the U.N. designated Micronesia as the world's only "strategic" Trust Territory, granting the U.S. power to use the islands for military activities. At the same time, the Trusteeship Agreement obliges the U.S., among other things, to "promote the development of the inhabitants of the trust territory toward self-government or independence as may be appropriate...and to this end shall promote the economic advancement and self-sufficiency of the inhabitants...encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources...protect the health of the inhabitants..."

For the first 15 years of the Trusteeship, Micronesia was largely ignored by the United States, except for the Department of Defense which was busy conducting 66 atomic and hydrogen bomb tests in the Marshall Islands. Six islands were totally vaporized and hundreds of Marshallese people were seriously contaminated with radioactive fallout from many of the nuclear tests. Told that the bomb blasts were "for the good of mankind and to end all world wars," the Bikini and Enewetak people had little choice but to leave their

The Security Council, under the terms of the Trusteeship Agreement, "shall subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social and educational matters in the strategic areas".

homes, selected by the military for the tests. The nuclear bomb testing ended in 1958, but weapons tests continued as a year later Kwajalein, the world's largest atoll, became the target for intercontinental missiles shot from Vandenberg Air Force Base in California. Hundreds of Marshallese living on the many islands bordering Kwajalein's lagoon were evicted from their homes and moved to Ebeye Island. To this day, the 5,000 landowners, plus thousands of other Marshallese who have come looking for jobs, live on the 66 acre island in conditions "bordering on a patent violation of basic human rights," according to a U.S. Congressional report.

During this time, appropriations of several million dollars annually went for administration costs of the Trust Territory—little money was made available for economic development. The 1959 U.N. Visiting Mission reported many Micronesian requests for "re-establishment of industries such as sugar, pineapple canning and fibre industries which had been developed under the former Japanese administration," adding that "the administration still fails to provide adequate funds for the maintenance of present services and for the purposes of economic development."

But in the Kennedy administration of the early 1960s, past policies were dramatically changed. In 1962, Kennedy set forth as U.S. policy "the movement of Micronesia into a permanent relationship with the U.S. within our political framework." To achieve this objective and to "cool off" the increasingly vocal U.N. charges of neglecting its trusteeship mandate, U.S. funding levels and federal programs to Micronesia were greatly increased. Grants nearly tripled from 1962 to 1963 and programs from the Peace Corps to Head Start to Care for the Elderly before long began flooding into the islands.

No economic development plans existed for use of these funds to encourage self reliance. Instead, the 1964 U.N. Visiting Mission commented that the "pattern of spending which places great emphasis on education and welfare services and other social investment projects but fails to place similar emphasis on productive investment will result in an unbalanced over all pattern of social and economic development. And...unbalanced economic and social development cannot but have repercussions in the field of political development."

One of the foremost obstacles to income producing development has been the lack of Micronesian control over budget appropriations and development planning. "It is essential," the U.N. remarked as early as 1964, "to mobilize the informed interest and enthusiasm of the people of Micronesia behind economic development and increased production... the people in general have taken little or no part in



Yap — D. Rubinstein

developing economic plans for their islands.

The formation of the Congress of Micronesia in 1965 provided the Micronesians with a forum for dealing with political status and economic development issues. But all the decisions concerning appropriations continued to be made in Washington and the COM's actions were subject to the veto of the American High Commissioner. By 1973, the U.S. had officially come out against self reliance: "The Administration continues to seek means to promote development of the economy of Micronesia so that it will become geared to a world money economy and thus, its subsistence aspects will become supplemental."

By 1978 appropriations to Micronesians were \$114 million. The 215 federal programs for which Micronesia was eligible added another \$35 million annually for about 130,000 people. In 1978, the trade deficit was almost 3-1, but even this understates the magnitude of Micronesia's dependence on the U.S., which in 1982 provides over 85% of the islands' budgets.

The requests from the U.N. and from Micronesians for Micronesian involvement in economic development planning to create a self-reliant economic base during the 1960's and 1970's were largely ignored. Said Congress of Micronesia Representative Sasauo Haruo in 1973: "An economically self-sufficient Micronesia can stand up to the world and proclaim itself a nation and negotiate with the United States from a position of strength. An economically dependent Micronesia must deal with the United States from a position of weakness. How much different the political status negotiations would be if we could negotiate with confidence that with or without the United States grant funds our nation and our people would thrive."

Continued on Page 6

According to Secretary of Defense James Schlesinger, the purpose of the ongoing political status talks was "only to change the form of (trusteeship) agreement while retaining the basic objective and responsibilities we have had for nearly thirty years."

And in 1973, he pointed out: "The region not only surrounds the access routes to Guam, but also those to the Near East, and our sources of Asian raw materials can be controlled from Micronesia. Moreover, a north-south line of communication, of greater and greater importance, passes through the region, linking our Northern allies, Japan and Korea, to our allies and friends in the South, Australia, New Zealand, the Philippines and Indonesia. In the strong sense of the word, the U.S. must remain a Pacific power."

And also during 1973, a series of U.S. Army War College papers discussed military plans for Micronesia: "The only feasible fallback position (from Asia) is unquestionably located in Micronesia where island bases, unlike those in S.E. Asia, would be under permanent U.S. control...Palau has excellent anchorages, Ponape and Babelthuap have land areas in excess of 100 square miles and are suitable for nuclear weapons storage and training areas..."

Another report commented, "The widely scattered islands in Micronesia provide the needed dispersion in the nuclear age. By using islands to support a complex of military bases instead of concentrating on a single island such as Guam, an enemy would find it difficult to destroy U.S. defenses with a single coordinated nuclear attack."

Not surprisingly, the Defense Department-dominated negotiating team was instructed not to discuss independence with the Micronesians during this period.

A stark picture of economic dependence in Micronesia was painted by the 1970 U.N. Visiting Mission which "did not see signs of significant progress in the economy...The basic infrastructure is still in a lamentable state, agriculture is stagnant, adverse trade balance is increasing..."

The focus of American economic activity in Micronesia became the building of a "minimum basic infrastructure", but perhaps not precisely what the U.N. Visiting Mission was looking for. In the 1970's, military civic action teams began working in all the districts. One writer noted that "an interesting pattern emerged. Army engineering teams became responsible for civic action in the Marshalls where Anti-Ballistic Missile testing is done under the Army, Navy Seabees work in the Carolines where naval port facilities and Marine training sites are planned, and Air Force "Prime Beef" teams operate in the Marianas where reconstruction of World War II airbases on Tinian and Saipan are in the cards."

IMPERIALISM OF THE PAST

Micronesians first discovered Spain's Ferdinand Magellan on their shores in 1520. While Spain controlled the islands from that time, it was not until 1668 that it began real colonization in the Mariana Islands. In less than 100 years, Spain brought Christianity to the islands and was responsible for decimating the native Chamorro population from approximately 70,000 to just 1,400 people.

Concentrating its activities in the Marianas, Spain exercised little control of the eastern-most Marshall Islands. By the 1890's the Marshalls had become a focus of Germany's copra export and it established an administrative headquarters there. In 1899, Germany bought the Marianas and Carolines from Spain, whose control had continued to diminish with the increasing American and German missionary and trade activities in the islands and with U.S. acquisitions of Guam and the Philippines in the Western Pacific.

Germany's tenure in Micronesia was cut short by Japan at the outset of World War I. Taking the islands by force, Japan set up a military headquarters in Truk. Subsequently, the Japanese divided the islands into six administrative districts (Marshalls, Ponape, Truk, Yap, Palau and the Marianas) and in 1919 the islands were placed under Japanese administration as a League of Nations Mandate, allowing Japan to rule them "as an integral part of the Japanese Empire."

Japan set out to develop the islands for its own economic and military benefit. Micronesia's infrastructure was improved by the new roads and harbor facilities built, while agriculture and fishing production expanded.¹

Japan used Micronesians primarily for unskilled labor, while importing its skilled workers from Japan and Korea. Control was maintained over the Micronesians by educating them in Japanese language schools. As the Micronesians "were not trained to share in the new economy except on the lowest rung of the labor ladder," they were educated only up to the fifth grade.¹

By 1928, Japan's economic activities produced a balance of trade favorable to the islands, mainly because of the success of the sugar cane industry in the Marianas. By 1936, exports from Micronesia of more than \$14.2 million exceeded Japanese imports

which were about \$9 million. The major cash exports were sugar, dried bonito, phosphate, copra and alcohol.²

The islands were also used as an outlet for Japan's over-populated country—by 1938, more than 50% of Micronesia's population was expatriate.³ As the Japanese population in Micronesia increased, so did criticism of this policy from League of Nations members. The Japan government ignored the criticism, and, as they began to build military bases throughout Micronesia in preparation for World War II, withdrew from the League of Nations.

After Pearl Harbor, the U.S. fought its way through Micronesia—the islands with Japanese military bases were scenes of the bloodiest fighting of World War II. The Americans and the Japanese lost tens of thousands of soldiers, while the Micronesians—caught in a war they neither cared about or benefited from—lost an estimated 5,000 people.

A Micronesian commented: "The Japanese, like the Germans and the Spaniards, promised that they will protect and defend us...But we found out that the Japanese military bases did not even defend us during the war—our islands were being attacked by the American planes and the whole island was turned into a battlefield...Our relatives, our elder people died. It's their war, but we lost our life from it."⁴

¹"Decolonization," A publication of The United Nations Department of Political Affairs, April, 1980.

²*A History of Palau, Vol. 3: Japanese Administration & U.S. Naval Administration* (Palau Community Action Agency 1978), p. 333-48.

³"Decolonization", p.7

⁴Micronesia Support Committee, *Bulletin*, Vol. 6 #4, 1981 p.3.

CASH INCOMES HIGHER UNDER JAPANESE

"The fact that it was the Japanese rather than the Micronesians who supplied the labor for the then-flourishing sugar cane and commercial fishing industries and who benefited most from the Japanese government's subsidization of the area does not alter the fact that per capita Micronesian cash incomes were almost three times as high before the war as they are now and that the Micronesians freely used Japanese-subsidized extensive public facilities."

Report of the Solomon Mission, 1963.

Continued from Page 6

A 1977 article commented that "the...Capital Investments planned for the six districts from 1976 to 1980 are investments in the infrastructure, half of which is programmed for airfields and ports."

By the mid-1970's U.S. economic policies appeared to be ruling out the independence choice for the Micronesians. And it is precisely "the placement of the proposed infrastructure (which) may leave Micronesia more economically dependent in 1981," said a 1976 U.N. Development Program report, pointing out the lack of consideration of the subsequent costs for operation and maintenance of the facilities being built.

The U.N. Visiting Mission of 1976 observed with dismay that the Micronesian people expressed "a general but regretful feeling that the Territory was still too dependent on United States aid to be able to consider loosening its ties" with the U.S.

At the 1981 U.N. Trusteeship Council annual meeting, Asterio Takesy of the Federated States pointed out that "the problem of basic health in Micronesia is not simply a hard battle that is in the process of being won; it is, on the contrary, a hard battle that is steadily being lost...It profits Micronesia very little to build a new hospital if there are no qualified medical personnel to staff it or if as has happened, one sends a sick child to a shiny new hospital only to find that the hospital has no antibiotics and not even an aspirin. One extreme fear on this subject will perhaps best be portrayed by relating the unofficial results of recent health surveys...that have shown an alarming incidence of active tuberculosis in children entering grade school in Ponape and an equally alarming number of cases of leprosy in the states of Truk and Ponape..."

Republic of Palau Vice President Alfonso Oiterong at the same meeting said "the water system still does not work. The people of Koror and its surrounding areas have water for only two hours in the morning and...in the evening. ...If the water system can be adequately repaired we believe that the sewer system, which is now not operating, can be made to function...Failure to have adequate water not only threatens our health and safety but also our basic economic development..."

Is this bleak story told to the Trusteeship Council the whole reality in Micronesia today, or is there another side? Are the resources available to Micronesians adequate for the decisions they must now make for transition into a self-governing future? What are these resources?

The greatest resource of all to the Federated States of Micronesia, Palau and the Marshall Islands is the people themselves. The Trusteeship has lasted a brief 35 years, but their tradition of self-sufficiency goes back hundreds and even thousands of years. Among a wealth of other resources are: the numerous

thoughtful United Nations reports since 1950; experiences of Pacific neighbors, many of them newly independent and all increasingly supporting each other; studies of other U.S. territories and contacts with their people; the histories of the decolonization process in the many countries that have moved to self-government since World War II; and the spirit of cooperation among the developing countries of the world.

In **Part II: The Political Status Chronology** and **Part III: The Compact of Free Association, Excerpts and Implications**, as well as in the experiences of people in small countries and territories told in these pages, this booklet opens many questions for consideration and discussion. People of the world concerned with human rights, self determination, and the environment have watched the islands of the Trust Territory with increasing interest; they will continue to be involved and concerned about the future of the new governments which are working to take their place among other self governing people.

A POEM

Dedicated to the Wonderful and Inspiring Men Who
Comprised the Solomon Mission
July-August 1963

On the 18th of April in '62
With a fresh wind blowing, and skies of blue
The Pres approved memo one-forty-five
And the Solomon Committee sprang alive.
Eight summers ago—in '63
Nine men came out from the Land of the Free
To the sunny trust isles, facts to find—
As well as assess the islanders' mind.

Their search was simple—just find what's right
to insure a favorable plebiscite.
And see that the long-shelved Micro-nation
Would be American-owned by affiliation.

Yes, out they came, these nine great guys
To serve as the President's personal eyes
And determine which way the natives would go
When the status winds began to blow.

The objectives were stated as a, b, and c
And were geared to do everything rapidly.
Their outline proclaimed that the Trust Islands' fate
Could be sealed and delivered by late '68.

In motif their work was 'American Colonial'
But knowing this bothered them not one i-on-ial.

For these were old men who remembered the WAR
And knew that the islands had long been a whore
To Spaniards and Germans and Nippons and such
—'Protectors' who screwed without paying much.

Their final plan was really quite simple,
And resembled the act of picking a pimple.
After starting a TT-wide Congress as head
They fill it with loads of Commonwealth bread,
And when it gets soft and ready to flow
They pump in some plebiscite fever and blow.

The name of the game was 'Follow the Leader'
And the Solomon crew swore nothing was neater.
They also suggested that leaders be caught
By leadership grants and to Washington brought.

And even commented that kids in school
Could be curriculated toward American rule,
Adding that scholarships in gay profusion
Could win the voters through confusion.

To top this off, they said PCV's
Will Teach "The West" for chicken feed
And a dash of Social Security, please
(To replace the function of coconut trees)
Will guarantee, without a doubt,
That Micronesians won't get out.

By Joe Murphy, founder of Micronitor Publishing Company and Publisher of the Marshall Islands *Journal*, Majuro.

PART II: MICRONESIA

A POLITICAL STATUS CHRONOLOGY

1947-1982

1947

FEBRUARY 26: The U.S. drafted Trusteeship Agreement states the objective of developing Micronesia **"toward self-government"** but omits any reference to "independence." The Soviet Union adds the phrase, **"self-government or independence as may be appropriate..."** to which the U.S. consents. In April, the U.S. and the Security Council approve the agreement designating Micronesia as the only U.N. "strategic" Trusteeship, granting the U.S. extensive military powers.¹

"The United States feels that it must record its opposition, not to the principle of independence, to which no people could be more consecrated than the people of the United States, but to the thought that it could possibly be achieved within any foreseeable future in this case."

—Ambassador Warren Austin to U.N. Security Council, February 26, 1947

JULY 18: The U.S. Congress approves the U.N. Trusteeship Agreement for the Micronesian islands. The agreement obliges the U.S. 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 to this end shall...promote the economic development of fisheries, agriculture and industries; protect the inhabitants against the loss of their lands and resources...protect the health of the people..."²

1960

DECEMBER 14: The U.N. General Assembly adopts Resolution 1514 on the Granting of Independence to Colonial Countries and People, which declares: "Immediate steps shall be taken, in trust and non-self-governing territories...to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire...in order to enable them to enjoy complete independence and freedom."

DECEMBER 15: The next day, Resolution 1541 is adopted, outlining three different ways for non-self-governing territories to gain a "full measure of self-government": "(e)mergence as a sovereign independent state; (f)ree association with an independent state; (i)ntegration with an independent state." "Free association," the resolution states, should be the result of a free and voluntary choice by the peoples of the territory...(A)nd retains for the peoples of the territory...the freedom to modify the status of that territory through the expression of their will...(T)he right to determine its internal constitution without outside interference...."

GLOSSARY

BORA	Base Operating Rights Agreement
CFPST	Commission on Future Political Status and Transition
COM	Congress of Micronesia
FSM	Federated States of Micronesia
JCFS	Joint Committee on Future Status
KAC	Kwajalein Atoll Corporation
KMR	Kwajalein Missile Range
MIG	Marshall Islands Government
MIPSC	Marshall Islands Political Status Commission
MPSC	Marianas Political Status Commission
NEPA	National Environmental Policy Act of 1969
NSAM	National Security Action Memorandum
OMSN	Office for Micronesian Status Negotiations (U.S. State Department)
PCST	Palau Commission on Status and Transition
SOFA	Status of Forces Agreement

1961

JUNE 21: Burma's U.N. Representative, U Thant, asserts: "The Saipan district appears to be enjoying special privileges over other districts of the Territory. The Administering Authority is said to be putting more money into Saipan than into other districts, and consequently employees of the administration in Saipan are better paid. The Saipan district has better schools with more qualified teachers, more hospitals better equipped with staff and other facilities, and it has better roads and what not. This kind of discriminatory treatment certainly will not be conducive to a development of territorial consciousness, a development of a sense of...nationhood among the Micronesians."³

The United Nations Visiting Mission calls on the U.S. to "take the heat out" of the Marianas Movement to become a part of the U.S. as a separate territory.

1963

The Solomon Team, commissioned by President Kennedy to make policy recommendations, reports: "...Micronesia is said to be essential to the U.S. for security reasons. We cannot give the area up, yet time is running out for the U.S. in the sense that we will soon be the only nation left administering a trust territory. The time could come, and shortly, when the pressures in the U.N. for a settlement of the status of Micronesia could become more than embarrassing."

In recognition of the problem, the President, on April 18, 1962, approved **NSAM No. 145 which set forth as U.S. policy the movement of Micronesia into a permanent relationship with the U.S. within our political framework.** In keeping with that goal, the memorandum called for "accelerated development of the area to bring its political, economic, and social standards into line with an eventual permanent association."

To obtain these objectives, the report says the U.S. should sponsor Micronesian leader visits to the U.S., introduce American curriculum and patriotic rituals in the schools, increase college scholarships, begin a Peace Corps program and offer Micronesians economic incentives.⁴

1964

The U.N. Visiting Mission to Micronesia comments: "The people of the Territory have not begun to think at all widely about the range of alternatives open to them. Almost all speakers assumed that there were only two alternatives—full independence or some form of integration with the United States. Independence is taken to mean that Micronesia would have to stand entirely on its own strength and that United States aid would immediately cease. Since Micronesia is clearly not self-sufficient, most people concluded that the only alternative was some form of integration with the United States, either

as part of Hawaii or part of the Territory of Guam."

JULY 1965: The Congress of Micronesia, a territory wide legislative body modelled on the U.S. Congress, holds its first session after being created by Interior Secretarial Order #2882 in 1964. The Congress is subject to the veto of the American Trust Territory High Commissioner.

1967

AUGUST 8: The Congress of Micronesia (COM), with representatives of each of the six Micronesian districts, establishes a political status commission to: 1) recommend procedures and courses of political education in Micronesia; 2) study the range of political status alternatives open to Micronesia; 3) recommend ways of determining Micronesian views on their future political status; and 4) undertake a comparative study of self-determination in Puerto Rico, Western Samoa, the Cook Islands and other territories.⁵

The U.N. Visiting Mission to Micronesia reports: "The Mission considers that the initial work of the Congress of Micronesia has helped to sweep away one of the barriers to political progress by providing a force for unification and centralized leadership. The main obstacles remaining in the way of progress to political freedom and self-determination lie in the excessive economic dependence of Micronesia upon the United States and the lack of political understanding among the members of the public, particularly in the more remote islands, of the alternatives open to them."

1968

JUNE 26: The COM political status commission submits its "Interim Report," with these observations: a divided territory would bring no greater political, economic or social advantage than a unified territory; Micronesia's size and the possibility of economic specialization would enable each district to "complement" the other; and the four possible political alternatives for Micronesia are: 1) independence, 2) a "freely associated state," 3) integration with a sovereign nation as a commonwealth or unincorporated territory, and 4) remaining a trust territory.

AUGUST: The Kwajalein Atoll landowners, removed from their home islands by the military, live crowded on 66-acre Ebeye Island, lacking adequate compensation and facing serious health, sanitation and social problems. The people petition the Congress of Micronesia, which supports their demand that the U.S. compensate them and allow the people access to their islands for food growing and fishing. The U.S. ignores the initial demand from the Kwajalein people, but fol-

lowing a week long occupation of their "off limits" islands, the U.S. agrees to negotiate their demands.

1969

JULY: The second report of the COM Political Status Commission lists three alternatives: 1) independence, 2) free association, and 3) integration with a major power. It recommends free association as the first choice, stating that both military bases and the power of the U.S. to control foreign affairs would be acceptable if Micronesia were a self-governing state.

"We choose a free state because the continuation of a quasi-colonial status would prove degrading to Micronesia and unworthy of America...(I)f it should prove impossible to renew our partnership with the United States as an associated free state, the Political Status Commission feels that independence would be the only road left open to us...We maintain that the basic ownership of these islands rests with Micronesians and so does the basic responsibility for governing them."⁶



Trident Missile

OCTOBER 1-17: Micronesian and U.S. representatives meet in the first round of exploratory future political status negotiations. The Micronesians present a list of 11 positions. The U.S. rejects two key Micronesian points: the right of Micronesians to control land (eminent domain), and the ability of Micronesians to terminate a future agreement unilaterally.⁷

Later, a National Security Council (NSC) Undersecretaries Committee, including the Undersecretaries of State and Interior, the head of the Joint Chiefs of Staff, the Deputy Secretary of Defense, a representative of the CIA, and the assistant to the President for National Security Affairs, drafts a bill to establish Micronesia as an unincorporated territory of the U.S. similar to Guam, with some internal autonomy, but with sovereignty residing with the U.S.

This follows a meeting of Henry Kissinger, the Secretaries of State and Interior and the Trust Territory High Commissioner in which Kissinger argues that Micronesians must not control their land or retain the power unilaterally to alter the U.S.-Micronesia relationship. Interior Secretary, Walter Hickel, disagrees: according to his account, he supported "negotiated purchase or lease of land. We had established military bases in Turkey and Spain without the right of eminent domain. What right did we have to invoke eminent domain on the Micronesians?" Hickel's account of Kissinger's response is well known in Micronesia: "There are only 90,000 people out there. Who gives a damn?"⁸

1970

JANUARY: During informal talks with Congress of Micronesia leaders on Saipan, Interior Assistant Secretary Harrison Loesch circulates a draft bill to establish Micronesia as an unincorporated territory. Under this proposal, the United States would gain permanent control and sovereignty over Micronesia. The Micronesians respond that the U.S. offer is in direct conflict with the U.N. Trusteeship Agreement and maintain the internal self-government of Micronesia should be "reserved solely to the people of Micronesia." They flatly reject the offer.⁹

MAY 4-8: During the second round of U.S.-Micronesia talks on Saipan, the U.S. presents a revised proposal for commonwealth status similar to Puerto Rico, offering "permanence, security and stability to the people of Micronesia" with the Territory becoming a "part of the United States." It meets some of the specific requests made by Micronesians earlier, but the U.S. refuses to budge on the eminent domain issue, insisting on retaining the right to expropriate land. The Congress of Micronesia negotiators state their "total opposition to any action that would limit Micronesia's desire for internal autonomy." The Micronesian negotiating team presents four "non-negotiable" points:

1. Sovereignty resides in the people of Micronesia and their government;
2. The right of self-determination includes the choice of independence or association with anyone;
3. Micronesia has the right to adopt its own consti-

tution and amend or revoke it at any time;

4. Association would come about by a compact terminable unilaterally by either side.¹¹

Leadership in the Marianas alone favors pursuing negotiations for commonwealth status with the U.S.¹²

With an uncertain political climate in the Philippines and Japan, and the possibility of losing bases in Okinawa, Pentagon planners develop new fallback position centered on Guam and Tinian. A new Tinian base would guarantee the U.S. an amphibious training site and a secure launching pad for future Asian military operations.¹³

U.S. OFFER OF COMMONWEALTH

"The U.S. offers us a new name: This Trust Territory would become a Commonwealth. But the United States would control our future. Micronesia would become a permanent part of the United States' political family—that is the phrase they use—but eminent domain would remain eminent domain; veto would remain veto; Kwajalein would remain American and Ebeye would be Micronesian. And Micronesia would become the newest, the smallest, the remotest non-white minority in the United States political family—as permanent and as American, shall we say, as the American Indian."

—Lazarus Salii, Chairman, JCFS¹⁰

The 1970 U.N. Visiting Mission reports: "The COM has a most important and vital responsibility to acquaint the people of the Territory with the nature and consequences of the choices before them. It is a daunting task: size of the area, divisions of language; primary loyalties to a district, group of islands or even to one island; no territory-wide political party; no organization devoted to the study of TT's political future; no widely-read newspaper.

"The Administration must avoid giving the impression that it is supporting or opposing any of the choices on which the COM might declare itself...As the Mission pointed out in its various meetings in Micronesia, there is a great deal of experience in the U.N. concerning the ways in which the people of former Trust Territories opted to decide their own future. The Mission trust that at an appropriate state, the United Nations will be formally requested to play its part in the fulfillment of the Trusteeship Agreement, in accordance with the Charter."

JULY: The Micronesian status delegation reports to the COM "profound" differences between the U.S. and Micronesia, with the Americans "unwilling or unable to support" free association. The Micronesians go on record in this report opposing any status which would create permanent ties with the U.S. Both procedural and substantive differences over land control and unilateral termination result in an impasse in the negotiations lasting nearly 16 months.¹⁴

AUGUST 17: The Congress of Micronesia establishes the Joint Committee on Future Status (JCFS) and sets forth its mandate to negotiate for either free association or independence.¹⁵

AUGUST 20/21: The Marianas legislature passes two resolutions: (1) requesting the U.S. to meet with the Marianas Legislature on the Commonwealth proposal and (2) endorsing and urging the U.S. commonwealth proposal be submitted to Marianas people for endorsement and implementation.¹⁶

NOVEMBER: The reelection of all Joint Committee on Future Status members to the Congress indicates strong popular support for a tough negotiating position.¹⁷

1971

FEBRUARY 19: The Marianas Legislature declares in a resolution its intent to secede from Micronesia "if necessary by force of arms" in order to join the U.S.

The Independence Coalition is formed in the Congress of Micronesia, including the entire Truk delegation and members from Palau and the Marshalls.¹⁸

President Nixon appoints F. Haydn Williams, a former Assistant Secretary of Defense and currently President of the CIA-organized and -funded Asia Foundation, to be the U.S. ambassador for the Micronesian status negotiations.¹⁹

JULY 30: The National Security Council establishes an interagency Office for Micronesian Status Negotiations (OMSN), funded by the State, Defense and Interior Departments.²⁰

OCTOBER 4-12: Ambassador F. Haydn Williams attends his first session. Land control and unilateral termination are the most sensitive issues at the third round of talks in Hana, Maui: Williams attempts to defuse the land problem, stating the U.S. "would commit itself not to exercise any power of eminent domain," once military land requirements are met. These requirements include: continued use of Kwajalein Missile Range; option to use the port and airfields and an unspecified amount of land in Palau and a



R Wenkam

major portion of Tinian Island in the Marianas. U.S. negotiators point out that they have "definite" plans only for the Marianas. But unilateral termination remains, in Sen. Sali's words, "the single most important" disagreement. The negotiators agree in principle to free association, granting the U.S. defense and foreign affairs powers, with Micronesians to control internal affairs.²¹

1972

APRIL 2-13: The U.S. accepts, in principle, the Micronesians' right of **unilateral termination**, as well as the right to adopt and amend its own constitution and legislation. The U.S. will relinquish power of eminent domain at the time the Compact becomes effective. But differences remain

over the extent of U.S. authority in defense and foreign affairs; when termination could take place; and the amount of U.S. financial assistance (annually).²²

APRIL 11: During the fourth round of Micronesia-U.S. status talks, Marianas representatives in the Congress of Micronesia's Joint Committee on Future Status request that Ambassador Williams enter into talks with the Marianas.²³

APRIL 12: Ambassador Haydn Williams announces the U.S. plan to negotiate separately with the Mariana Islands, with talks beginning in December, causing further disagreement between the U.S. and Micronesian negotiators.²⁴

Continued on Page 19

MARIANAS CHRONOLOGY 1972-1976

1972 DECEMBER 13-14: Ceremonial speeches begin the first exploratory round of U.S.-Marianas status negotiations. Edward Pangelinan, Chairman of the Marianas Political Status Commission (MPSC), outlines four major issues for the negotiators to resolve:

(1) Political status - are the Marianas to become a commonwealth, unincorporated territory or have another status?; (2) Use of land - the Marianas leadership agrees in principle to provide land for the U.S. military, but wants to insure that land cannot be purchased by non-Marianas people; (3) Future funding levels; and (4) Transition - there could be no changes in the Trusteeship without United Nations Security Council approval; but through separate administration, the U.S. and the Marianas could implement the new status without waiting for U.N. approval.¹

1973 JANUARY: A U.S. *News and World Report* article states that "according to tentative plans, the Marianas—along with Guam—would become America's main outpost in the Western Pacific." Such reports fuel rumors that military plans are the primary U.S. interest in negotiations with the Marianas.²

MAY 15-JUNE 14: During the second round of Marianas-U.S. talks, agreement is reached on commonwealth as the form of association. The Marianas status commission's position is based "largely upon examination of the Puerto Rico precedent."

WILLIAMS SETS DISCUSSION LIMITS

On the question of termination, U.S. Ambassador Williams makes it clear that:

"We have come together to discuss close, permanent ties. It seems to us inappropriate, therefore, to give any substantial consideration in our discussions to the question of possible termination...Nor does it seem to us that...there should be any need to establish a mechanism for review of the United States-Marianas ties at stated intervals."³

□ MARIANA ISLANDS □

Farallon de Pajaros • Maug
• Asuncion
• Agrihan
Pagan • Alamagan
Zealandia Bank • Guguan
Sarigan • Anatahan
Farallon de Medinilla
Tinian • Saipan
Aguigian
• Rota

"BECAUSE OF RECENT EVENTS, we have come to realize that 'if you starve a person, he'll eat anything he is given.' We have been getting only crumbs. Our land is precious and scarce, we cannot condone the use of it by a foreign government. We are Chamorros and proud of it and want it to stay that way. We steadfastly oppose the military takeover of any of our beautiful island for purposes of destruction and instead offer a life-giving alternative--the growing on our super-rich soil of food for our struggling nation."

*Tinian Students, University of Guam
Summer, 1973*

MAY 30: The day after presenting U.S. military plans to the Marianas negotiators, Ambassador Williams, in a public radio broadcast on Saipan, outlines U.S. military needs: (1) Farallon de Medinilla: indefinite use for target practice; (2) 320 acres in Saipan's Tanapag Harbor for future use; (3) Isley Airfield on Saipan: joint use; (4) 500 acres near Isley Field: contingency use as a support area; and (5) the entire 40 square mile island of Tinian: the northern 2/3 for an Air Force and Naval base and the southern 1/3 to be returned for civilian use.⁴

MAY: Tinian is the focus of American military interest in the Marianas. In Williams' words, "Requirements on Tinian are extensive—so much so that we feel we should acquire the northern two-thirds of the island for military purposes. We feel we should also ask to acquire the southern third but would make this part of the island available to the current residents for normal civilian activities and community life."⁵ However, the military wants use of the protected, deep water Tinian harbor for an ammunition wharf, requiring relocation of nearby San Jose, the island's only village, to the swampy southern part of Tinian bordered by rocky hills.⁶

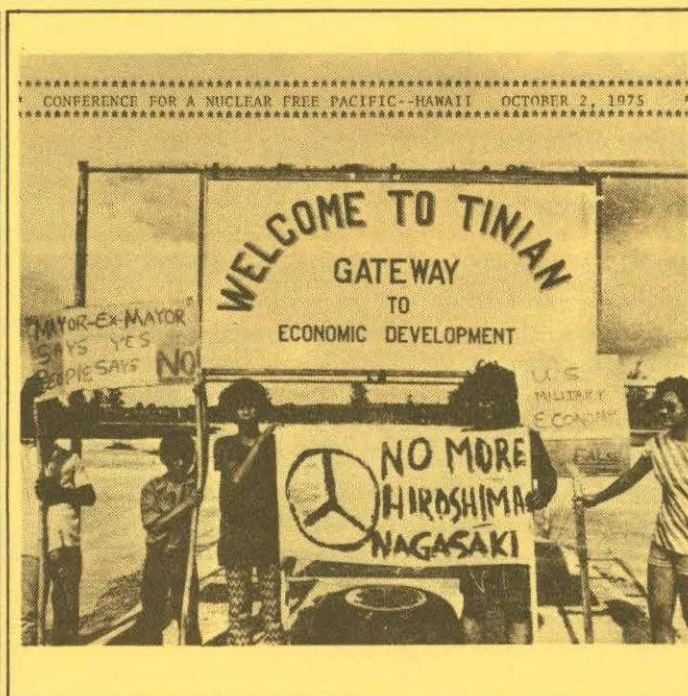
JUNE: The MPSC terms U.S. plans for Saipan "unreasonable" and states it is "especially concerned" by the proposed relocation of San Jose village on Tinian.⁷

JUNE 5: Opposition from the small Tinian farming and fishing community of 900 is immediate and vigorous. U.S. and Marianas negotiators arrive to discuss the military plans with landowners and are greeted with the first ever demonstration on Tinian. In a series of public meetings, people strongly oppose the relocation plan, demanding that the U.S. restrict its activities to 1/3 of the island. In the meetings, people held signs reading: "Land for Ranchers, not for Bombers."⁸ The livelihood of the Tinian community is based on farming the rich soil—described by some as the most fertile in Micronesia—which produces fruits and vegetables that have been exported to markets as distant as California.

JUNE: Opposition to the Tinian base was the primary controversy during the negotiations, occurring largely outside of the formal talks. Following the May-June negotiating session, however, one Marianas status commission member expressed objections, commenting that the negotiations were moving along in too much of a rush, not allowing time for negotiating the best land and financial settlements. Another member comments that the Marianas had conceded sovereignty to the U.S. too easily and too soon.⁹

JUNE 5: The Tinian Municipal Council circulates a petition with 7 pre-conditions for military use of their island, among them that the U.S. must limit its plans to approximately 1/3 of the island and agree not to relocate San Jose village under any circumstances. The petition notes that the U.S. "has a moral obligation to give due consideration to the wishes of the people concerned."¹⁰

DECEMBER 6-19: The third round of Marianas-U.S. talks focuses on military lands. The U.S. drops its



Tinian Protest Demonstration

demand for all of Tinian, conceding that the people could control and own 1/3 of their island.¹¹

During 1973 and 1974, military and civilian teams visiting Tinian included: Vice Admiral George P. Steele, Commander, 7th Fleet; Admiral Maurice F. Weisner, Commander and Chief, Pacific Fleet; Admiral Noel Gayler, Commander in Chief Pacific; Lt. General Louis H. Wilson, Pacific Fleet Marine Force Commanding Officer; Jack Bowers, Assistant Secretary of the Navy for Installations and Logistics; William Clements, Deputy Secretary of Defense; and Morton Abramowitz, Deputy Assistant Secretary of Defense for East Asia and Pacific.¹²

1974: A U.S. defense planner predicts: "Given the changing regional power structures of Pacific-Asia, and the probability of major military adjustments by the United States from our present forward positions, it is quite conceivable that in ten or twenty years, the entire U.S. Pacific presence will be centered on a Guam-Tinian axis."¹³

FEBRUARY: The Tinian Municipal Council passes a bill scheduling a referendum for April 7 to consider the questions:

- * Do you agree to the relocation (moving) of the Village of San Jose from its present site to another area of the Island of Tinian?
- * In your opinion, how much of the Island of Tinian, in terms of land area, should the United States military be permitted to occupy? None? One-third? Two-thirds? Other (specify).¹⁴

1974**MARCH 8:** Trust Territory District

Administrator for the Marianas, Francisco Ada, vetoes the Tinian referendum, saying that it is "an attempt to undermine the United States-Marianas...negotiations," and that the "good of the whole comes first, not Tinian's interests."¹⁵

MAY: Following the Trust Territory administration veto of the Tinian referendum, more than half of Tinian's registered voters sign a petition opposing the extent of American plans.¹⁶

MAY 15-31: At the fourth round of Marianas-U.S. talks, a series of working and public meetings on Saipan, Tinian and Rota, the U.S. announces that San Jose village on Tinian will not be relocated, as the weapons wharf can be constructed elsewhere on Tinian. The U.S. concedes to all the demands of the Tinian Council in its June 5, 1973 petition, with the exception of limiting its use to 1/3 of Tinian.¹⁷

MAY: The projected cost of the Tinian base grows from \$144 million to over \$300 million, announces Ambassador Williams at a public meeting on Tinian, adding that approximately 5,000 to 6,000 troops will be based on Tinian, with another 7,000 arriving periodically for war training maneuvers.¹⁸

JUNE 21: A detachment of Marines from Okinawa conduct an amphibious assault on Tinian, the first active military presence since World War II.¹⁹

NOVEMBER: During elections for the Marianas Legislature and the Congress of Micronesia (COM), objections to the haste and secrecy of the Marianas status negotiations become a major issue. Edward Pangelinan, MPSC Chairman, is defeated in his bid for reelection to the COM. With the status talks nearing completion, the Marianas Legislature arranges for Pangelinan's continuance as Chairman of the negotiating team.²⁰

NOVEMBER: Tinian Mayor Felipe Mendiola, Municipal Council Speaker Sylvestre Cruz and other Tinian residents petition the U.N. Trusteeship Council urging its help to stop the U.S.'s "land grab" of Tinian. Their petition states: "We deplore and condemn the sales pitch and tactics utilized by representatives of the United States military in their relentless attempts to convince the inhabitants that what is good for the military is good for Tinian."²¹

NOVEMBER: A Socio-Economic impact study of Tinian prepared for the U.S. Air Force projects the Tinian military base will expand the current population

MILITARY PLANS FOR MICRONESIA

Because of its excellent facilities and permanent political relationship with the U.S., Guam would certainly be the center of any increased U.S. military activity in the area. It has minimal strategic value, however, without U.S. control of the entire Trust Territory.

Palau has excellent anchorages, Ponape and Babelthuap (sic) have land areas in excess of 1100 square miles and are suitable for nuclear weapons storage and training areas. The Marianas in general are ideally suited for airfields. Although Tinian has no adequate harbor it is suitable for a major air base as well as nuclear stockpiling and troop staging facilities. Rota has a small airfield and could support a missile base and troop training.

From The Strategic Importance of Micronesia by Lt. Col. A.R. Giroux, Army War College, October, 1973.

of 900 by about 5,000. Additionally, some 8,000 to 12,000 civilians will be brought in for construction and base operation activities. "With the projected population density...agriculture activities will be severely limited and the present standard of living will deteriorate...", the report states. This Air Force study is not made available for public discussion in the Marianas prior to the June 17, 1975 vote on the Commonwealth Agreement.²²

DECEMBER: The fifth round of Marianas-U.S. negotiations produces basic agreement on a "covenant", which will give the Marianas permanent control of land ownership. The U.S., however, retains the power to "exercise within the commonwealth the power of eminent domain to the same extent" as "in a State of the Union." American negotiators confirm rumors that the U.S. will not begin immediate construction of the proposed Tinian base.²³

1975

FEBRUARY 15: American negotiators and 13 of 15 Marianas negotiators sign the Covenant to Establish Commonwealth of the Northern Mariana Islands in Political Union with the United States of America. The Covenant provides the U.S. with a 100 year lease on 17,799 acres (2/3) of Tinian for a payment of \$17,500,000—or approximately \$10 an acre per year.²⁴

FEBRUARY 20: The Marianas Legislature approves the Covenant and sets June 17, 1975 as the plebiscite date for the Covenant.²⁵

APRIL 11: Interior Secretary Rogers Morton announces the appointment of former *Christian Science Monitor* editor, Erwin Canham, as commissioner for the Marianas plebiscite, just 2 months away. His duties include overseeing an impartial political education program on the Covenant.²⁶

APRIL: The Interior Department announces the questions to be voted:

1. Yes — I vote for Commonwealth as set forth in the Covenant to Establish Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
2. No — I vote against Commonwealth in political union with the United States as set forth in the Covenant, recognizing that, if Commonwealth is rejected, the Northern Mariana Islands, will remain as a district of the Trust Territory with the right to participate with the other districts in the determination of an alternative future political status.²⁷

Because of the wording, a negative vote is a vote against Commonwealth ("if Commonwealth is rejected") rather than a vote against the Covenant. This wording forces a "yes" vote by those who support the idea of commonwealth but want changes in the Covenant.²⁸

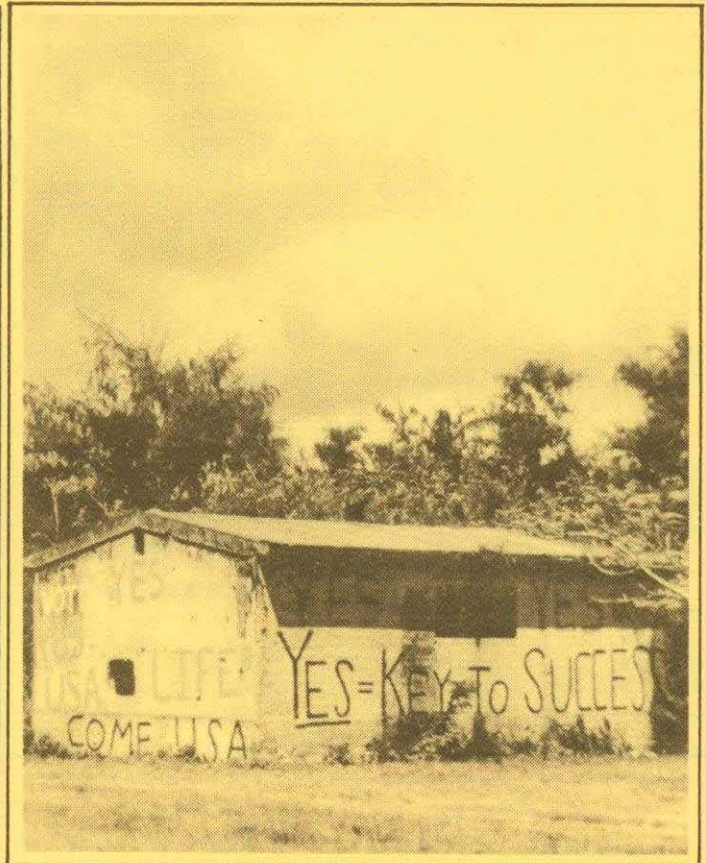
APRIL: Opponents of the Marianas Commonwealth Covenant charge that the plebiscite is being rushed, that four months between the signing and the plebiscite is insufficient time for thorough political education. Despite protests from Marianas people and members of the U.S. Congress, the Interior Department refuses to change the ballot wording.²⁹

MAY: Martin San Nicolas, a Tinian resident representing the just-concluded Fiji Nuclear Free Pacific Conference, appears before the U.N. Trusteeship Council asking for U.N. action to delay the June plebiscite and allow more time for voter education.³⁰

MAY: Less than three weeks before the commonwealth vote, the educational booklets on the Covenant in three languages are made available for public discussion.³¹

JUNE 17: The Marianas Covenant is approved by a 78.8% margin—3,945 to 1,060 votes.³²

JULY 21: The U.S. House of Representatives passes the Marianas Commonwealth Covenant by voice vote. The *New York Times* notes: "With a haste that is both unnecessary and ominous, the Congress is moving toward rubber stamp approval of a far reaching commitment that Americans may come to



Vote Yes — Key to Success

regret...After perfunctory moments of debate with fewer than 25 members on the floor, the House of Representatives gave its approval by voice vote..."³³

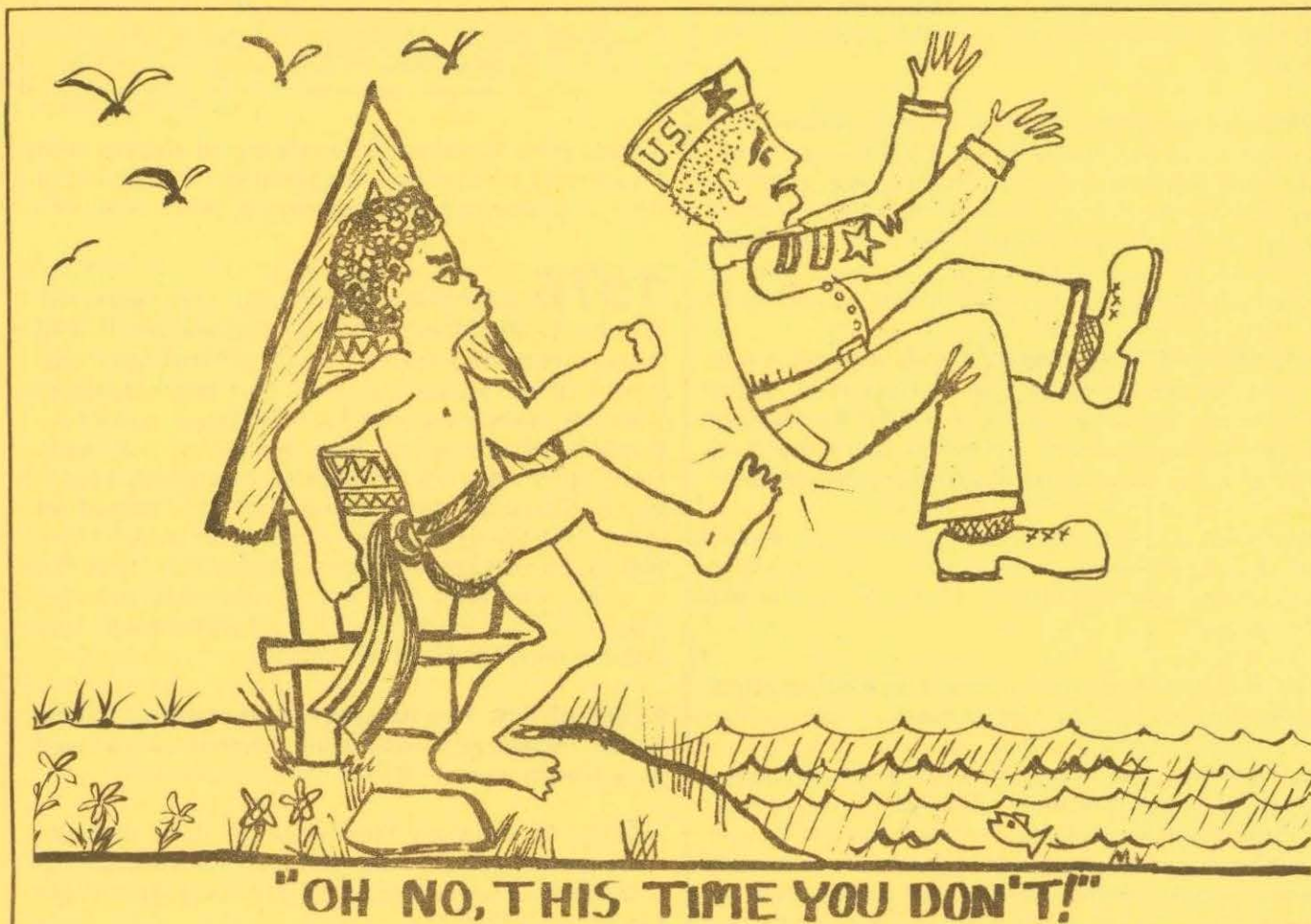
1976 JANUARY: Abel Olopai, a spokesperson for the United Carolinian Association on Saipan (which represents about 1/3 of the Marianas population), delivers a statement to U.S. Congresspeople: "The educational program for the election was inadequate. The Covenant was signed in February. Although it was very complicated and terribly important to the people here, Interior Secretary Morton set June 17 as the date for the plebiscite as though there was some reason for hurrying. More important, the education program for the people regarding the Covenant itself only dealt with the Covenant, telling us nothing about possible alternatives..."³⁴

FEBRUARY 26: After delays because of strong opposition by Senators opposed to the Covenant, it is passed by a Senate vote of 67 to 23.³⁵

MARCH 15: President Ford signs the Marianas Commonwealth Covenant into law, marking the first U.S. acquisition of territory since the purchase of the Virgin Islands in 1917.³⁶

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MICRONESIA

CHRONOLOGY (continued)

1972

JULY 17-AUGUST 1: During the fifth round of Micronesia-U.S. talks in Washington, D.C., tentative agreement is reached on the Preamble and three titles of a draft Compact of Free Association: internal affairs, foreign affairs and defense. Micronesia would govern its internal affairs while the U.S. would have full responsibility for foreign affairs and defense matters, including the exclusive right to establish, maintain and use military areas and facilities in Micronesia.²⁵

AUGUST: During the COM Special Session in Ponape, the Compact is attacked by growing independence forces. The COM directs the JCFS to negotiate for **both** independence and free association.²⁶

SEPTEMBER 28-OCTOBER 6: The sixth round of U.S.-Micronesia status talks at Barbers Point Naval Station in Hawaii breaks down over the issue of independence. The Micronesians are prepared to continue discussion on the draft Compact but note the growing sentiment for independence in Micronesia. The U.S. delegation is specifically instructed not to discuss independence. "In a not too veiled threat...the United States let the Micronesians know that the United States strategic requirements would not countenance independence."²⁷

NOVEMBER: A serious blow to the COM Independence Coalition is the election defeat of Rep. Hans Wiliander from Truk.

Fifty elected and traditional Palauan leaders issue a declaration: "Whereas, the people of Palau have no desire to have military installations and personnel on Palauan land...because this could result in suffering for human beings within or without Palau; Whereas, the people of Palau see the right to control their land as the basis of Freedom, Justice and Equality, both at the present and in the future; We hereby declare that we are unequivocally opposed to the use of land in Palau by the United States military..."²⁸

The Palau legislature goes on record with a statement that the U.S. military is "not welcome." A traditional chief and the Speaker of the Palau Legislature point out that negotiations of possible U.S. military land use must take place only after all land is returned to the people of Palau (more than 60% is controlled by the U.S.).²⁹

1973

APRIL: The Congress of Micronesia

adopts the Palau Legislature's position that the resumption of political status talks is dependent on a return of public lands to local control and ownership.³⁰

"The looser the relationship the (COM) Joint Committee talked about, the more Defense became interested in something closer with the Marianas," comments a State Department official.³¹

The Marshall Islands Nitijela (Legislature) forms the M.I. Political Status Commission (MIPSC) to negotiate separately with the U.S. government.

After suggesting the Marianas could choose to be a part of Micronesia until the time when a majority of districts might decide on unilateral termination, the 1973 U.N. Visiting Mission continues: "Alternatively, if an arrangement is negotiated for Micronesia which is satisfactory to the Congress but not acceptable to the Marianas, it would appear likely that, at this stage, the Congress...would be ready to accept the inevitability of a separate status for the Marianas. There would then be constitutional propriety in the secession. It is a matter of urgency that the Congress, the Administration and the Administering Authority give the most serious attention to the question of the unity of the Territory. They should refuse to allow the course of events which the inactivity, indecisiveness and failures of the past have set in train to continue unchecked without the most earnest and serious examination of whether that course will or will not benefit the people of Micronesia, both severally and as a whole."

OCTOBER: More than a year's halt in the status talks prove to be counter-productive for the COM, as the Marianas begin separate negotiations, encouraging separatist sentiment in other islands.

NOVEMBER 1: The U.S. issues a policy statement that public lands will be returned directly to each district before termination of the Trusteeship Agreement, demanding, however, that any public lands wanted for military use will not be returned until the Micronesians agree to meet U.S. land needs. The Micronesian negotiators, although dissatisfied with these conditions, agree to resume the status talks.³²

NOVEMBER 14-21: The seventh round of Micronesia-U.S. talks begin in Washington, but quickly break down over money issues. Senator Salii states that the U.S.'s "unyielding" position on finance prevents continued Compact negotiations without "significant curtailment" of U.S. authority for military and foreign affairs. The major difference is that the U.S. financial aid offer is for only **five** districts because the separate Marianas negotiations are well advanced. The JCFS, however, insists on negotiating for all six districts, never having recognized the legality of the U.S.-Marianas talks. The talks break off indefinitely.³³

1974

MARCH: Spurred by the separate Marianas negotiations, the Marshall Islands Nitijela requests the U.S. to enter into direct status negotiations with the Marshalls, separate from the COM which has been negotiating for all of Micronesia.

APRIL 26: The Palau Legislature declares that "Palau cannot and shall not accept any other form of political unity in Micronesia other than a unity based upon the terms and principles of loose federation of states where the central government shall have authority and supremacy over specific territorial and international matters while the district governments shall have prerogative over all domestic matters...."³⁴

APRIL: During informal talks in California, U.S.-Micronesia negotiators agree to an economic aid package providing Micronesia \$690 million over 15 years of the Compact. It is agreed that termination of the Trusteeship Agreement will be delayed until completion of a five-year, \$146 million capital improvement program announced by Interior Secretary Norton. 1981 becomes the target date for termination.³⁵

JULY: Informal talks continue between U.S. and Micronesian negotiators on Guam. The Micronesians unsuccessfully attempt to increase their control over foreign affairs; in the final draft the U.S. retains primacy of power in all cases where there is a conflict or overlap between U.S.-controlled foreign affairs and defense matters and Micronesia-run internal affairs.³⁶

Following a request from the U.S., the COM twice passes legislation to implement the return of U.S. held public lands to the Congress of Micronesia. But the U.S. Trust Territory High Commissioner vetoes both bills because the COM insists, among other things: that agreement to meet military land terms should not be required before the return of public land.³⁷

NOVEMBER: Unable to convince the COM to satisfy the Pentagon's land requirements in advance, and faced with pressure from Palau and other districts for quick action, the U.S. informs the Micronesians at a meeting in Honolulu that it is preparing to issue a Secretarial order returning public land on terms contradicting the COM's position: individual owners must agree in advance to accept U.S. military plans and the land will be returned directly to the districts, bypassing the COM. The Micronesians walk out of the meeting and COM House Speaker Bethwel Henry charges the unilateral action by the U.S. "**constitutes an indication of how responsive the U.S. will be toward Micronesian interests and concerns under any future political association.**"³⁸



R. Ziegler

1975

During its regular session, the COM rejects the financial provisions in the draft Compact of Free Association and expresses concern about the overriding U.S. control of foreign affairs.

APRIL 28: The fifth Palau Legislature creates the Palau Political Status Commission (PPSC) and selects Palauan COM Senator Roman Tmetuchl as chairman. Tmetuchl writes U.S. Ambassador Williams requesting the U.S. to "consider a future political status agreement between Palau and the U.S. similar in nature to that of the Northern Marianas...."³⁹

MAY 27: Marshall Islands COM Representative Wilfred Kendall, speaking at the U.N. Trusteeship Council, states U.S. policy "is deliberately designed to lead to the separation of the Mariana Islands District, and in so doing, to deny any chance for the preservation of the unity of Micronesia."

JULY 15: The Micronesian Constitutional Convention opens on Saipan with 56 delegates representing all the districts in Micronesia. The Con-Con is marked by uncertainty from the beginning: The Marianas delegation only agrees to participate at the last minute, threatening withdrawal if the U.S. Senate approves the Marianas Commonwealth bill. With both Palau and the Marshalls leaning toward separate negotiations with the U.S., Marshallese traditional chiefs refuse to attend and the Palau delegation demands that the Micronesian capital be in Koror and that the national government's taxation and land control powers be limited.⁴⁰

NOVEMBER 8: A Constitution for the Federated States of Micronesia is signed by 52 of 56 Con-Con delegates. the entire Palau delegation, all the delegates from Truk, Ponape, Kusaie and Yap, and a majority of the Marianas and Marshalls delegation sign.

1976

JANUARY: *Tia Belau*, Palau's only newspaper, devotes an entire issue to the first information publicly released about the proposed \$20 billion oil super-industrial port complex for their islands. The Save Palau Organization, headed by the High Chief Ibedul, is formed and begins a local and international campaign to block the superport.

JANUARY: Admiral Kent Carroll, Commander of U.S. Naval Forces in the Marianas, visits Palau and hails the proposed Palau superport. "The U.S. is certainly not opposed to it...I predict the preliminary studies will show it's a viable concept...I think it will be difficult for the Palauans to turn down...."⁴¹

The Marshall Islands Nitijela (Legislature), cites the unequal treatment of the Marshall Islands in the COM Free Association Compact negotiations and instructs the MIPSC to seek separate status talks with the U.S.

MAY: The Palau Legislature again requests the U.S. to begin separate negotiations with Palau.

MAY 28-JUNE 2: Although the Marshall Islands and Palau are seeking separate negotiations with the U.S., at the eighth round of U.S.-Micronesia negotiations, Lazarus Salii, Chairman of the JCFS, and Ambassador Williams initial the Free Association Compact. No agreement is reached, however, on key Law of the Sea issues. The Compact now gives the U.S. control of Micronesia's defense and foreign affairs. Military requirements in Palau outlined in Annex B include:

- (1) Anchorage rights in Malakal Harbor and adjacent waters, and rights to acquire 40 acres for use within the harbor;
- (2) Rights for joint use of the Airai airport on Babeldaob, rights to improve the airfield to meet military requirements and the right to exclusive use and development of aircraft support facilities;
- (3) The right to acquire 2,000 acres for exclusive use on Babeldaob, along with non-exclusive use of 30,000 acres of Babeldaob land for ground force training and maneuvers.⁴²

JUNE: The COM creates the Commission on Future Political Status and Transition (CFPST) to replace the JCFS. The new Commission's mandate is to negotiate the Compact into conformity with the FSM Constitution.

JULY 24: In a speech to the COM, Marshall Island's Representative Ataji Balos asserts "**we have only been promised aid provided that we give America our lands for military purposes as listed in the so-called Free Association Compact. We have been promised aid only if we forbid other nations from doing what the United States wants to do in our islands—that is, dominate us militarily....**" After detailing the forced exile of the Bikini, Enewetak and Kwajalein people, he says: "**I cannot believe that an agreement, any agreement, with a nation which has so abused its sacred trust, will protect our islands and people in the future....**"

JULY 30: Ambassador Williams points to "fundamental contradictions" between the initialed Compact and the FSM Constitution. "The Compact, in our judgment, cannot be made to conform with the Constitution."

SEPTEMBER 24: In a referendum, 88% of Palau voters support separate political status negotiations for Palau.⁴³

DECEMBER: Minutes of Tehran and Tokyo meetings of the Palau superport promoters are leaked to the media and reveal that Senator Roman Tmetuchl and other Palau Political Status Commission leaders have assured the Japanese, American and Iranian businessmen of their "active participation and cooperation" in developing the superport.⁴⁴

DECEMBER: The *Washington Post* exposes CIA electronic surveillance of the Micronesian negotiators during 1975. The U.S. Senate Intelligence Committee begins an investigation.⁴⁵

J. Vitarelli



1977

JANUARY: Kusaie, until now administered as part of the Ponape district, gains separate status as a new district to be known as Kosrae.

MARCH 4: In a letter to Secretary of State Cyrus Vance, the Marshall Islands repeats its request for separate "bi-lateral" negotiations with the U.S.

MAY: The U.S. Senate Intelligence Committee reports that the CIA recruited "Micronesian residents, some with affiliations with Micronesian political entities...." At least one of the informants "served on one of the island government entities involved in developing a compact with the U.S. as to future status." These activities began in 1975, notes the report, following Henry Kissinger's 1973 directive to the CIA to study "the possibility of exerting covert influence on key elements of the Micronesian independence movement where necessary to support U.S. strategic objectives."

MAY 18-21: The U.S. and the Palau Political Status Commission, the Marshall Islands Political Status Commission and the COM Commission on Future Status and Transition meet in the first informal "Roundtable" talks in Honolulu aimed at resuming the status negotiations, deadlocked since June 1976. During the meetings, the COM observes that "virtually all of Micronesia remains incensed over (the CIA) surveillance activities...that appear to have been authorized at very high levels of the U.S. government," and requests further information. A State Department representative replies that the U.S. considers the matter "closed," noting that "it was not only in Micronesia that problems of this sort had arisen."

Both the Marshalls and Palau state opposition to joining with the "Congress of Micronesia in any negotiations regarding political status." At the conclusion of the informal talks, a Palau spokesman says, "the U.S. indicated it would favor separate negotiations if this expedited the talks."⁴⁵

JULY 21-24: Following agreement at the Honolulu Roundtable talks, representatives of all the districts meet at an All-Micronesian Conference on Guam to discuss unity, law of the sea matters and status related issues. The Palau delegation presents a "Common Links" proposal for a loose Micronesian Confederation following termination of the Trusteeship, to aid cooperation of the districts on foreign affairs and other issues. The proposal calls for allowing greater access to Micronesia for U.S. military needs. "we emphasize that it is our goal to implement a treaty which makes explicit our exclusive reliance upon a military partnership with the U.S. whose goals of international peace and security we share." Menchor

Moses, speaking for the Truk delegation, strongly opposes the Palau and Marshalls position for separation. "There are still six districts in Micronesia and the will of the people of Micronesia collectively...will be known...when the referendum is held on the Constitution for the Federated States of Micronesia."⁴⁷

JULY 25-27: In the second informal "Roundtable" talks between the U.S. and the Palau, Marshalls and Congress of Micronesia delegations on Guam, the U.S. presents a proposal for a new two-level negotiating format. In this plan, the multi-lateral or all-Micronesia level of negotiations would focus on aspects such as defense, foreign relations and overall elements of Free Association status common to all six districts, while the bi-lateral talks would deal with issues particular to individual districts, such as specific military land rights and financial assistance. The Marshall Islands and Palau delegations hail the new U.S. position as a "breakthrough," but a member of the Ponape delegation "cautions the United States" against action "which would inadvertently result in the fragmentation of Micronesia."⁴⁸

Many in the COM look forward to the July 1978 FSM Constitution referendum as the gauge of the people's sentiments on Micronesian unity. Therefore, they see recognition of the Marshall Islands and Palau movements by the U.S. before that date as premature.

JULY 30: In a referendum sponsored by the Marshall Islands Political Status Commission, 62.5% of Marshall Islands' voters support separate status negotiations with the United States.

AUGUST: President Carter appoints Peter R. Rosenblatt as the U.S. chief negotiator to the Micronesian status talks, with the rank of Ambassador.

OCTOBER 24-27: The U.S. and the three Micronesian political status commissions begin the first round of "renewed" formal negotiations on Molokai, Hawaii in the U.S.-proposed two-level negotiating format. The COM CFPST does not recognize the Marshall Islands and Palau right to negotiate separately from the Congress. In the negotiations, the U.S. proposes to "modify" but not substantially alter the existing draft Compact of Free Association initialed in 1976. The Palau and Marshalls negotiators, however, demand specific compensation for granting the U.S. denial powers over Micronesia's three million square miles of ocean and land area. The proposal calls for the U.S. to pay \$60 million annually to be divided equally among the six districts. Ambassador Rosenblatt says, "the concept of denial...is unworthy of discussion."⁴⁹

NOVEMBER 8: In a referendum, approximately 71% of

the Mortlocks and 84% of the Faichuk people living inside the Truk lagoon, vote to separate from Truk district.

DECEMBER: Julio Akapito, Truk COM member, refuses to meet Rosenblatt on his Trust Territory visit, criticizing the Ambassador's statement on the "incompatibility" of the Compact and the FSM Constitution. "I can assure you that you are mistaken when you say the issue of denial rights is dead. It is very much alive in Truk, as well as in the Marshalls and Palau. Your comments regarding the upcoming referendum are viewed as an attempt to influence the outcome...and linking the level of Capital Improvement Project funding and future financial assistance to the degree to which Micronesia is dependent upon and subservient to the United States will not intimidate Micronesians."⁵⁰

1978

JANUARY: The U.S. and the three Micronesian status commissions meet in San Diego, California. The Marshalls and Palau term a U.S. drafted free association "working paper" a "drastic step backward" and "fundamentally" in conflict with the views of all three Micronesian commissions as expressed at the Molokai talks.⁵¹

APRIL 7-9: During the Hilo, Hawaii negotiating round, U.S. Ambassador Rosenblatt and Roman Tmetuchl of Palau, Amata Kabua of the Marshalls, and Bailey Olter from the COM, sign an 8-point "Agreement of Principles" for free association. In a major U.S. policy change, the Hilo Agreement grants the Micronesians control of **foreign affairs** and allows for unilateral termination with certain restrictions. Parts of the agreement state:

- * "The United States will have full authority and responsibility for security and defense matters in or relating to Micronesia, including the establishment of necessary military facilities and the exercise of appropriate operating rights...This authority...will be assured for 15 years...

- * "The peoples of Micronesia will have authority and responsibility for their foreign affairs, including marine resources. They...will refrain from actions which the United States determines to be incompatible with its authority...for security and defense matters in or relating to Micronesia...

- * "The agreement will permit unilateral termination of the free association political status...subject to the continuation of the United States defense authority as set forth...above."⁵²

APRIL: Despite earlier statements that the FSM Constitution is incompatible with the Compact of Free Association, U.S. Ambassador Rosenblatt now

declares that conflicting provisions can be dealt with through negotiation.⁵³

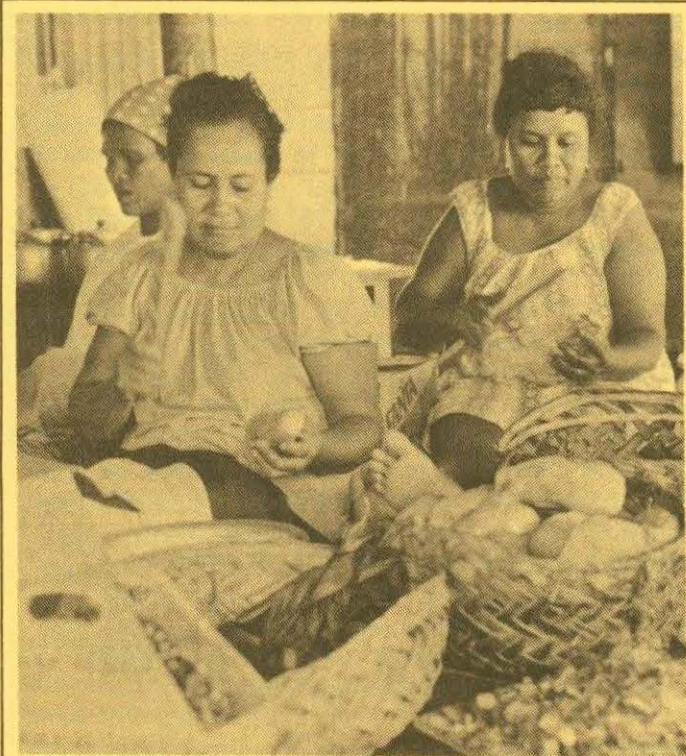
Palau leaders of the anti-superport movement spearhead support for the FSM Constitution, fearing the move for separate political status talks is linked both to U.S. military plans for Palau and the economic potential of the proposed superport.

JULY 12: After several months of intense campaigning in all the districts by proponents of both unity and separation, an all-Micronesia referendum is held on the Federated States of Micronesia Constitution. Palau and Marshall Island voters reject the FSM Constitution by 55% and 60% margins respectively, while the four other Micronesian districts vote for it by margins of: Yap 95%; Ponape 75%; Kosrae 61% and Truk 69%.

SEPTEMBER 28: Interior Secretary Cecil Andrus issues a Secretarial Order separating the districts by reconstituting the COM as the Federated States of Micronesia Congress and restructuring the Palau and Marshalls legislatures as the paramount legislative bodies for their districts. An Interior official comments: "The Secretarial Order...is expected to enhance the chances of success of the status negotiations."

DECEMBER 21: Following two constitutional convention sessions, 45 of 48 delegates sign the Marshall Islands Constitution.

J. Vitarelli



1979

JANUARY: After a two-week meeting on Saipan, U.S. and Micronesian negotiators term each others' position on finance "unreasonable." Additionally, Marshall Island Chairman Amata Kabua notes the conflict between the U.S. insistence to "resolve all disputes in its own favor regardless of how unreasonable such action might be...and our fundamental need to be protected against arbitrary abuses."⁵⁴

JANUARY 28: A popularly elected 38-member Palau Constitutional Convention convenes in Koror for 55 days.

MARCH 1: The Marshall Islands Constitution is approved in referendum, creating the only parliamentary government in Micronesia. The referendum goes ahead in spite of a lawsuit challenging the short time allowed for political education.⁵⁵

Strong local and international opposition to the proposed Palau oil superport, spearheaded by the Save Palau Organization, forces the Japanese investors to shelve their plans.

A week before the Palau Constitutional Convention adjourns, American Ambassador Rosenblatt sends, through the Palau Political Status Commission, a list of U.S. objections to the constitution as drafted, centering on the provisions which ban nuclear and military activities in Palau and on ocean territorial claims in conflict with the proposed Compact of Free Association.⁵⁶

APRIL 2: Ignoring last minute U.S. objections, 35 of 38 Con-Con delegates sign the Constitution for the Republic of Palau. Shortly after adjournment, Ambassador Rosenblatt flies to Palau to meet in a closed session with the Legislature, restating the U.S. Government's opposition to the Constitution, asserting: "The proposed language (of the nuclear ban) would create problems of the utmost gravity for the U.S." Hundreds of Palau citizens demonstrate peacefully outside in protest against this pressure.⁵⁷

The Palau Constitution provides that its ban on nuclear substances cannot be removed "without the express approval of not less than three fourths (3/4) of the votes cast in a referendum submitted on this specific question." Voters, therefore, could interfere with U.S. military activities specified in the Compact, such as use of airfields, ports and land in Palau for nuclear powered and missile carrying vessels and aircraft. The FSM Constitution, however, allows lifting of its ban on nuclear substances through a government-to-government agreement.

APRIL: The Palau Legislature withholds \$26,200 ear-

marked for political education on the new Constitution.⁵⁸

APRIL 30: Ambassador Rosenblatt proclaims the constitution incompatible with free association, which "offers financial assistance quite generous by American standards and the U.S. is ready to commit itself to these levels of financial assistance for the next 15 years...This is possible solely because...we are discussing free association. If we are discussing some other status, I am absolutely confident that these levels of funding would not be possible."⁵⁹

MAY 10: The first Congress of the Federated States of Micronesia convenes, representing the islands of Kosrae, Yap, Truk and Ponape. Tosiwo Nakayama of Truk and Petrus Tun of Yap are elected President and Vice President of the FSM by the Congress.⁶⁰

JUNE 1: The Peoples Committee for the Palau Constitution, composed of Con-Con members, traditional leaders, teachers and others, is formed to support the Constitution, which is under U.S. attack.

JUNE 11: Ambassador Rosenblatt sends the Palau Political Status Commission a U.S. financial offer for incorporation into the Compact with the condition that certain modifications be made in the constitution.

JUNE: The Palau Legislature, under pressure from the U.S. and boycotted by pro-Constitution Legislators, meets without the 25-member quorum required by its charter, and votes to nullify the constitution on the grounds that it is incompatible with the Compact, and to cancel the July 9 referendum.⁶¹

JUNE: The Peoples Committee for the Palau Constitution files a lawsuit in Trust Territory court to block the Legislature's action.

JULY 9: Despite the Legislature's action, the referendum goes ahead under U.N. observation and the Constitution is ratified by an unprecedented margin of 92% to 8%.

JULY: The American Chief Justice of the Trust Territory High Court upholds the Palau Legislature's action to nullify the constitution and the results of the July referendum.⁶²

JULY: The Palau Legislature appoints a nine-member team to rewrite the Palau Constitution.⁶³

JULY 1979: Hundreds of Kwajalein Atoll landowners occupy their islands to protest unlivable conditions on Ebeye, demanding increased compensation and use

of their islands. After a two week protest, which reportedly disrupted missile tests, the U.S., for the first time, negotiates a one year lease for use of Kwajalein providing the people \$9.9 million.

AUGUST 21: A re-drafted version of the constitution is submitted to the Palau Legislature. Provisions objectionable to the U.S., such as those restricting nuclear weapons and waste and imposing stringent controls on military land use are deleted. The Legislature sets a referendum on the "revised" constitution for October 23.

SEPTEMBER: The Legislature appropriates \$100,000 for the PPSC to use for political education of the 6,000 Palauan voters on the revised constitution before the October referendum.⁶⁴

SEPTEMBER 4: Palau voters again go to the polls, this time to elect a new legislature to take office in January 1980. Twenty-seven of the 28 seats are won by candidates running on platforms to revive the original constitution. They petition the High Commissioner to install them immediately. The American High Commissioner empowers the old Legislature to continue until January.⁶⁵

OCTOBER 23: Palau voters reject the "revised" constitution by a 70% margin, reaffirming their support of the original constitution.

OCTOBER 27: With U.S.-Palau Political Status Commission talks tentatively scheduled for December, the People's Committee cables the High Commissioner requesting a postponement until the new legislature elected September 4 comes into office: "There should be no doubt...given the result of the October 23 referendum that the people of Palau have lost faith in the present leadership."

1980

JANUARY: The Palau Commission on Status and Transition (PCST) is created by the new legislature, replacing the former Palau Political Status Commission headed by Roman Tmetuchl. Haruo Remeliik, Con-Con President, is selected chairman.

JANUARY: At the Status negotiating session in Kona, Hawaii, the Marshall Islands initial the Compact of Free Association. Important "subsidiary" agreements on radiation claims, the Kwajalein Missile Range and other issues remain to be negotiated.

JULY 9: One year after the first constitution referendum, Palau voters support the original Palau constitution by a 78% margin. The constitutional Palau government will be formed in January 1981.



S. Arakawa

During the year the U.S. meets separately in bilateral negotiating sessions with the three Micronesian status commissions, working on subsidiary agreements to the Compact.

The 1980 U.N. Visiting Mission reports: "The Mission was repeatedly told that the Territory was not ready for termination of the Agreement and that it lacked the necessary economic infrastructure...At Laura (Majuro) and Moen (Truk) among other places, the belief was expressed that at the moment of termination, the Territory would be abandoned and would receive no further aid from either the United States or the United Nations...General uncertainty about the future, including the steps leading to termination of the Territory Agreement and the Micronesians' ability to survive economically in a post-Trusteeship world, are at present causing fear and despondency among the inhabitants of the Trust Territory."

SEPTEMBER: The U.S. Senate Energy and Natural Resources Committee instructs U.S. negotiators to demand permanent military denial rights from the Micronesian negotiators as a pre-condition to Congressional approval of the Compact.

OCTOBER: During a full negotiating session in Kona, Hawaii, with all the Micronesian negotiators present, the U.S. submits a clause to include in the Compact for **permanent** U.S. military denial power in the islands. An American observer comments: "Before,...the assumption was that strategic denial would be maintained during the 15-year life of the Compact. At Kona, the new U.S. position on denial was announced, a move that severely alienated the Micronesian negotiators...The U.S. (was) seen as changing an agreement already made...." Under pressure from all the Micronesians, the U.S. reduces its denial demand to 100 years.⁶⁶

OCTOBER 31: In Washington, D.C., the U.S. and the Federated States initial, and the Marshall Islands re-initial the Compact of Free Association. The FSM initials two related subsidiary agreements: a

1980**OCTOBER 31**

"Memorandum of Understanding" on radioactive substances and a law of the sea agreement. The Marshalls do not initial any of the eight subsidiary agreements under consideration.

NOVEMBER 4: Haruo Remeliik, former Con-Con President, is elected Palau's first President, edging out Roman Tmetuchl, former head of the PPSC, by 300 votes. Alfonso Oiterong, Chairman of the Peoples Committee is elected Vice President.

NOVEMBER 17: President Haruo Remeliik of Palau and Ambassador Peter Rosenblatt initial the Compact of Free Association and three of the subsidiary agreements in Washington, D.C. The agreements initialed are; Military Land Use and Operating Rights; Radioactive, Chemical and other Harmful Substances; and Law of the Sea. The terms of the military use agreement are almost identical to the 1976 draft Compact, although more specific. The Radioactive Agreement permits nuclear-powered ships and

submarines and nuclear weapons into Palau under certain circumstances, thus conflicting with the intent of the Constitution ban; it will have to be approved by 75% of the voters.

DECEMBER 4: Reporting to the Legislature on the Washington, D.C. Compact initialing, President Remeliik notes: "Before a new U.S. administration comes into office, we wanted to make firm the gains we have made in the negotiations...The position of the Reagan administration vis-a-vis the Compact...is not known...but there is speculation that the President-elect is less favorably disposed to free association than some other status [e.g., commonwealth]. Initialing would serve to strengthen Palau's hand in achieving free association from the Reagan Administration."

1981

JANUARY: The status negotiations stall, as the new Reagan administration begins a nine-month interagency review of the Compact.

KWAJALEIN NOW KEY ANTI-SATELLITE INSTALLATION

The Marshall Islands, long used by the U.S. military as a test range for nuclear weapons, offensive missiles, and missile defense radar, have been brought "on-line" into the strategic arms race. The Altair radar, which has been used for Ballistic Missile Defense research on the Kwajalein Atoll island of Roi-Namur since 1970, became the cornerstone of the U.S. Air Force's Pacific Barrier anti-satellite detection system in 1981.

Both the United States and the Soviet Union rely heavily on orbiting spacecraft for strategic intelligence, communications and guidance. That is, they use satellites to survey the other side's military build-up and warn of potential attacks; to link the weapons systems (such as missiles, submarines, and bombers) to the mythical "button", and to provide extremely accurate navigational data to weapons delivery systems. It is not surprising, therefore, that both superpowers have mounted billion-dollar programs designed to develop the capability to neutralize or destroy the other's orbiting systems. The arms race has reached into space.

One satellite attack could initiate a full-scale nuclear holocaust.

Satellite systems must be linked to ground stations. The North American Air Defense (NORAD), a joint venture of the U.S. and Canada, operates the Space Detection and Tracking System (SPADATS). SPADATS links radars and other sensors, scattered

around the globe, with NORAD's Cheyenne Mountain bunker in Colorado. Among the sensors which feed information to NORAD are new, powerful optical telescopes called the Ground-Based Electro-Optical Deep Space Surveillance (GEODSS) system, installed in the Pacific at Maui, Hawaii, and Taegu, South Korea. Complementing GEODSS is the three-station Pacific Barrier radar network with three sites at Guam, the Philippines and Roi-Namur.

The Altair radar, at Roi-Namur, is the most powerful of the Pacific Barrier radars. At this time, Altair is one of only two or three Air Force radars capable of high altitude tracking.

Because the task of anti-satellite warning requires immediate communications to NORAD, Altair data is transmitted via microwave to Kwajalein Island, where a Defense Satellite Communications System terminal relays the information to Colorado.

This significant new mission at Kwajalein does more than add to the political dilemma facing Marshall Islanders. *FOR THE FIRST TIME, THE ISLANDS ARE A TOP PRIORITY SOVIET TARGET.* Even in the most limited Nuclear war (if that is possible), the Soviets are likely to attack Roi-Namur and similar facilities. Intelligence, communications, and command and control installations are more significant targets than nuclear weapons themselves. Without such bases, the nuclear forces are blind, deaf and mute.

By Lenny Siegel, Director, Pacific Studies Center, Mountain View, Calif. 1982

JANUARY: Representatives of the Kwajalein Atoll Corporation, representing all the approximately 5,000 Kwajalein landowners, learn that Marshall Islands and U.S. government negotiators have drafted a Base Operating Rights Agreement for the Kwajalein Missile Range without the landowners' participation. The Agreement grants the U.S. military rights to Kwajalein for 30 years, with a clause allowing 100-year denial rights. Senator Imada Kabua, President of the KAC, publicly criticizes the Agreement because there is "no language about how we are going to be treated as people," saying "there may be 30 more years of treatment as second class people in our homeland, with one standard of living for the Americans who live on Kwajalein and another for the Marshallese community on Ebeye."⁶⁷

JUNE 19: The Kwajalein Atoll Corporation, excluded from U.S.-Marshalls negotiations on the future status of the Kwajalein base, responds with a resolution containing nine points, including: "Its members will not...grant any use of Kwajalein Atoll unless and until the Base Operating Rights Agreement...is limited to a term of 15 years." Additionally, continued U.S. use of the Atoll is contingent on "the development of a master plan to construct a decent Marshallese community on the Atoll, payment of full and fair compensation" for land used since 1944, and "agreement by the U.S. not to resume the search and seizure policy adopted...in May 1980."

JULY 25: After years of urging, the FSM Congress approves a bill making the Faichuk Islands area inside Truk Lagoon a new state of the FSM.

OCTOBER 3-9: After review, the status talks open with the new Reagan administration strongly asserting its "need for secure and strategically located bases for United States military operations" in Micronesia as well as 100 year denial rights. The Micronesians emphasize the severe Reagan budget cuts of essential social services and lack of economic development as priority issues needing urgent attention.⁶⁸

OCTOBER: Citing economic reasons, FSM President Nakayama vetoes the law establishing Faichuk as a new FSM state. Most other FSM states oppose the separation move, one noting that "the example of Faichuk could open up the floodgate for even smaller communities within the FSM to press for statehood." To placate the Faichuk separatists, President Nakayama announces he intends to make Faichuk a "showcase" of economic development.

1982

JANUARY: The Federated States of Micronesia negotiators threaten a boycott of future

negotiations pointing to a "series of broken promises both explicit and implicit" and budget cuts, which FSM leaders warn are undermining the people's confidence in the U.S., threatening political instability in the near future.⁶⁹

JANUARY: Marshall Islands Foreign Secretary, Tony Debrum, exasperated at Reagan Administration stalling, declares that the Marshalls may declare its full independence if no agreement on the Compact is reached by April 1.⁷⁰

FEBRUARY: The status negotiations continue in Washington, D.C. with discussions on the Compact's "subsidiary" agreements.

Fred Zeder, former Director of Interior's Office of Territorial Affairs, is appointed by President Reagan to be the U.S.'s negotiator with the rank of ambassador.

APRIL: At the request of the Marshall Islands, U.S. negotiators meet with representatives of the more than 15 radiation-affected atolls in the Marshalls to discuss compensation settlements. With claims in excess of \$5 billion pending in U.S. courts, the Marshallese reject the U.S. offer of approximately \$50 million, including a medical program, in settlement of all radiation claims.⁷¹

APRIL 19: Senator Imada Kabua announces the Kwajalein Atoll Corporation's plan to hold an August referendum among its members on the question "whether the Corporation should continue to permit development of nuclear weapons delivery systems using the lands, waters and airspace of the Kwajalein Atoll." In a Honolulu press conference, Senator Kabua states "to the extent we assist the development of nuclear weapons delivery systems...we are involved in responsibility for their ultimate possible use...Most of my fellow landowners wish to leave Ebeye Island...to return to our home islands...Therefore, I call on President Reagan and U.S. military authorities who operate the KMR to declare a moratorium on any further U.S. nuclear weapons delivery system tests at Kwajalein until we conduct the August referendum so our people can safely return to their islands, as is their right."⁷²

MAY 18: Marshall Island negotiators, at loggerheads with the U.S. over nuclear testing compensation and trusteeship termination issues, publicly notify the U.N. Trusteeship Council of their intent to declare their independence from the U.S. on October 1, 1982. Tony Debrum, Marshalls negotiator, calls for an August 17 referendum with the choices of "free association" or "independence" to be offered to Marshall Islands' voters.

1982

MAY 30: Following a hasty agreement by U.S. negotiator Fred Zeder to terminate the Trusteeship immediately as to the Marshalls, Marshall Islands President Amata Kabua signs the Compact of Free Association, ending 13 years of negotiations. The Compact is to be voted on August 17; if approved, it will go to Congress for action by October 1. Marshalls Foreign Secretary Debrum says if the U.S. Congress does not approve the Compact by that date, his government will declare its independence from the U.S. and then negotiate arrangements through a treaty with the U.S.⁷³

JUNE During the third week of June, members of the Kwajalein Atoll Corporation, proclaiming Operation Homecoming, sailed to Kwajalein Island,

Roi Namur and several other islands. At least 800 women, men and children set up shelters on these islands for an "indefinite" stay, Ataji Balos announced. They stated that they were upset by the crowded and unsanitary conditions on Ebeye and wished to be home where there is more space and better living conditions. They also resent the Compact signed by the U.S. and the Marshall Islands Government without their approval. Balos, who resigned as Minister of Security in the Marshall Islands Government, said most important was the issue of giving the Kwajalein landowners an opportunity to vote on the continued use of the lagoon for tests of U.S. missiles. Mrs. Balos added: "As a wife and mother, I wish nuclear weapons delivery system testing would stop at Kwajalein forever..."

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63. Shuster, p. 80.
64. Ucherbelau, "Sequence of Events".
65. Shuster, p. 81.
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71. *Marshall Islands Journal*, April 30, 1982.
72. *Honolulu Advertiser*, April 20, 1982.
73. *Honolulu Advertiser*, June 2, 1982.

PART III: THE COMPACT OF FREE ASSOCIATION

A. GOVERNMENT TO GOVERNMENT RELATIONS

From the Compact:

Self-Government

Section 111

"The peoples of Palau, the Marshall Islands and the Federated States of Micronesia, acting through the Governments established under their respective Constitutions, are self-governing.

Foreign Affairs

Section 121

"(a) The Governments of Palau, the Marshall Islands and the Federated States of Micronesia have the capacity to conduct foreign affairs and shall do so in their own name and right, except as otherwise provided in this Compact.

"(b) The foreign affairs capacity of the Governments of Palau, the Marshall Islands and the Federated States of Micronesia includes:

- (1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and non-living resources from the sea, seabed or sub-soil to the full extent recognized under international law;*
- (2) the conduct of their commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments, and international and intergovernmental organizations, including any matters specially benefiting their individual citizens...*

Authority and Responsibility

Section 313

"Governments of Palau, the Marshall Islands and the Federated States of Micronesia shall refrain from actions which the government of the United States determines, after appropriate consultation with those governments, to be incompatible with its authority and responsibility for security and defense matters..."

INTRODUCTION TO PART III

In PART III certain sections of the Compact of Free Association and the Subsidiary Agreements with Palau, the Federated States of Micronesia and the Marshall Islands are selected for comment. PART III does not attempt to survey the entire Compact or the complete Subsidiary Agreements.

Some of the sections were chosen because they deal with subjects about which people have been asking questions, some raise questions of conflict within the Compact itself or with other documents such as the constitutions already adopted; some because they seem likely to have the greatest impact on the future of the people of Micronesia.

Some of the agreements were still in draft form as this booklet was printed.

HOW TO USE PART III:

On the left side of the pages are the selections from the Compact and the Subsidiary Agreements. The right-hand columns contain a discussion of the Implications of these excerpts. In addition, in boxes throughout PART III there are articles and excerpts from longer sources that relate to topics discussed.

This booklet is not intended for scholars or law students, but for the use of the people most directly affected by any change in the political status of Micronesia—the Micronesians themselves, and for others who may be concerned and interested.

Implications:

1. Although **Section 121 (a)** states the Marshall Islands, Palau and the Federated States of Micronesia (FSM) will have full control over foreign affairs, the U.S. can veto any activity that is in conflict with U.S. military authority. Any foreign affairs action (possibly including business agreements or treaties with foreign countries) by the FSM, Palau or the Marshall Islands can be vetoed by the U.S.

2. The Reagan administration in 1982 rejected the Law of the Sea Treaty, which developed out of 10 years of negotiations among 160 nations. The U.S. attitude toward the Law of the Sea makes it difficult, if not

From the Compact:**Environmental Protection****Section 161**

"The Governments of the United States, Palau, the Marshall Islands and the Federated States of Micronesia declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of Palau, the Marshall Islands and the Federated States of Micronesia. In order to carry out this policy, the Government of the United States and the Governments of Palau, the Marshall Islands and the Federated States of Micronesia agree to the following mutual and reciprocal undertakings.

"(a) The Government of the United States:

- (1) shall continue to apply the environmental controls in effect on the day preceding the effective date of this Compact to those of its continuing activities...
- (2) shall apply the National Environmental Policy Act of 1969...to its activities under the Compact and its related agreements as if Palau, the Marshall Islands and the Federated States of Micronesia were the United States;

"(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact and its related agreements from any environmental standard or procedure which may be applicable...if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the view of the affected Government of Palau, the Marshall Islands or the Federated States of Micronesia shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable a report with his reasons for granting such exemption shall be given promptly to the affected Government...

Section 162

"The Government of Palau, the Marshall Islands or the Federated States of Micronesia may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to Sections 161(a), 161(d), or 161(e) or for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity...

"(b) actions brought pursuant to this Section may be initiated only by the Government concerned;

GLOSSARY

EIS: Environmental Impact Statement

EPA: Environmental Protection Agency

NEPA: National Environmental Policy Act of 1969

Implications:

impossible, to analyze conflicts between the FSM and Palau constitutions' marine sovereignty claims and the policy of the U.S. government on this issue. The two subsidiary agreements on Marine Sovereignty (initialed in 1980 by the FSM and Palau) do modify the Palau and FSM constitutional claims for jurisdiction over archipelagic areas. But the extent of the modification is ambiguous and subject to various interpretations depending on the fate of the Law of the Sea Treaty. While other nations are moving ahead to ratify the Treaty, there is a question as to what extent the U.S. will abide by the Law of the Sea Treaty. (For a thoughtful discussion on the relationship among the FSM and Palau constitutions, the two Marine Sovereignty agreements and the Law of the Sea, see International Law Professor, Roger Clark's: "The Current State of the Trust Territory Negotiations: Who has Tentatively Agreed to What?", August 1981, 34 pages. Available from MSC).

3. A 1981 U.S. Supreme Court decision on a case involving nuclear weapons storage in Hawaii, (catholic Action vs. Weinberger, et al) would appear to cancel the environmental protection gains in **Section 161 (a)** 1, 2, 3, and the freedom of the FSM, Palau and the Marshall Islands to gain information on military and other facilities operated by the U.S. (**Section 163**).

Section 161 states the U.S. must abide by NEPA regulations, including preparing an Environmental Impact Statement (EIS) on proposed activities. In addition to providing information on U.S. projects, the EIS process allows for public involvement and review of activities that could be hazardous to people, the land and reefs. Overriding the Compact provisions, the U.S. Supreme Court ruled, in the Hawaii case, that the military does not need to file an EIS "on matters that are specifically authorized by Executive Order to be kept secret in the interest of national defense or foreign policy..." Because of Micronesia's strategic importance to the U.S., it is likely that information relating to military plans in Micronesia will be classified, thus exempting U.S. activities from environmental assessments and public review.

(See Nuclear weapons and Waste.)¹ Note that individuals may not file court suits under **Section 161** - only the FSM, Palau and the Marshall Islands governments may.

From the Compact:**Section 163**

"(a) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Governments of Palau, the Marshall Islands and the Federated States of Micronesia shall be granted access to facilities operated by the Government of the United States in Palau, the Marshall Islands and the Federated States of Micronesia, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three (Defense)..."

General Legal Provisions**Section 173**

"The Governments of the United States, Palau, the Marshall Islands and the Federated States of Micronesia agree to adopt and enforce such measures, consistent with this Compact and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in Palau, the Marshall Islands and the Federated States of Micronesia..."

Implications:

4. Additionally, **Section 163 (a)** allows the FSM, Palau and the Marshall Islands access to U.S. facilities for information, "except to the extent such access would unreasonably interfere with the exercise" of U.S. military activities. It appears, once again, that the decision as to what constitutes "unreasonable interference" rests with the U.S., regardless of the importance such information may have for the FSM, Palau or the Marshall Islands.

5. Compact **Section 161 (e)** grants the U.S. President the power to exempt any U.S. activity from environmental protection laws or regulations (See Section E, Nuclear Weapons and Waste for the only exception to this). Any operation in "the paramount interest" of the U.S. may be exempted from these laws. The U.S. is required to consider the views of the Marshall Islands, FSM and Palau but only "to the extent practicable."

6. **Section 177** is important as the U.S. recognizes its responsibility not only to compensate people whose health and islands were harmed by nuclear testing, but also to provide continuing medical treatment. The U.S. "accepts responsibility for compensation owing to citizens of the Marshall Islands, the **Federated States of Micronesia and Palau**" (emphasis added). Perhaps this is an acknowledgement that other islands, in addition to the Marshalls, are affected by the radioactive fallout from the 66 nuclear tests conducted at Bikini and Eniwetok between 1946 and 1958. Nevertheless, only the Marshall Islands has signed a subsidiary agreement providing specific compensation (see **page 32, Financial Provisions** for the Marshall Islands agreement).

Sources:

¹Catholic Action vs Weinberger, et al 102 S. Ct. 197, 1981.

LAW OF THE SEA FORECASTS FUTURE CONFLICTS OF U.S. AND MICRONESIAN INTERESTS

"The Joint Committee's experience regarding law of the sea is an important landmark. It was the first real assertion of Micronesian interests in an international forum...It is a lesson in our future political relationship with the United States government...The law of the sea experience has demonstrated that in practice the United States cannot be expected to protect our external interests. At the Conference, the U.S. did nothing to protect Micronesia's law of the sea interests and in fact obstructed Micronesia's efforts to protect itself..."

"The heart of the problem is that the United States is a giant nation with a vast array of interests to protect. In exercising Micronesia's foreign policy as proposed in status negotiations, its interests would likely become one very minor part of a large, complicated equa-

tion...Concerning law of the sea, for example, the U.S. has mining interests, petroleum interests, coastal and distant water fishery interests, military interests, and interests in maintaining the respect of other members of the world community, to name just a few.... If Micronesia's interests were ever seriously considered, they were discarded in the process of moulding U.S. law of the sea policy.

"Under the circumstances, the U.S. can be expected to protect Micronesia's international interests only when they complement U.S. interests, which, in the nature of things is not likely to be often."

Summary Report, Congress of Micronesia Joint Committee on Law of the Sea, January 1, 1975, p. 24-25.

B. FINANCIAL PROVISIONS

Section 211

"(a) 2/3...Over this fifteen year period, the Government of the Marshall Islands [and 3 the Government of the Federated States of Micronesia] shall dedicate an average of no less than 40 percent of these (basic grant) amounts" (to the "Capital Account" for the construction or major repair of capital infrastructure and public and private sector projects identified in the official overall economic development plan);

"(b) The annual expenditure of the grant amounts specified for the capital account in Section 211 (a) (above) by the Governments of Palau, the Marshall Islands and the Federated States of Micronesia shall be in accordance with official overall economic development plans provided by these Governments and concurred in by the Government of the United States prior to the effective date of this Compact. These plans may be amended from time to time by the Governments of Palau, the Marshall Islands or the Federated States of Micronesia.

Section 212

"(a) The Government of the United States shall complete in Palau the capital infrastructure projects set forth in a separate agreement which shall come into effect simultaneously with this Compact. The separate agreement shall also specify the plan for execution, timing and management of project construction, arrangements for the review and substitution of priorities and projects, an operations maintenance plan...

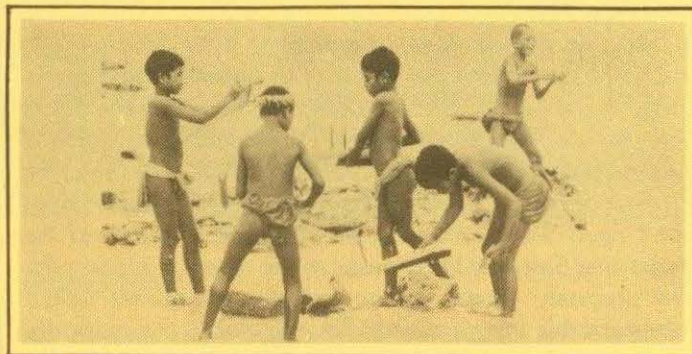
Section 221

"(a) The Government of the United States shall make available to Palau, the Marshall Islands and the Federated States of Micronesia...the services and related programs:

- (1) of the U.S. Weather Service;
- (2) of the United States Federal Emergency Management Agency;
- (3) provided pursuant to the Postal...Act...
- (4) of the United States Federal Aviation Administration; and
- (5) of the United States Civil Aeronautics Board or its successor agencies.

Section 223

"The citizens of Palau, the Marshall Islands and the Federated States of Micronesia who are receiving post-secondary educational assistance from the Government of the United States on the day preceding the effective date of this compact shall continue to be eligible, if otherwise qualified, to receive such assistance to complete their academic programs for a maximum of four years after the effective date of this Compact.



GLOSSARY

Capital Improvements/Infrastructure: roads, ports buildings, sewers, water system, etc.

Implications:

1. **Section 211(a) and (b)** says that the 40% of the basic grants going to capital improvements and public and private sector projects shall be spent according to economic development plans provided by the Federated States of Micronesia (FSM), Marshall Islands and Palau and "concurred in by the Government of the United States prior to the effective date of this Compact...." This raises questions about possible U.S. veto power over long range economic plans of the Marshall Islands, Palau and the FSM. If the U.S. does not agree with the development plans, will the money still be available?

2. The U.S. has been criticized by U.N. experts and Micronesians for its failure to develop a self-reliant economic base for the Micronesian governments. Some critics have said the U.S. deliberately neglected developing the economy to discourage the possibility of independence which would jeopardize U.S. military plans. Since 1947, all decisions regarding economic assistance and development priorities have been made in Washington, D.C. with no control by Micronesia. The product of this outside control is evident: As recently as the 1981 U.N. Trusteeship Council meeting, leaders from the FSM, Palau and the Marshall Islands pointed to serious economic problems plaguing their governments. Allowing the U.S. continuing control of development plans as in Section 211(b) appears to be an infringement on the rights of the FSM, Marshall Islands and Palau to self-determine their future economic policies.

3. As 40% of the basic grants are to be used for programs described in the FSM, Palau and Marshall Islands official development plans, an evaluation of the Compact without assessing these development plans will be incomplete. How was this percentage chosen?

Palau Produce Market—L. Learned-Sims



From the Compact:

Section 227

"In recognition of the special development needs of the Federated States of Micronesia, the government of the United States shall make available United States military Civic Action teams for use in the Federated States of Micronesia under terms and conditions specified in a separate agreement..."

Section 231

"Upon the thirteenth anniversary of the effective date of this Compact, the Government of the United States and the Governments of Palau, the Marshall Islands and the Federated States of Micronesia shall commence negotiations regarding those provisions of this Compact which expire on the fifteenth anniversary of its effective date. If these negotiations are not concluded by the fifteenth anniversary of the effective date of this Compact, the period of negotiations shall extend for not more than two additional years, during which time the provisions of this Compact including Title Three (Defense) shall remain in full force and effect. During this additional period of negotiations, the Government of the United States shall continue its assistance to the governments with which it is negotiating pursuant to this Section at a level which is the average of the annual amounts granted pursuant to Sections 211, 212, 213, 214, 215, and 216 during the first fifteen years of this Compact...(See chart.)"

Section 233

"The Government of the United States, in consultation with the Government of Palau, the Marshall Islands and the Federated States of Micronesia shall determine and implement procedures for the periodic audit of all grants and other assistance...and of all funds expended for the services and programs provided..."

Section 236

"Approval of this Compact by the Government of the United States shall constitute a pledge of the full faith and credit of the United States for the full payment of the amounts specified...The obligation of the United States...shall be enforceable in the United States Court of Claims..."

Implications:

4. More than \$500 million will be spent on capital improvements during the 15 years of the Compact. But large scale capital infrastructure cannot automatically be equated with meeting essential needs and spurring economic development. (See box.)

5. U.S. military Civic Action teams (Seabees) will be made available to the FSM, according to **Section 227**, for construction and other development assistance. Why are Micronesians not being trained for this work?

6. **Section 217** provides that all U.S. grants, excepting military land use payments and grants for scholarships, health and maritime zone surveillance, will be adjusted for inflation each fiscal year by a maximum of 7%. As the annual inflation rate is currently above 10%, this means that the FSM, MI, and Palau will actually lose money by 1982 inflation levels.

7. The intent of **Section 236** is to protect the grant assistance provisions of the Compact, as far as legally possible, from cuts during the U.S. Congressional appropriations process. It is not clear whether the "full faith and credit" pledge of the U.S. is legally effective, but at least it strengthens the political position of the Marshall Islands, FSM and Palau governments. (Clark - Who has Agreed to What?)

LARGE SCALE PROJECTS INSURE DEPENDENCE

Because of Micronesia's limited productive base, large scale infrastructure projects increase consumption without creating the corresponding production to pay for it. An example in Truk illustrates this: 60% of all electricity is used by the government and in private homes. This electricity is used by a small proportion of Truk's population mostly for air conditioning and lighting. Private businesses use about 34% of Truk's electricity for marketing their products, primarily in refrigerating perishable imported food. But only 6% of the electricity in Truk is used in processing and exporting local goods (for example, refrigerating fish for sale to local and foreign markets). This bias toward consumption over production further magnifies an already serious deficit in the balance of trade.

Large scale projects, instead of encouraging self-sustaining growth, only insure continued dependence, primarily because they require large operating and maintenance subsidies, create further trade deficits and afford no means of replacement. These are burdens beyond Micronesia's resources and necessitate the continuation of American aid.¹

¹Henry Schwalbenberg, Compact Memo #6, "Capital Improvement Projects," Micronesian Seminar, Truk 1982.

MARSHALL ISLANDS RADIATION COMPENSATION

From the Compact:

**Agreement Between the
Government of the United States
and the Government of the
Marshall Islands for the
Implementation of Section 177
of the Compact of
Free Association**

PREAMBLE

The Government of the United States and the Government of the Marshall Islands:

...In recognition of the authority and responsibility of the Government of the Marshall Islands to provide medical and health care to all of the people of the Marshall Islands;

In recognition of the expressed desire of the Government of the Marshall Islands to include in its integrated, comprehensive and universal medical health-care system the health care and surveillance programs and radiological monitoring activities contemplated by United States Public Law 95-134 and United States Public Law 96-205; and...

Article I

Section 1

The Government of the United States shall provide on a grant basis \$30 million to be paid as follows:

(a) \$4 million annually for five years commencing on the effective date of this Agreement; and

(b) \$1 million annually for ten years commencing on the fifth anniversary of the effective date of this Agreement.

Section 2

Before the first anniversary of the effective date of this Agreement, the Government of the United States shall honor the request of the Government of the Marshall Islands to provide a Whole Body Counter, including training of an operator, to be located in a suitable facility chosen and supplied by the Government of the Marshall Islands.

Article II

In recognition of certain unique needs and circumstances, particularly with respect to the people of Bikini, Enewetak, Rongelap and Utirik, resulting from the nuclear testing program, the Government of the United States shall provide:

Implications:

1. The U.S. will provide the Marshall Islands Government [MIG] with \$30 million over 15 years for medical treatment and monitoring program for radiation affected people the medical program will apply to.

2. **For the Enewetak people**, the agreement provides;

- * \$500,000 to the MIG to continue planting and agriculture activities on Enewetak.
- * free food supplies for one year, and then a sum of \$7.2 million will be given to the MIG for continuing the food program for 10 years;
- * \$16 million in a fund provided over a five year period;

3. **For the Bikini people**, the agreement provides;

- * free food supplies for one year and then a sum of \$9 million will be given to the MIG for continuing the food program for 10 years;
- * \$25 million in a fund provided over a five-year period.
- * A U.S. commitment to provide funds for the resettlement of Bikini Atoll...at a time which cannot now be determined.

4. **For the Rongelap people**, the agreement provides:

- * \$15 million in a fund to be provided over a five year period.

5. **For the Utirik people**, the agreement provides:

- * \$10 million in a fund over a five year period.

6. **For the Marshall Islands Government**, the agreement provides:

- * \$34 million in a fund over a five year period, to be used:
 - \$4 million to (a) settle land claims on Kili/Jaluit/Ujelang & Ejit Island (b) conduct a radiological survey of the Marshall islands within two years,
 - \$30 million to compensate all claims not specified in the agreement, for people living on atolls other than Bikini, Enewetak, Rongelap & Utirik,

From the Compact:

Section 1

A direct grant of \$500,000 to the Government of the Marshall Islands to continue the planting and agricultural maintenance program at Enewetak Atoll.

Section 2

Food supplies until the first anniversary of the effective date of this Agreement to enable the Government of the Marshall Islands to continue the existing food programs established for the people of Enewetak at Enewetak Atoll at the level provided during the year preceding the effective date of this Agreement. On the first anniversary of the effective date of this Agreement, the Government of the United States **shall pay into the distribution to be established in accordance with Section 4(B)(2) of this Article** the sum of \$7.2 million, which sum shall be devoted exclusively to the continuation of the Enewetak people's food programs for a period of not less than 10 years.

Section 3

Food supplies until the first anniversary of the effective date of this Agreement to enable the Government of the Marshall Islands to continue the existing food programs established for the people of Bikini at Kili Island and for the people of Bikini at other locations as may be determined by the Government of the Marshall Islands, at the level provided during the year preceding the effective date of this Agreement. On the first anniversary of the effective date of this Agreement, the Government of the United States shall pay into the distribution to be established in accordance with Section 4(B)(1) of this Article the sum of \$9.0 million, which sum shall be devoted exclusively to the continuation of the Bikini people's food programs for a period of not less than 10 years.

Section 4

The sum of \$66 million (the distribution) for the benefit of the people of Bikini, Enewetak, Rongelap and Utirik.

(a) The Government of the United States shall provide \$33 million of the distribution by the first anniversary of this Agreement and \$6.6 million annually thereafter for each of the next five years.

(b) The annual amounts shall be paid to owners in proportion to their respective percentage share of the total distribution. The distribution shall be owned as follows:

- (1) by the people of Bikini, \$25 million;
- (2) by the people of Enewetak, \$16 million;
- (3) by the people of Rongelap, \$15 million;
- (4) by the people of Utirik, \$10 million;

(c) No owner of any portion of the distribution shall have control over any other portion.

(d) The distribution and any earnings derived therefrom may be used for special needs, including education and island rehabilitation, as each owner may dictate, and distributed or reinvested as each owner may determine.

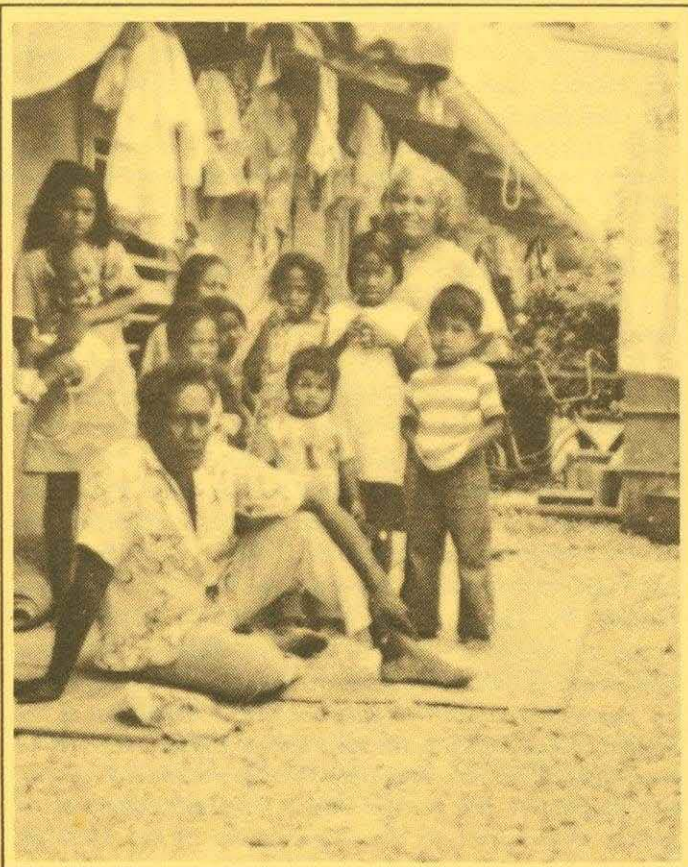
(e) The distribution and any earnings derived shall not be taxable by the Government of the United States, to the extent that:

Implications:

7. Approval of the Compact, which includes this subsidiary agreement, will absolve the U.S. from any past or future claims that may arise as a result of nuclear testing. In other words, if the compact is approved, people give up their right to sue for compensation in the courts - this includes any lawsuits that are currently in courts. If the Compact is not approved, then it will still be possible to file lawsuits in the future.

8. The U.S. is offering to the Marshall Islands Government a \$30 million medical program and about \$100 million in compensation to the people of Rongelap, Utirik, Bikini and Enewetak and the MIG. The U.S. will have no further responsibility for medical aid or for compensation claims after the Compact is approved. The lawsuits that have been or are in the process of being filed for people in the Northern Marshall Islands are seeking much greater compensation amounts - approximately \$6 billion. There is no guarantee of winning through the courts, but the lawsuits are asking for much more and include people from approximately 16 atolls and islands; while the agreement names only four atolls.

9. If the U.S. Congress ratifies these agreements, it thereby signifies its intent to appropriate the annual amounts, but no Congress can bind a future Congress on appropriations.



From the Compact:

(1) those earnings derive from investment in instruments of the Government of the United States and other investments as may otherwise be mutually agreed; and

(2) the distribution remains intact in an institution in the United States. This provision is without prejudice to the ability of the owners to redistribute all or a portion of the distribution and its earnings to individuals or other entities. The redistribution transaction itself shall not be taxable by the Government of the United States, but, after redistribution, the earnings of such redistributed funds shall be taxable.

Article III

The sum of \$34 million for utilization by the Government of the Marshall Islands in implementation of its programs and services related to the consequences of the nuclear testing program. The Government of the Marshall Islands shall allocate, as it may deem proper, this distribution among the following three categories of programs:

Section 1

The sum of \$4 million to be paid on the effective date of this Agreement:

(a) As compensation for use of lands on which the people of the Marshall Islands have been resettled as a result of the nuclear testing program. The Government of the Marshall Islands shall use such compensation to settle all claims to ownership of such lands, including its claim to public lands in Kili Island, Ujelang Island, Ejit Island and parcels of land known as "Kojokar Weto" in Jaluit Atoll. Determination and settlement of such claims shall be in accordance with the constitutional processes of the Marshall Islands.

(b) To conduct a survey and analysis of the radiological status of the Marshall Islands within two years after the effective date of this Agreement. If requested by the Government of the Marshall Islands, the Government of the United States may provide such technical assistance for this purpose as is mutually agreed.

Section 2

The sum of \$30 million shall be paid to the Government of the Marshall Islands to compensate for all claims resulting from the nuclear testing program which are not otherwise compensated pursuant to this Agreement. The Government of the Marshall Islands shall establish and implement procedures in accordance with its constitutional processes for the settlement of these claims. When all claims have been duly considered by the Government of the Marshall Islands, the Government of the Marshall Islands shall certify to the Government of the United States that it has completed its constitutional processes for the settlement of all claims. Upon such certification the Government of the United States shall pay the total sum to the Government of the Marshall Islands. Any portion of this sum which is not distributed for the compensation and settlement of all claims shall revert to the Government of the Marshall Islands.

From the Compact:**Article IV**

The Government of the United States reaffirms its commitment to provide funds for the resettlement of Bikini Atoll by the people of Bikini at a time which cannot now be determined.

Article VI

The Government of the Marshall Islands shall have the exclusive responsibility, and the Government of the United States shall be relieved of any responsibility, for the utilization of areas in the Marshall Islands affected by the nuclear testing program. The Government of the Marshall Islands affirms that the assistance to be provided by the Government of the United States in the exercise of such responsibility is set forth in full in this Agreement.

Article IX**Section 1**

This Agreement constitutes the full settlement of all claims, past, present and future, of the Government of the Marshall Islands and its citizens and nationals which are based upon, arise out of, or are in any way related to the nuclear testing program, and which are against the United States, its agents, employees, contractors and citizens and nationals, and of all claims for equitable or other judicial relief in connection with such claims including any of those claims which may be pending or which may be filed in any court or other judicial or administrative forum, including the courts of the Marshall Islands and the courts of the United States and its political subdivisions.

Section 2

The Government of the Marshall Islands shall terminate any legal proceedings in the courts of the Marshall Islands against the United States, its agents, employees, contractors and citizens and nationals, involving claims of the Government of the Marshall Islands, its citizens and nationals, arising out of the nuclear testing program and shall nullify all attachments or any judgments attained relating to such proceedings.

Article X

Subject to Article VIII, in consideration for the payment of the amounts set forth in the Agreement, the Government of the Marshall Islands, on behalf of itself and its citizens and nationals, shall indemnify and hold harmless the United States, its agents, employees, contractors and citizens and nationals, from all claims set forth in Article IX of this Agreement, and all actions or proceedings which may hereafter be asserted or brought by or on behalf of the Government of the Marshall Islands, its citizens and nationals, in any court or other judicial forum based on, arising out of or in any way related to the nuclear testing program.

FINANCIAL PROVISIONS

Funds to be provided to the Federated States, Marshall Islands and Palau during the 15 year life of the Compact of Free Association:

	Palau	Marshall Is.	Federated States of Micronesia
Basic Grants ¹	\$100,000,000	\$336,500,000	\$755,000,000
Infrastructure Maintenance	10,000,000		
Civic Action Team Operation ¹			14,000,000
Military Land Use ³	5,500,000	28,500,000	
Energy Production ¹	28,000,000	28,000,000	42,000,000
Communications Equipment ¹	3,750,000	7,500,000	15,000,000
Totals²	\$147,250,000	\$400,500,000	\$826,000,000

¹ All of these figures will be adjusted for inflation by a maximum of 7% a year (Section 217), and are from Compact **Section 211, 212, 213, 214, and 215.**

² In addition, during the first 15 years of the Compact (according to **Section 216**) the U.S. will provide to the Governments of Palau, the Marshall Islands and the Federated States of Micronesia, the following total grants, to be divided by a formula to be agreed upon by the three governments:

- | | |
|---------------------------------|--------------|
| (a) maritime zone enforcement | \$15 million |
| (b) health and medical programs | \$30 million |
| (c) scholarship fund | \$45 million |

³ \$5.5 million for Palau is approximately \$11 per acre per year, based on all exclusive/non-exclusive/joint use land:

- 32,000 acres Babeldaob
- 40 acres Malakal harbor
- 1,240 acres Airai/Angaur airports

For years 16-50 of the Palau Military land Use Agreement, the U.S. will provide to the Government of Palau \$1 million annually for military impact assistance.

Depending on the magnitude of U.S. use of military facilities in Palau, the U.S. may provide the Government of Palau with additional compensation, i.e., any amount from nothing to a limit of \$9 million a year.

For years 16-50 of the Kwajalein Military Use Agreement, the U.S. will provide to the Marshall Islands Government:

- (a) a fixed amount for military impact assistance of \$1.9 million annually; there is no specification that these funds be provided to Kwajalein Atoll landowners. \$1.9 million is less than ½ the amount the U.S. is currently paying under the 1981-82 Interim Use Agreement.
- (b) \$7.1 million annually as a general economic aid grant, to be adjusted for inflation by a maximum 7% a year.

From the Compact:**Article XI**

All claims described in Articles IX and X of this Agreement shall be terminated. No court of the United States shall have jurisdiction to entertain such claims, and any such claims pending in the courts of the United States shall be dismissed.

Article XII**Section 1**

This Agreement shall come into effect simultaneously with the Compact and in accordance with the procedures set forth in Section 411 of the Compact.

Section 2

This Agreement may be amended at any time by mutual consent of the Government of the Marshall Islands and the Government of the United States.

C. ENDING THE COMPACT

From The Compact:**Section 451**

"Should termination occur (by mutual agreement) economic assistance by the Government of the US shall continue on mutually agreed terms."

Section 452

"Should termination occur (by the U.S.) the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary...of this Compact, and thereafter as mutually agreed:

(1) Article 6 (environmental protection) and **Section 172, 173, 176 and 177** (Legal Provisions);

(2) Article 1 **Section 233** of Title Two (Economic Grant Assistance);

(3) Title Three (Defense and Security provisions); and

(4) Article 2, 3, 5, and 6 of Title Four (Dispute Resolution, Amendment, Termination and Definition of Terms).

Section 453

"(a) should termination occur (by the FSM, Palau or the Marshall Islands) the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary of the effective date of this Compact...:

(1) Article 6 (Environmental Protection) and **Sections 172, 173, 176 and 177** (Legal Provisions);

(2) Title Three (Military Provisions); and

(3) Articles 2, 3, 5, 6 of Title Four (Dispute Resolution, Amendment, Termination and Definition of Terms).

Implications:**ENDING THE COMPACT**

1. The termination provisions raise a number of points which relate to both money and military issues.

2. **Section 452 and 453** provide that if either the U.S. or the Federated States of Micronesia, Palau or the Marshall Islands decide to terminate the Compact before the 15 year period is up, the U.S. is still obligated to continue economic assistance. This is a significant change as earlier Compact drafts permitted the U.S. to cut funds to 50% of amounts promised to any of the governments that terminated early. **Section 453(b)** provides, however, that if the Marshall Islands, FSM or Palau terminates, during the remaining period funding levels are to continue "without diminution." Most of the grants will be adjusted for inflation by 7% as set out in **Section 217** of the Compact.

3. As the right to terminate the Compact unilaterally at any time -- a power sought by the Micronesian negotiators since the start of the status negotiations -- is severely limited by **Section 453(a)**, which states, among others, that the Military provisions "shall remain in full force and effect until the fifteenth anniversary...of this Compact." It would appear that it is impossible to terminate the defense and other provisions before 15 years.

4. Moreover, **Section 454** states that the "separate agreements" concerning military land use and operating rights "shall remain in effect in accordance with their terms..." These separate military use agreements have been or are being negotiated with the FSM, Palau and the Marshall Islands. The Government of Palau, in November 1980, initialed an agreement granting the U.S. 100 year military denial powers. In May 1982, the Government of the Marshall Islands signed a "Mutual Security" agreement, giving the U.S. permanent military denial rights. The U.S. is pressing the FSM to accept a similar arrangement, but as of June 1982, the FSM still refuses to agree to long term military denial rights.

5. The U.S. permanent demand for 100 years denial rights raises an important economic issue: because the Compact provides for funding only for a period of 15 years, the denial provision could undermine the future bargaining power of the Marshall Islands, FSM, or Palau. The principal U.S. interest in Micronesia is strategic and the denial provision fulfills U.S. military objectives of preventing any other nation from using the islands, without specific provisions for compensation of the FSM, Palau or Marshall Islands governments. (For Palau and the Marshalls additional

From the Compact:

(b): Upon receipt of notice of termination (by the FSM, Palau, M.I.)...the government of the U.S. and the Government so terminating shall promptly consult with regard to their future relationship. These consultations shall determine the level of economic assistance which the Government of the U.S. shall provide to the Government so terminating...provided that the annual amounts specified in **Sections 211, 212(b), 214, 215 and 216** shall continue without diminution.

Section 454

"Notwithstanding any other provisions of this Compact: (b) The separate agreements (military land use and operating rights) shall remain in effect in accordance with their terms which shall also determine the duration of **Section 213** (Military Use payments)."

Implications:

financial compensation is provided for 50 years and 30 years, respectively. (See Financial Provisions.)

6. Will the U.S. return to early 1960's funding levels after the 15 year duration of Compact funding levels expire?

7. While **Section 443** grants the FSM, Palau and the Marshall Islands the power to terminate the Compact at any time, the military use and denial subsidiary agreements all last longer than the Compact and can not be affected by the FSM, Palau and the Marshalls if they choose to terminate the Compact. If the Compact is approved, the military denial provisions for Palau will be in effect for 100 years.

From the Compact:

MARSHALL ISLANDS- U.S. MUTUAL SECURITY AGREEMENT

Article 4(a): "If the Government of the United States determines that any third country seeks access to or use of the Marshall islands by military personnel or for military purposes, the Government of the United States has the authority and responsibility to foreclose such access or use, except in instances where, following the consultations referred to in paragraph b. (below)...the two governments otherwise agree..."

"(b): The Government of the Marshall Islands, in recognition of the obligations undertaken by the Government of the United States...shall consult with the Government of the United States in the event a third country seeks such access or use.

Article 5: "The Government of the United States and the Government of the Marshall Islands recognize that sustained economic advancement is a necessary contributing element to the attainment of the mutual security goals expressed in this Agreement. The Government of the United States reaffirms its continuing interest in promoting the long-term economic advancement and self-sufficiency of the people of the Marshall Islands.

Article 7: "This Agreement shall come into effect upon the expiration or termination of Title Three (Security and Defense) of the Compact of Free Association.

Article 8: "This Agreement shall remain in full force and effect until terminated or otherwise amended by mutual consent."

Implications:

1. The Mutual Security Agreement grants the U.S. permanent military denial power over the Marshall Islands. Denial is the power to foreclose or deny access to the Marshall Islands to military personnel of any third country.

2. **Article 7** states that this Agreement comes into effect when the Compact Defense Title expires at the end of the Compact's 15 year life. The Marshall Islands Government does not retain the power to terminate this Agreement. **Article 8** allows for amendment or termination only by mutual consent of the U.S. and Marshall Islands. Therefore, this Agreement provides the U.S. with permanent military denial power in the Marshalls. In view of the strong interest of the U.S. since World War II in keeping Micronesia exclusively for the U.S., it is unlikely in the foreseeable future that any U.S. Administration would decide to terminate this Agreement.

3. The Military Use Agreement for Kwajalein Atoll is for 15 years and the U.S. has the option to renew for 35 years more. Payments are specified for the use of the missile range during that time. **Article 5** of the Mutual Security Agreement does not bind the U.S. to promote the economic advancement of the Marshallese, it merely notes the U.S.'s "continuing interest" in the long term economic advancement and self-sufficiency of the Marshallese. The lack of economic development throughout Micronesia under the Trusteeship Agreement which bound the U.S. to "promote the economic advancement and self-sufficiency" of the people is not a hopeful precedent.

4. The permanent denial power granted in the Mutual Security Agreement could weaken or undermine the Marshall Islands' future bargaining position when the Compact funding levels expire.

D. MILITARY PROVISIONS

LAND USE AND OPERATING RIGHTS

GENERAL

From the Compact:

Authority and Responsibility

Section 311

"(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to Palau, the Marshall Islands and the Federated States of Micronesia.

"(b) This authority and responsibility includes:

- (1) the obligation to defend Palau, the Marshall Islands and the Federated States of Micronesia and their peoples from attack or threats thereof as the United States and its citizens are defended;*
- (2) the option to foreclose access to or use of Palau, the Marshall Islands and the Federated States of Micronesia by military personnel or for the military purposes of any third country; and*
- (3) the option to establish and use military areas and facilities in Palau, the Marshall Islands and the Federated States of Micronesia, subject to the terms of the separate agreements referred to in Sections 321 and 323...*

Section 312

"Subject to the terms of any agreements negotiated...the Government of the United States may conduct within the lands, waters and airspace of Palau, the Marshall Islands and the Federated States of Micronesia the activities and operations necessary for the exercise of its authority and responsibility under this Title.

Section 313

"(a) The Governments of Palau, the Marshall Islands and the Federated States of Micronesia shall refrain from actions which the Government of the United States determines, after appropriate consultation with those Governments, to be incompatible with its authority and responsibility for security and defense matters in or relating to Palau, the Marshall Islands and the Federated States of Micronesia...

Implications:

1. Although the United States has officially expressed future military interest in only Palau and the Marshall Islands, **Section 354(b)** notes the "existence of separate agreements with each" of the governments. The Compact military provisions only generally outline U.S. defense plans. It is the Military Use and Operating Rights Subsidiary Agreements which will define U.S. military power in the Marshall Islands, Palau and the Federated States of Micronesia (FSM). Thus, a thorough review of these separate agreements is necessary for understanding.

2. In 1980, the U.S. demanded military denial rights, outlined in **Section 311(b)**, in perpetuity - forever. Because this angered the Micronesian negotiators, the U.S. later set a 100 year minimum time requirement for denial rights. The Compact itself, according to **Section 354(a)** is a 15 year agreement, but the 100 year denial provisions the U.S. is demanding will change all this if approved by people in the FSM and Palau (the Marshall Islands has agreed to permanent denial). With most of the U.S. economic aid lasting only the 15 year duration of the Compact, a permanent or 100 year denial provision could jeopardize the future bargaining position of the Marshall Islands, FSM and Palau.

3. **Section 312** provides the U.S. with power to conduct military activities in the FSM, Palau or Marshall Islands as long as they are deemed "necessary" for carrying out its "defense responsibility." Even if there is disagreement between the U.S. and the Marshall Islands or Palau over military operations, the U.S., under the terms of the Compact, is given authority to determine what are "necessary" activities.

Section 312 not only allows the U.S. to conduct military maneuvers in the lands and waters of the Federated States of Micronesia, Palau and the Marshall Islands, but **Section 315** gives the U.S. authority to bring foreign military personnel and warships for joint exercises into Palau, the FSM and the Marshalls. The island governments are given little power to control U.S. and foreign military operations in their islands according to **Section 315**.

From the Compact:**Section 315**

"The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in Palau, the Marshall Islands or the Federated States of Micronesia, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and over-flight purposes, shall be subject to consultation with and, in the case of major units, approval by the Government of Palau, the Marshall Islands or the Federated States of Micronesia...

Defense Facilities and Operating Rights

Section 321

"(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in Palau, the Marshall Islands or the Federated States of Micronesia are set forth in separate agreements which shall come into effect simultaneously with this Compact...

Defense Treaties and International Security Agreements

Section 331

"...The Government of the United States, exclusively, shall assume and enjoy, as to Palau, the Marshall Islands and the Federated States of Micronesia, all obligations, responsibilities, rights and benefits of:...

"(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in Palau, the Marshall Islands and the Federated States of Micronesia, such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of Palau, the Marshall Islands or the Federated States of Micronesia...

Section 354

"(a) ...The provisions of this Title are binding for a period of fifteen years from the effective date of this Compact and thereafter as mutually agreed...

"(b) The Government of the United States recognizes...in view of the existence of separate agreements with each of them pursuant to Sections 321 and 323, that, even if this Title should terminate, any attack on Palau, the Marshall Islands or the Federated States of Micronesia during the period in which such separate agreements are in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to Palau, the Marshall Islands and the Federated States of Micronesia in accordance with its constitutional processes."

GLOSSARY

RIMPAC: Rim of the Pacific exercises. War games involving the U.S., Australia, New Zealand, Canada, Japan, which have taken place since the early 1970s.

ASW: Anti-submarine warfare.

Implications:

4. Only the use by the U.S. of **military areas and facilities (Section 315)** in the FSM, Palau or the Marshall Islands calls for consultation with the three governments. It appears that consultation with or approval of the FSM, Palau or Marshall Islands governments is needed for U.S. war training in the ocean surrounding the islands. From a geographical perspective, the FSM, Marshall Islands and Palau are more convenient than Hawaii for military training of Japanese, Australian, New Zealand or Asian naval forces. The only restriction placed on use of Palau, the Federated States of Micronesia and the Marshall Islands for training of foreign military is that "major units" must be approved by the governments of Palau, FSM and the Marshall Islands. No definition, however, is provided for "major units" in the Compact or Military Use and Operating Rights subsidiary agreements. Moreover, training involving anything less than "major units" requires only that the U.S. consult with the Micronesian governments. The Compact could stipulate that all foreign military training in must be **approved** by the Marshall Islands, Palau or the FSM but it does not.

5. **Section 331(b)** gives the U.S. authority to apply international defense treaties to Micronesia. The FSM, Palau and Marshall Islands governments must be "consulted" by the U.S. but have no decision making power in the matter. Therefore, even if an international security treaty was viewed as contrary to the interests of people in Micronesia or an international treaty contravenes the FSM, Palau or Marshall Islands Constitution, the U.S. nevertheless retains the authority to apply such a treaty to the FSM, Palau or the Marshall Islands.

6. Military use of land and waters for training purposes can conflict with farming, fishing and other commercial activities of people in the Marshall Islands, FSM and Palau. The war training operations of the RIMPAC nations are an example of potential military activities the could be carried out in and around Micronesian waters. In 1982, RIMPAC exercises included the navies of Japan, the U.S., New Zealand, Australia and Canada, involving approximately 40 warships, 200 aircraft and 20,000 Navy personnel. Training for all possible war situations included: 1) surface strike exercises; 2) marine submarine spotting and attacks; 3) air defense exercises; 4) electronic warfare.¹ During military war practice, accidents often occur.

Yokosuka U.S. Naval Base Jishu Koza



Implications:

As recently as 1981, Japanese commercial fishermen reported thousands of dollars of damages as U.S. and Japan Navy warships on training

Implications:

maneuvers ripped apart more than 6,000 long line fishing nets. "I cannot understand why U.S. naval vessels are freely cruising around Japan, causing damage to our people," commented Japan Foreign Minister Sunao Sonoda about the joint naval drill 100 miles off the coast of Japan.²

7. Sections 311 and 354 note the U.S. will defend Palau, the Marshall Islands and the Federated States of Micronesia if there is an attack on the islands. Ironically, it is the U.S. military presence which makes Micronesia a target for an attack. Just as Japanese military bases in the Federated States, Marshall Islands and Palau drew the most devastating attacks from U.S. military forces during World War II, today U.S. bases and nuclear-powered and weapons-carrying submarines and warships will be priority targets in a nuclear war.

¹"RIMPAC 82 Demonstrates Military Alliance of 5 Pacific Rim Countries", *Han Genpatsu News*, Tokyo January, 1982.

²"Tokyo Chides U.S. Navy", *Honolulu, Advertiser*, May 18, 1981.

PRIOR CONSULTATION - JAPAN'S EXPERIENCE

There was the collision between a U.S. submarine and a Japanese freighter, and the Japan-U.S. communique foul-up, followed by the foreign minister's resignation, coinciding with the suspected cutting of Japanese fishing nets by U.S. naval craft. And as if there were not enough hitches in Japan-U.S. relations, from Cambridge, Mass., came the authoritative voice of Professor Edwin O. Reischauer, a former U.S. ambassador to Japan, about the apparent double talk the government of Japan had been giving the people.

The elements of conflict in this case may be sorted out as follows: When the new security treaty went into effect in 1960, Japan wanted to make sure that no nuclear weapons would be brought into Japanese territory. Hence the notes exchanged between the two governments...in which both agreed "major changes in the deployment into Japan of United States armed forces, major changes in their equipment...to be subjects of prior consultation with the Government of Japan."

When such consultation was sought, theoretically, Japan was able to veto it, though in fact there has never been an instance of this agreement being invoked. A few years afterward, public opinion rose against the possibility of U.S. sea craft and aircraft which carried nuclear weapons, entering Japanese territory without "prior consultation." To calm the anti-nuclear sentiment, the government adopted the triple nuclear principle, which said Japan would not "manufacture, possess or bring in" nuclear weapons. What has posed problems is the third: not "bringing in" nuclear weapons...

How strictly is this stricture to be observed? Does it deny U.S. sea vessels and aircraft access to their own

bases in Japan even in transit or for short visits for such purposes as repairs and rest and recreation for their crews? The official position of the government, as indicated domestically, had been a categorical no.

On the other hand the U.S. has all along believed that the "prior consultation" requirement did not apply to these short visits or passages through Japanese territorial waters. This has never been said officially in Washington, but this is what Professor Reischauer wanted to tell the people of Japan...If what [he]...says is true, it means the government has been lying to the people...

But Professor Reischauer suggested another possibility: different interpretations of the Japanese expression and its supposed English counterpart. The Japanese word is "mochikomi" (bringing in)...the English word is "introduction"...In U.S. usage, according to Professor Reischauer, "introduction" meant not mere transportation of something into Japanese territory but deployment of weapons in Japan...

The Japanese interpretation on the other hand, is all-inclusive, meaning any transfer of a nuclear weapon into any point in Japanese territory for any length of time. That U.S. armed forces have been acting according to this interpretation of the term "introduction" and of the "prior consultation" agreement received testimony from Admiral Gene R. LaRocque (Ret.) in September 1974 [who] pointed out the obvious impossibility of a U.S. aircraft carrier unloading its nuclear arsenal in the middle of the ocean before docking at Yokosuka. This week, he endorsed Professor Reischauer's statements....

By Kiyooki Murata, *Japan Times*, May 22, 1981.

LAND USE AND OPERATING RIGHTS PALAU AGREEMENT

From the Compact:

**Land Use and Operating
Rights Within Defense Sites
Article IV**

"1. The defense sites provided by the Government of Palau to the Government of the United States described in the attached annexes are designated for the following categories of uses:

"(a) Exclusive-use areas - areas which are reserved exclusively for use by the Government of the United States, subject to the limitations set forth in this Agreement;

"(b) Joint-use areas - areas which may be used jointly by the Government of Palau and the Government of the United States, subject to the limitations set forth in this Agreement;

"(c) Non-exclusive-use areas - areas for intermittent use by the Government of the United States, subject to the limitations set forth in this Agreement...

[Exclusive-Use Areas:

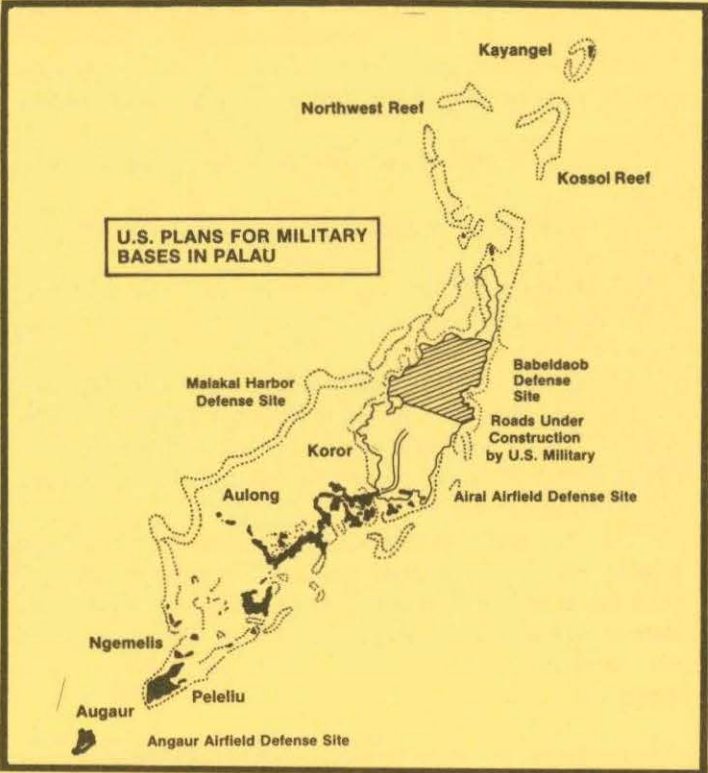
- 1. **Malakal Harbor: 40 acres of dry and submerged land**
- 2. **Ngardmau: 1,400 acres**
- 3. **Ngaremlengui: 600 acres**
- 4. **Airai Airport: 65 acres**
- 5. **Angaur Airport: 65 acres—Ed.]**

**Military Use And
Operating Rights Within
Exclusive-Use Areas
Article V**

"1. The Government of the United States has access to and unrestricted control of all exclusive-use areas, including the right to control entry to and exit from any or all exclusive-use areas and the right to take reasonable and necessary measures for their establishment, use and operation. The Government of the United States may take, within the exclusive-use areas and within the seabeds, water areas and air space adjacent to or in the vicinity of the exclusive-use areas reasonable and necessary measures for their use, security and defense. These measures include the right:

"(a) To maintain the exclusive-use areas and to construct structures and improvements thereon;

"(b) To improve and deepen the harbors, channels, entrances, and anchorages, to dredge and fill, and generally to fit the premises to their intended use;



Palau Defense Map

EXCLUSIVE-USE IMPLICATIONS:

1. Because of this authority the U.S. has the power to control the movement of people and boats in Malakal Harbor, in and around the ammunition storage and base support centers on Western Babeldaob and the exclusive use sections of the Airai and Angaur airports. "Exclusive Use" by definition means the Palauans will be excluded from these areas.

2. **Article 5, Section 1(b)** gives the U.S. the power to dredge, fill, deepen and improve all the channels, entrances and anchorages in Malakal Harbor and adjacent to the sites in Ngeremlengui and Ngardmau. Dredging and filling are activities that can lead to serious environmental disruption of reef and marine areas. The Agreement gives the U.S. authority to "...fit the premises to their intended use." Although the Compact establishes environmental controls, it also permits the President to waive these (Compact **Section 161(e)**) **Section 314(e)** of the Compact appears to offer Palauans protection by preventing the U.S. President from exempting U.S. activities from environmental laws -- however, this applies only to the nuclear provisions in the Compact **Section 314** and not to the Military Use Agreement.

3. "Minimize" damage to lands and reefs and "avoid unreasonable" harm to the environment are ambiguous terms used in Article 5, Section 2. Nor are Palauans given any means for overseeing or enforcing the U.S. "best efforts" to protect the lands and reefs.

From the Compact:

"(c) To control, so far as may be required for the efficient operation of the exclusive-use areas, anchorages and moorings, the movements of ships and waterborne craft, aircraft operations and land movements...

"2. In conducting activities in exclusive-use areas, the Government of the United States shall use its best efforts to:

"(a) Avoid interferences with commercial activities in Palau;

"(b) Avoid interferences with access by fishermen to shoreline areas;...

"(e) Minimize damage to the terrain and to reef areas;

"(f) Avoid unreasonable harm to the environment, including water areas...

"3. The Government of Palau may use any exclusive-use area in any manner consistent with paragraph 4 of this Article. The Government of the United States may condition, limit or withdraw, temporarily or permanently, such authorization at any time...

"4. Use by the Government of Palau, which may include making exclusive-use areas available to persons or entities authorized by the Government of Palau, shall be compatible with planned military activities and the rights of the Government of the United States set forth in this Agreement..."

Military Joint Use Okinawa— Jishu Koza

**Implications:**

4. Because the base support sites in Ngardmau and Ngaremlengui will include weapons storage and very likely nuclear weapons stockpiling, these will be sensitive areas, requiring strict security, armed guards, double fencing and special lighting.

5. Annex B of this Agreement lists maps showing "potential" construction of causeways from the Ngardmau and Ngaremlengui bases to piers outside the reefs for military vehicles including trucks with shipments of ammunition and other base support supplies.

KWAJALEIN: AN EXCLUSIVE-USE ISLAND

One of the ironies of the Kwajalein Missile Range is that the Marshallese are not permitted to live on, or spend the night on, Kwajalein Island. While American employees of the Missile Range live on Kwajalein, the Marshallese who own the land are not allowed to do so. Instead, they must commute by boat from Ebeye, three miles away. Nor are the Marshallese employees or other Micronesians allowed to use most facilities on Kwajalein. They cannot send their children to the schools on Kwajalein, as do the American employees, even though there is no high school for the thousands of young people on Ebeye.

The Marshallese, even those employed as clerks in stores on Kwajalein, are not allowed to purchase foods or other materials. Thus a Marshallese clerk can sell goods to an American but cannot buy those goods for him or herself. Nor are they allowed to use the elaborate KMR hospital, except under unusual circumstances. Instead they must use the hospital on Ebeye, provided by the Trust Territory government, a grossly inferior, understaffed facility.

Konrad Kotrady, M.D., told a U.S. House Subcommittee Hearing in 1976: "The Army's position was summed up to me one day when a high level command officer at Kwajalein remarked that the sole purpose of the Army at Kwajalein is to test missile systems. They have no concern for the Marshallese and it is not of any importance to their being at Kwajalein."

A true statement, but one which indicates that the U.S. has pigeonholed its responsibilities. By placing the Territory under the jurisdiction of the Interior Department, the U.S. has relieved all other agencies of any need to uphold the U.S. commitment to "accept as a trust the obligation to promote to the utmost the well-being of the inhabitants."

—William Alexander, 1982.

From the Compact:

[Joint-Use Areas:

- 1. All anchorages in Malakal Harbor;
- 2. Roads connecting the two exclusive-use areas in Ngardmau and Ngaremlengui;
- 3. 555 acres in and around Airai Airport;
- 4. 555 acres in and around Angaur Airport—Ed.]

Military Use and Operating Rights Within Joint-Use Areas
Article VI

"1. The Government of the United States shall have access to and use of joint-use areas, including the right to take reasonable and necessary measures for their establishment, operation and maintenance.

"(a) After consultation with the Government of Palau, the Government of the United States may take, within these areas and within the seabeds, water areas and air space adjacent to or in the vicinity of these areas, reasonable and necessary measures for their use, security and defense...

"2. In times of emergency, after consultation with the Government of Palau, the Government of the United States may, so far as may be required for the efficient operation of those joint-use areas and for the duration of the emergency, control the use of anchorages and moorings, the movement of ships and waterborne craft, aircraft operations and land movements...

"4. The Government of Palau may use any joint-use area, including making such area available to persons or entities authorized by the Government of Palau, in any manner compatible with the rights of the Government of the United States set forth in this Agreement. The Government of Palau shall notify the Government of the United States of any intended use of such area and the Government of the United States shall not interfere with such use unless it is incompatible with the ability of the Government of the United States to carry out its military mission...

Annex D

2. (The U.S. is granted) "Joint use of entire airfield area including right to extend runway to 12,000 feet, and the right to improve to meet military requirements and specifications. If any extension of the runway displaces existing taro-growing area, the Government of the United States shall provide for the construction of a comparable taro-growing area on such land as is provided for that purpose by either the owner of the displaced taro-growing area or by any government entity in Palau. Any runway extension shall provide for land access between the lands on either side of the defense site."

ENVIRONMENTAL EXPLOITATION AND LONG TERM DAMAGE

"Current beneficial uses of the Kwajalein Atoll by KMR have been achieved at varying degrees of long term and possibly irreversible exploitation of the environment such as dredging and quarrying for building materials, landfilling for more dry land, and pumping the groundwater lens and covering the natural surface with concrete to obtain fresh water. Covering the soil with impermeable surfaces has reduced infiltration of rainfall in the subsurface fresh-water lens and may reduce total natural capacity of groundwater resources. Compaction of soils and destruction of natural soil horizons has made future cultivation difficult or impossible without expensive soil rehabilitation and replenishment. The flat, natural green forest horizon has been replaced with an artificial, grey white horizon of towers, poles and buildings."

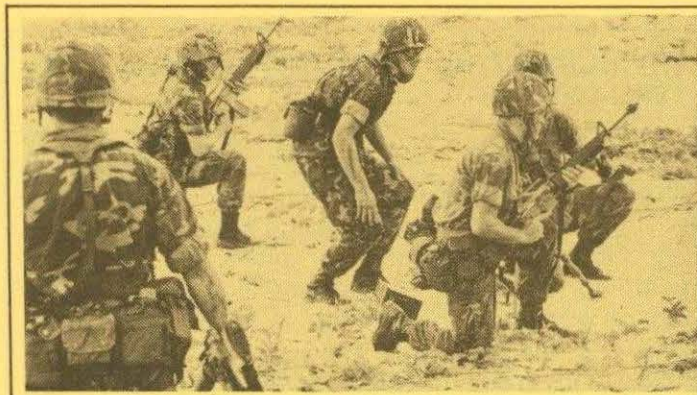
—"Environmental Impact Assessment of Kwajalein Missile Range Operations," U.S. Army, August, 1980.

Implications:

1. Article 6, Sections 1 and 2 appear to grant the U.S. generally the same privileges to control Palauans' exit from, entry to and movement around these "joint use" areas, as is given to the U.S. under the "exclusive-use" section. The U.S. is obligated only to "consult" with the government of Palau and regardless of whether or not the government of Palau approves, the U.S. can -- in the four joint use areas -- take "necessary measures for their use, security and defense." Under this provision, normal every day activities of Palauans who live or work in or near these areas can be restricted.

2. If the U.S. determines that the activities of Palauans or the Palau government are "incompatible" with its military mission then the U.S. can prevent local use of these lands and waters. Moreover, according to Section 4 Palauans would not have normal access to these joint-use areas: the Palau government is required to "notify the Government of the United States of any intended use of such areas."

3. The proposed extension of the Angaur runway, outlined in Annex D, Section 2, will disrupt current taro-farming activities there. Anticipating this, the Agreement specifies that the military will provide for the "construction of a comparable taro growing area" for the displaced Palauans. The three-square-mile area is the best for taro growing on this very small island. There seems to be a conflict with the policy of promoting increased "self-sufficiency" in which the U.S. "reaffirms its continuing interest" (Section 454).



U.S. military in war training on Vieques. PRISA

VIEQUES AND THE U.S. MILITARY

"A People for Whom World War II Has Not Ended"

Vieques ("small island") is an 18-mile long and 3½-mile wide island off the coast of Puerto Rico. Between 1938 and 1945, the United States Navy acquired 26,000 of the island's 33,000 acres (52 sq. miles) for war "games" involving naval gunfire, close air support, air to ground maneuvers and amphibious exercises. Additionally, ammunitions are stored in hollowed-out mountains. For these purposes, land and the best fishing grounds are restricted to the use of the Navy.

The Military Use and Operating Rights Subsidiary Agreement gives the U.S. many of the same powers the U.S. military has in Vieques, Puerto Rico. Just as it uses Vieques, the U.S. will have the authority to use Palau for war-training exercises. The full extent of these training (or war game) "activities" is not specified in the Compact, nor do the "environmental protection" and "health and safety" provisions insure Palauans control of U.S. military activities. Is the future of Palau the history of Vieques since the military arrived?

Some people of Vieques have spoken about their experiences with the U.S. military:

"I took my 11-year old son spearfishing at depths of 30, 40, 50 feet...I had to do it to survive. And in that struggle to survive, looking to make an honest living, for me the Navy was a permanent obstacle...

"I remember one day we were coming in from fishing when the sea got rough and we had to come ashore in a place called "The Tanks," in a Restricted Area. A soldier came up pointing a heavy gauge shotgun at me. While I was trying to save my family this soldier pointed that thing at me, saying I had to leave the boat there and go immediately as his prisoner to the camp.

"I told him...that he had to help me tie up the boat. Afterwards I would go to Washington if I had to but right now I couldn't accommodate him...But he still didn't help me. He waited until we tied up the boats and

then put us on a truck and took us captive.

"The captain who took charge treated us so discourteously that I told him, 'Just a minute. Don't speak to me in such an offensive way. I'm no soldier, I'm a civilian, and you as an officer have to treat me well...

"Among the people of Vieques, I as a Christian, belong to the movement against the U.S. Navy, for I have always lived in Vieques, and since the Americans came, to live here has been a horrid torment..."—Angel Ventura Cintron¹

"I am a Catholic..We no longer believe that kneeling in a church, within four walls and a roof, asking God, asking Jehovah to get the Navy out is going to make the Navy leave. People themselves must begin to act...

"The violence of the Navy is permanently damaging, unforgiveable. It destroys coral reefs, it is destroying the land, it kills cattle and wildlife--especially birds--which is in danger of extinction because of the violence with which it rapes our island of Vieques. Besides all this, what it does is training for war--to destroy lives. Now, many do not want to see this latter violence."—Angel Guadalupe¹

"We have witnessed many accidents. Once, four of us were walking together when suddenly there was an explosion. We had stepped on something. My brother, who was 13 years old, was shattered to pieces. In my case,...My right arm is useless and my left leg was also badly hurt. You could see as far as the bone on it. Our other two companions were also seriously injured."²

"Just a few days ago some fishermen in two fishing boats, 18-feet long, went out to fish their traps and a Navy helicopter immediately came to force them out. These helicopters fly very low causing very large waves to rise. Those fishermen did not only lose their catch and traps but almost sank."²

¹Vieques and Christians, Prisa (National Ecumenical Movement of Puerto Rico) 1981.

²"A People for Whom World War II has Not Ended," Ecumenical Program for Inter-American Communication and Action (EPICA), Washington, D.C. 1978

From the Compact:**[Non-Exclusive Use Areas:**

- a) **30,000 acres in northern Babeldaob;**
- b) **4 beach access rights of way in or near Ngiwal, Ulimang, Melekeok and Keklau—Ed.]**

**Military Use and Operating
Rights Within**

Non-Exclusive-Use Areas

Article VII

"1. The Government of the United States shall notify the Government of Palau, as far in advance of the tentative date of planned use as is practically possible, but not less than 90 days, except in an emergency or as mutually agreed, of its intention to use any area designated for non-exclusive-use.

"(a) The notification shall:

(1) Identify the specific area or areas to be used, which shall be the minimum area necessary to carry out the intended use;

(2) State the projected dates during which the use will occur; and

(3) Provide a description of the use to be made of the area.

Implications:

1. The U.S. wants "intermittent" use of 30,000 acres on Babeldaob for a jungle warfare training site. If the Government of Palau objects to U.S. plans for military training on Babeldaob (or elsewhere) it may submit its objection to the U.S. but the Palauans do not have veto power over U.S. military operations.

2. The 30,000 acre military site on Babeldaob is designated **non-exclusively** to the U.S. suggesting that Palauans will have use of this area. **Article 7, Section 2** provides, however, that during military operations the U.S. will have the same powers it has in the "exclusive use" areas. The U.S. will have the power to exclude Palauan use of approximately 50% of Babeldaob during training exercises.

3. **Article 7, Section 5** states that Palauans will have "full and free" use of the 30,000 acres on Babeldaob. But Palauans will only be able to build permanent structures after "consultation" with the United States.

4. The four beach access rights of way near Melekeok, Ngiwal, Ulimang and Keklau will be used for landing men, tanks, amphibious landing craft and other equipment used during training maneuvers on Babeldaob.

THE HUMAN COSTS OF THE U.S. BASES IN THE PHILIPPINES

The first and perhaps the most obvious negative impact of the bases is the presence of nuclear carriers and weapons which act as an invitation to attack from enemies of the U.S., irrespective of Philippine interest in the conflict.

The complex of U.S. bases in the country, for all practical purposes, constitutes a "state within a state." Invoking "extra-territorial rights," U.S. base officials have consistently placed U.S. servicemen who have committed serious crimes in the Philippines, such as killing of Filipino citizens, beyond the reach of Philippine criminal courts. Between 1947 and the present more than 40 Filipinos have been shot to death by American base guards or died as victims of U.S. "war games."

It is argued that the bases have a major and positive impact on the Philippine economy, with many Filipinos employed and large amounts spent by the U.S. government in the country, as well as millions more in economic aid and loans that come with the military base arrangements.

But the U.S. base economy in the Philippines is consumptive and service-oriented rather than capital investment. Thus, they do not contribute directly towards building the productive capacity of the country (industrially or agriculturally). Furthermore, the role of base expenditures in the Philippine economy appears even more questionable when one considers the major types of "economic activity" they

stimulate.

Perhaps the most important of these are prostitution and related "entertainment" for U.S. base personnel.

For example, the economy of Olongapo City near Subic Naval Base is almost totally dependent on prostitution and entertainment, and it expands with war and contracts with peace. As one observer noted, the end of the Vietnam War "spelled disaster."

Mixed-blood children and old prostitutes abandoned by their American father or "husband" are a pitifully common sight. Babies are often found floating in Subic Bay.

The other "growth industry" stimulated by the bases is the procurement and sale of illegal drugs to U.S. servicemen. Heroin and marijuana sales enjoy a greater concentration in the areas surrounding the bases than in any part of the country. Indeed, some Filipino observers noted that the increased consumption of marijuana and heroin among Filipinos has been a spin-off of the American bases' drug traffic. This has led to increased criminal activities regarding illegal drugs.

In sum, the claim that the U.S. bases are a boon to the Philippine economy is a dubious one. They constitute a flimsy pillar for a developing economy. U.S. bases bring with them serious social and political problems that are too costly for the country as a whole.

By Dean Alegado, a teacher in Ethnic Studies at the University of Hawaii.

From the Compact:

"(b) The Government of Palau may, within 30 days after receipt of the notification, seek clarification or express reservation concerning the planned activity and the parties shall consult as necessary to resolve any differences. The Government of the United States will make every reasonable effort to adjust the planned use to take into consideration the reservations expressed by the Government of Palau. Unresolved issues will be handled in accordance with" (the Joint Committee on Disputes, Compact **Section 351**).

"2. During periods of use the Government of the United States may, within non-exclusive-use areas, control, so far as may be required for efficient conduct of the planned use, the use of anchorages and moorings, the movement of ships and waterborne craft, aircraft operations and land movements.

"3. In conducting activities in non-exclusive-use areas, the Government of the United States shall, in consultation with the Government of Palau, use its best efforts to:...

"(e) Minimize damage to the terrain and to reef areas and restore, where practicable, such areas to their prior state;

"(f) Avoid unreasonable harm to the environment, including water areas;

"(g) Avoid activities which would adversely affect the well-being of the residents of Palau;

"(h) Avoid residential areas; and

"(i) Avoid historical and religious sites.

"4. After each use of a non-exclusive-area, the Government of the United States shall take all measures to ensure, insofar as may be practicable, that every hazard to human life, health and safety resulting from such use is removed from any such area.

"5. Except as provided in this Agreement, the Government of Palau shall have full and free use of the non-exclusive-use areas, including making such areas available to persons or entities authorized by the Government of Palau, provided that the Government of Palau shall undertake or permit permanent construction in such areas only after consultation with the Government of the United States."

**Article VIII**

"1. Any activities carried out by the Government of the United States under the terms of this Agreement shall be conducted in accordance with environmental standards established pursuant to Article VI of Title One of the Compact and its related agreements. Any disputes, including actions contemplated under **Section 162** of the

Implications:

5. Regardless of whether or not full scale military operations are conducted regularly on Babeldaob, the U.S. is not required to avoid damaging the land and reefs during times of land use. It only needs to use its "best efforts" (Article 7, Section 3). Who decides what best efforts are? The U.S. is primarily concerned with carrying out its military mission in Palau and the military's interpretation of "best efforts" is likely to contrast with that of Palauans who, using the land and ocean for subsistence, place a different value on the land.

6. In the event land, reefs and historic sites are damaged, the military is required to restore them to their original state only "where practicable." And the military decides what is "practicable." Palauans know that damaged reefs and historic sites cannot be restored to their original state. Military activities that will harm the environment and endanger people could have been banned by the agreement, but they were not.

KWAJALEIN 1982: OPERATION HOMECOMING

In June, 1000 landowners resettled 8 of their islands used by U.S. military, protesting unbearable Ebeye living conditions. The Army arrested leaders, searched workers, confiscated food, banned Marshallese from the bank, and cut phone communication. Many see this as a preview of treatment they will receive from the military under the Compact.

RESTRICTIONS ON SOVEREIGNTY

Article 8, Section 7, does not limit the number of American military personnel who are "required" in Palau for operation of the military bases. While it prevents soldiers specifically coming to Palau for Rest and Recreation, it allows "limited" numbers of military personnel into Palau who are there on ships, submarines or airplanes, or other "temporary" duty. (The entire crew aboard U.S. nuclear submarines is approximately 125, while the crew size on board a frigate is about 230.) No controls are placed on the off-duty activities of American soldiers in Palau under these circumstances. According to the Status of Forces Agreement (SOFA), the Palau Government has no legal jurisdiction over U.S. personnel for:

- "(1) offenses committed within Defense sites, including non-exclusive-use areas...
- "(3) offenses arising out of the performance of official duty;
- "(4) offenses committed by United States personnel who are attached to or embarked in aircraft or vessels transiting Palau...:

From the Compact:

Compact, involving the compliance of these activities with those standards shall be resolved exclusively by negotiation between the Government of the United States and the Government of Palau notwithstanding Section 162 of the Compact...

"5. At the time the Government of the United States notifies the Government of Palau that it no longer has a requirement to retain a particular exclusive-use or joint-use area, the Government of the United States shall take all measures to ensure, insofar as may be practicable, that every hazard to human life, health and safety resulting from such use is removed from any such area.

"7. The Government of the United States may station in Palau United States personnel required in its use of the defense sites authorized under this Agreement. Except for United States personnel stationed in Palau pursuant to this Agreement or limited numbers of United States personnel in Palau on official duty in connection with naval port visits, aircraft transits or other temporary duty, the Government of the United States shall not permit United States personnel to make use of Palau for purposes of leave, rest, relaxation, recuperation or any similar use, without the consent of the Government of Palau...

"9. The Government of the United States and the Government of Palau recognize the relationship between the economic development and related programs of the Government of Palau and the military use and operating rights of the Government of the United States in Palau pursuant to the Agreement. Taking into consideration this relationship, the Government of the United States shall provide to the Government of Palau on a grant basis \$1 million annually commencing on the fifteenth anniversary of the effective date of this Agreement and continuing for the duration of this Agreement. Should the Government of the United States, in any year after the fifteenth anniversary of the effective date of this Agreement, exercise military use and operating rights within defense sites pursuant to this Agreement, it shall provide to the Government of Palau for that year additional grant assistance in an amount to be mutually agreed taking into account the degree of such use. Such additional grant assistance shall not exceed \$9 million in any year...

"11. The Government of the United States may invite members of the armed forces of other countries to use defense sites pursuant to this Agreement, in conjunction with and under the control of the United States Armed Forces. Use by units of the armed forces of other countries of such defense sites, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval by the Government of Palau."

Implications:

This section of SOFA concludes by saying the Palau Government has no legal jurisdiction over any felony offenses committed by Americans.

7. Article 8, Section 11 allows the U.S. to bring into Palau foreign military personnel for training. The Babeldaob jungle warfare training site can be used to train foreign military personnel from Asian nations just as the U.S. Army's School of the Americas in Panama has been used to train thousands of soldiers from repressive Latin American military governments. U.S. allies such as South Korea, Taiwan and the Philippines -- all repressive dictatorships with records of serious human rights violations -- may in conjunction with the U.S. use Palau as a training area. Palau has veto power over "major units" only, but "major units" is not defined. Palauans will be faced with an important moral question: Do they want to be viewed by other nations as giving support to un-democratic Asian dictatorships which are allies of the U.S.?

8. Even if U.S. use of Babeldaob is indeed occasional, Palauans are still faced with prospect of military troops assaulting the beaches on Eastern Babeldaob in war games with amphibious landing craft. This is why the U.S. wants beach "access" rights through beaches near Ngiwal, Melekeok, Ulimang and Keklau for training on Babeldaob. During these operations, parts of Babeldaob can be off limits while military personnel are training for jungle warfare and using live ammunition.

PALAU AND MICPAC

The Compact has a direct relationship to an informal, furtive U.S.-Japan scheme to establish a Micronesian-Pacific Defense Force (MICPAC) commanded by an American admiral and Japanese deputy with headquarters in Yokosuka (Japan) or Guam. In return for supplying sea and air anti-submarine warfare (ASW) forces for MICPAC, Japan would expect to increase her investment in Micronesia and construct an oil transshipment port in Palau—complete with refinery and storage areas. RIMPAC exercises are considered to be the implementation of MICPAC.

In a 1975 report U.S. Navy Captain N.R. Gooding of the National War College referred to Japanese ASW planes being stationed on Babeldaob. Such small contingents of foreign military could be invited into Palau under terms of the Compact. Japan currently has 45 Orion ASW aircraft ordered from Lockheed and has announced where only half of them will be stationed. It is likely that at least one squadron is destined for Babeldaob. U.S.-owned Orion subchasers would also undoubtedly make periodic visits. The Orion is designed to carry nuclear depth bombs.

By Robert C. Aldridge, 1981.

From the Compact:

**Effective Date,
Amendment and Duration
Article IX**

"1. This Agreement shall come into effect simultaneously with the Compact. Thereafter, the Government of the United States may initiate use of any of the defense sites or areas designated in this Agreement by giving the Government of Palau notice of its intention to do so. Such notice shall be given at least one year in advance, except where military requirements make this impracticable, in which case notification shall be given as far in advance as possible.

"4. Notwithstanding paragraph 3 of this Article...**Section 311(b)(2)**...of the Compact shall remain in effect for a term of one hundred years..."

SEGREGATION ON KWAJALEIN

Ataji Balos, then a member of the Congress of Micronesia, pointed out in July 1976:

"On July 4, 1976, only a matter of hours after Trust Territory Acting High Commissioner Peter Coleman had finished telling the United Nations Trusteeship Council there was no segregation at Kwajalein (a statement he would not dare make on Ebeye), the command of Kwajalein Missile Range celebrated the American Bicentennial by closing Kwajalein Island to any Marshallese...So American independence was celebrated at Kwajalein Atoll by enforcement of all out and total segregation."

Testimony before U.S. House of Representatives Subcommittee on Territorial and Insular Affairs Oversight Hearings on the Marshall Islands, July 1976.

U.S. MILITARY BRINGS JOB DISCRIMINATION AND URBANIZATION PROBLEMS

The impact of the United States on the people of Micronesia began with the Pacific campaign of World War II. In the Marshalls, liberated from Japanese control in 1944, the U.S. military immediately began to hire Marshallese to perform manual labor on Kwajalein in support of the war effort. The indigenous work force has fluctuated from a low of perhaps 175 to a high of about 600. This figure does not include the 200 or so Micronesians (mostly Marshallese) who work as domestics for the Americans on Kwajalein. Aside from work as maids and gardeners, the types of work available to the Micronesians have been of low prestige by U.S. standards. Drivers (trucks, taxicabs), janitors, manual laborers, garbage collectors, cooks, busboys, bartenders, bakers are typical jobs held by the Micronesians. In addition, some hold jobs in offices, doing clerical work. Few of these jobs provide the training or experience which would enable the employees to compete on an open labor market.

Employment of Micronesians on Kwajalein has over the years been at the center of a number of problems, and the focus of many dissatisfactions. For example, the pay scale for Micronesians on the Range represents the highest pay rate available in all Micronesia. Consequently, the Range provides a great attraction to islanders from all over the Pacific. Yet at the same time there is substantial evidence that the Army's logistical contractor has been in violation of federal equal pay for equal work laws, systematically discriminating against the Micronesian workers. In 1976, testimony given before a subcommittee of the U.S. House of Representatives revealed that of a random sample of Micronesian workers on KMR, 90% felt discriminated against by the Americans. Three quarters of those sampled were able to identify specific non-Micronesians (Americans) who performed the same work for higher pay. Many Micronesians expressed anger at the lack of Micronesian supervisors in the

KMR work force. Many were also angry at having to train inexperienced and higher paid Americans to be their supervisors.

With a population of 7049 (1975 census) living on an island of 66 acres, Ebeye is more densely populated than any other Pacific island. This urbanization is primarily a product of immigration from the outer islands for a variety of purposes, all of which are caused by the presence of the U.S. military.

Whereas the outer islands still subsist to a large extent on traditional, local foods, on Ebeye 95% of the food must be purchased. Money is of crucial importance, and affects the lives of the people in many ways. For example, on Ebeye the household includes fewer people, as the traditional extended family is "nuclearized" by the scarcity and importance of money. Most Ebeye households have outstanding loans, as well as debts under their credit accounts. Traditional customs of mutual aid, such as hospitality to clan-mates and food-sharing with passersby, do not function on Ebeye. No activities exist which involve the entire community, as do many activities on the outer islands. People live on land to which they have no traditional rights, and feel no responsibility to their neighbors, their traditional leaders, the community. The children do not learn the traditional customs. Young people form street gangs, and drink beer in vast quantities. The crime rate, associated with alcohol consumption and frustration, has risen rapidly. The young are neither prepared for the old ways, nor are they trained in any significant way for the new. Girls and women (the youngest interviewed was 11 years old) sell their bodies to the Americans on Kwajalein. Suicide, which is very rare in Marshallese history, has become a serious problem. On Ebeye, it is performed primarily by young men between 15 and 30 years of age, with the commonest method being hanging.

By William Alexander, 1982.

LAND USE AND OPERATING RIGHTS KWAJALEIN

KWAJALEIN ATOLL

From The Compact:

Article 4, #1: "...The Government of the United States has free access to and unrestricted control of the defense sites, including the right to control entry and exit from any or all defense sites and the right to take necessary measures for their establishment, use and operation. The Government of the United States may take, within the defense sites and within the seabeds, water areas and air space adjacent to or in the vicinity of the defense sites, such measures as are necessary for the use, security and defense of the defense sites. These measures include the right:

"a) To maintain the defense sites and to construct structures and improvements thereon;

"b) To improve and deepen the harbor, channels, entrances, and anchorages, to dredge and fill and generally to fit the premises to their intended use;

"c) To control anchorages and moorings adjacent to or within the vicinity of the defense sites, and movements of ships and waterborne craft, to, from and within the defense sites;

"g) To install, maintain, use and operate defense-related oceanographic, aeronautical, space communications, and other military or scientific systems and equipment..."

Article 4, #2: "In conducting its activities in the defense sites, the Government of the United States shall use its best efforts to:

"a) Avoid interference with commercial activities including the exploitation of living and non-living resources of the sea;

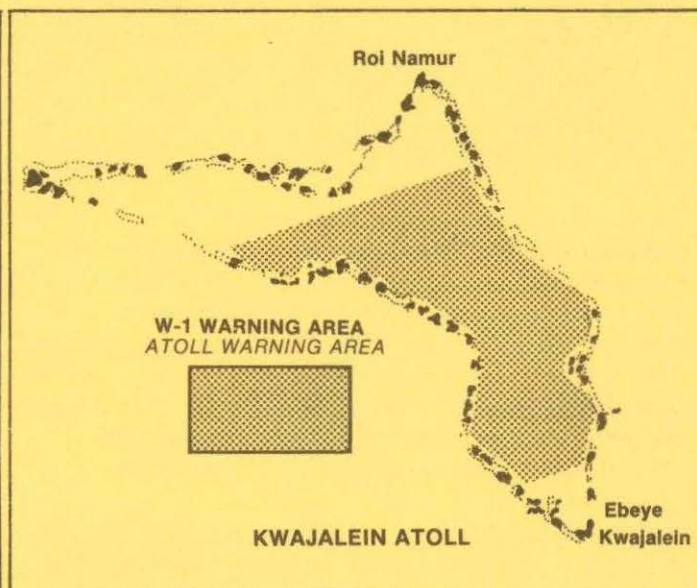
"b) Avoid interference with navigation, aviation, communication and land or water travel in the Marshall Islands;

"c) Minimize damage to the terrain and to reef areas;

"d) Avoid harm to the environment, including water areas;

"e) Avoid activities which would adversely affect the well being of the residents of the Marshall Islands..."

Article 4, #3: "In order not to interfere with operation of the defense sites or pose safety hazards to individuals in the area, the Mid-Atoll Corridor area defined in Annex A, except for the islands of Meck, Eniwetak, Omelek, Gellinam, Gagan, Illeginni and Legan, is a closed area except when the Government of the United States announces that the range is temporarily open.



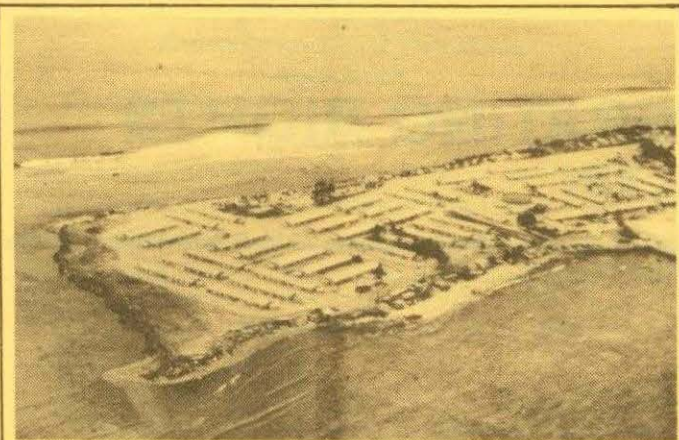
Implications:

1. As in the Palau Military Use Agreement, **Article 4, Section 1** gives the U.S. the power to control the movement of people and boats in all parts of Kwajalein Atoll. The same restrictions on Marshallese use of Kwajalein that apply in 1982 will be effective: activities such as fishing and farming will be prohibited if the U.S. decides it is a "necessary measure for...operation" of the missile range.

2. Since the 1960s, Marshallese protest occupations of "off limits" islands - often delaying or cancelling missile tests - have been the only power Kwajalein landowners have had to force U.S. action on critical health and social problems on Ebeye and on compensation. There are no specific provisions in this agreement which attempt to deal with the degraded living conditions on Ebeye and other problems resulting from the establishment of the Kwajalein military base. The Marshall Islands government, therefore, is in the position of cutting off the Kwajalein landowners' only effective way so far of asserting their rights.

3. **Article 4, #1** provides the U.S. with authority to construct new and additional military radar, communications and other equipment on 8 islands within the Mid-Atoll-Corridor area and Kwajalein, Roi-Namur, Ennugarret and Ennylagaan Islands.

From the Compact:



G. Johnson—Ebeye

Article 4, #4: "The Government of the United States may invite members of the armed forces of other countries to use defense sites pursuant to this Agreement, in conjunction with and under the control of the United States Armed Forces. Use by units of the armed forces of other countries of such defense sites, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval by the Government of the Marshall Islands."

Article 6: "Regularly constituted military units of the Armed Forces of the United States and civilian security guards of the Armed Forces of the United States or security personnel under contract to the Government of the United States shall have the right to police the defense sites, and may take all appropriate measures to ensure the maintenance of law and order in the defense sites. United States military police or civilian security guards shall not be used outside the defense sites for law enforcement purposes, except as may be agreed with the Government of the Marshall Islands."

Article 7: "The Government of the Marshall Islands and the Government of the United States shall each designate representatives to a Community Relations Council, the purpose of which will be to identify and consider all matters affecting relations between the defense sites and local Marshallese communities and to recommend actions as appropriate."

Article 8, #2: "In the employment of local hire personnel, the Armed Forces of the United States and United States contractors shall provide equal pay for equal work."

Article 9, #2: "...Unless otherwise provided, all issues or disputes that may arise under this Agreement which cannot be resolved locally shall be referred to the Joint Committee established by **Section 351** and resolved in accordance with that Section."

Article 9, #4: "Consistent with the laws and regulations of the United States, and to the extent that emergency medical services can be made available, the Government of the United States at its Kwajalein Island

Implications:

4. The U.S. is required only to use its "best efforts" to avoid damaging the reef areas and the environment in "defense sites" in the Marshall Islands. "Best efforts...to minimize damage" to the environment is a weak term if the interests of protecting the Kwajalein people and environment are paramount. The Marshallese are given no means for ensuring that the U.S. does use its "best efforts" to protect the reefs and land and to avoid interfering with normal activities of Marshallese in the entire Marshall Islands.

5. Marshallese will continue to be excluded from the Mid-Atoll-Corridor islands except when the U.S. announces that these islands are temporarily open. In the past, Marshallese have officially been permitted to use these islands only 15 days four times a year.

6. The Community relations Council (**Article 7**) is entirely advisory. It will have authority only to "recommend action", not to carry out actions. Previous advisory committees and numerous government studies recommending action have had little or no influence on improving the Ebeye condition. It appears that this provision is unlikely to be more effective.

7. According to **Article 8, #2**, after 30 years of wage discrimination, the Marshallese Kwajalein Missile Range employees may at last get equal pay for doing equal work.

8. All future disputes, according to **Article 9, #2**, will go to the Joint Committee for Military Dispute, established by Compact Section 351. The Marshallese living on Ebeye face the prospect of continuing treatment as second class citizens in their own homeland with little or no ability to force corrective action through the U.S.-dominated dispute process.

9. **Article 9, #4** provides that "to the extent that emergency medical services can be made available, the Government of the United States shall undertake to provide such emergency services" to Marshallese. This appears to make the provision of emergency medical care discretionary rather than an obligation on the U.S. Lack of proper medical care on Ebeye and lack of access to the Kwajalein hospital combined with the bacteria count in the lagoon (25,000 times U.S. Public Health Service standards) and lack of sanitary facilities means that every year epidemics sweep Ebeye. This agreement does not provide for changes or improvements in health care delivery to the Marshallese.

From the Compact:

defense site contractor-operated medical facility shall undertake to provide such emergency services to citizens and nationals of the Marshall Islands on a reimbursable basis under terms and conditions agreed upon between the Signatory parties."

Article 10, Section 2: This Agreement may be amended or terminated at any time by mutual consent.

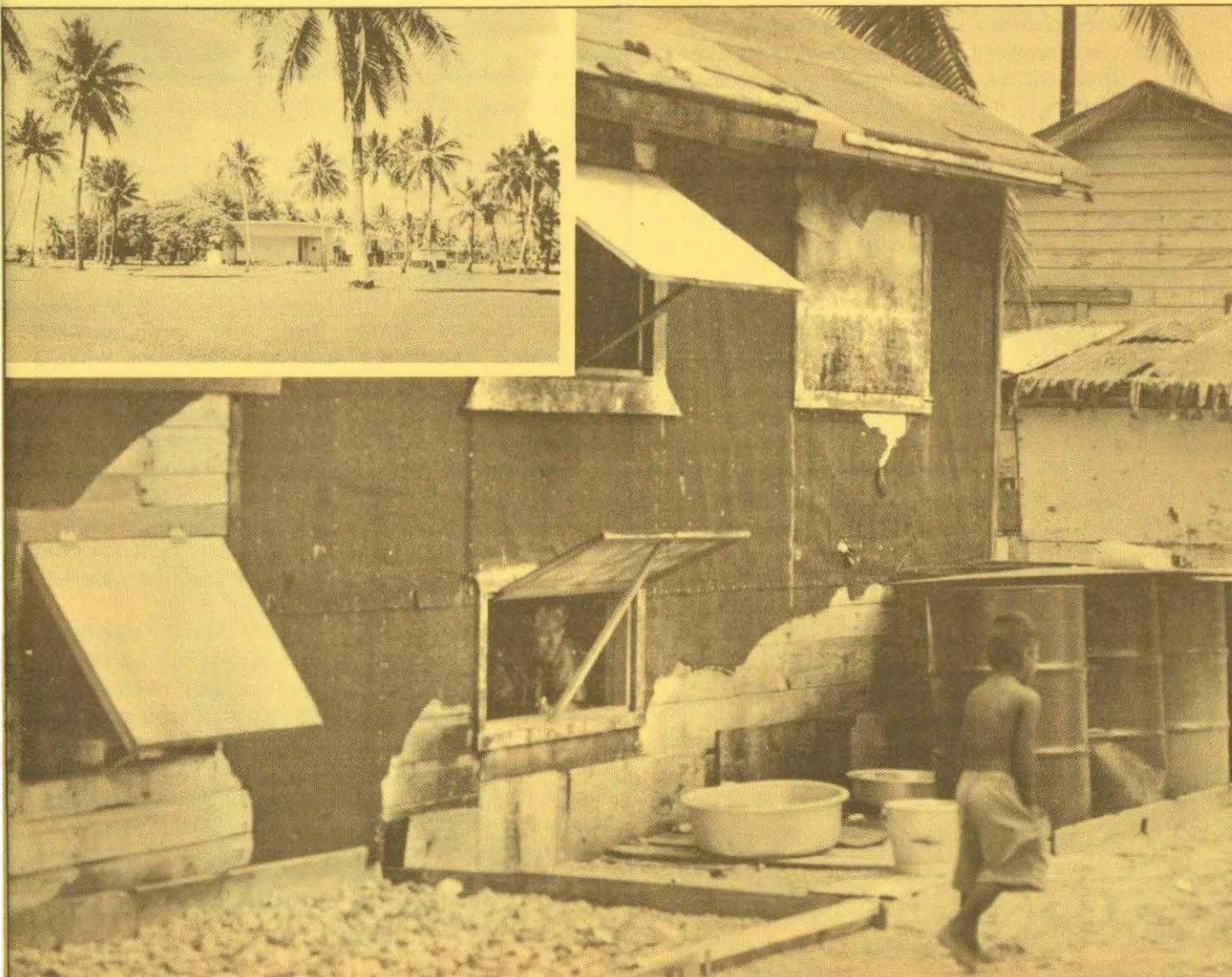
Article 10, Section 3: This Agreement shall remain in effect for an initial term of fifteen years. The Government of the United States shall have the option to extend this Agreement for two successive periods beyond the initial term. The first extension period shall be for fifteen years and the second extension period shall be for twenty years.

"Even if the U.S. increases the monetary compensation paid to the Kwajalein Atoll people, money can never be a substitute for the value of an island. More money is not the answer. Other kinds of compensation should have included better medical care, decent living conditions and better schools and a high school. Not only are these basic rights that the Marshallese are entitled to, but the U.N. Trusteeship Agreement obligates the U.S. to 'protect the rights and fundamental freedoms of all elements of the population without discrimination' and to 'protect the health of the inhabitants....'

Ironically, the Trusteeship obligations have been ignored and Marshallese well being sacrificed in the name of U.S. 'national defense interests.'"

Darlene Keju, 1982

Kwajalein Island where 3,000 Americans live.



Ebeye Island where over 8,000 Marshallese live.

NUCLEAR WEAPONS AND WASTE

GENERAL

From the Compact:

Authority and Responsibility

Section 314

"(a) Unless otherwise agreed, the Government of the United States shall not, in Palau, the Marshall Islands or the Federated States of Micronesia:

- (1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or
- (2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety.

"(b) Unless otherwise agreed, other than for transit or overflight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, Palau, the Marshall Islands or the Federated States of Micronesia, the Government of the United States shall not store in Palau, the Marshall Islands or the Federated States of Micronesia any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

"(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by Section 314(b).

"(d) No material or substance referred to in this Section shall be stored in Palau, the Marshall Islands or the Federated States of Micronesia except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this Section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States and the laws of the United States and their implementing regulations.

"(e) Any exercise of the exemption authority set forth in Section 161(e) shall have no effect on the obligations of the Government of the United States under this Section or on the application of this subsection..."

LOW LEVEL WASTE DANGERS

"To the extent that these two classifications, low- and high-level radioactive waste, are interpreted to indicate relative degrees of hazard, they are misleading. Although the low-level-waste category does include material so slightly radioactive as to be almost innocuous, such as empty plastic vials that once contained mildly radioactive liquids used in medical tests, it also includes material—reactor-cooling-system filters, for example—that, in a given quantity, can be just as dangerous as the same quantity of high-level waste and will remain lethally radioactive for millions of years."

"Nuclear Waste", by Fred C. Shapiro, *The New Yorker*, October 19, 1981.

Implications:

1. **Sections 314 (a) and (b)** allow nuclear waste storage and disposal in the Federated States of Micronesia (FSM), Palau and the Marshall Islands if it is considered "not hazardous." Both the Palau the FSM subsidiary agreements on Radioactive materials modify this slightly. The U.S. must abide by "the laws of the United States and their implementing regulations" (**Section 314(d)**) in determining what is "hazardous."

2. The U.S. recognizes the acute danger of exposure to almost all radioactive materials and yet has justified their use and disposal as the necessary cost of an industrialized society. People from Palau, the FSM and the Marshall Islands whose lives depend heavily upon non-contaminated ocean and land could be forced to bear the burden of radioactive materials without their benefit.

3. Moreover, United States "safety" standards allowed the dumping of thousands of barrels of radioactive waste into the Pacific ocean off California between 1942 and 1970.¹ Federal documents point out that contrary to public statements by the Environmental Protection Agency, nuclear waste dumped in the Pacific was not "low level." Many of these wastes are dangerous for hundreds and thousands of years.

Currently, the Reagan administration is trying to relax environmental restrictions on ocean dumping of nuclear waste so that the U.S. can resume dumping of nuclear waste in the Pacific region.

GLOSSARY

Half-life: The time it takes for a given amount of radioactive element to decay into half the original amount.

High-level wastes: Used fuel from nuclear reactors and certain materials left over from making nuclear weapons.

Low-level wastes: Waste from nuclear power plants and other forms of nuclear technology having relatively low levels of radioactivity.

Meltdown: A very dangerous situation in a nuclear power reactor which happens when the cooling system stops working.

Plutonium²³⁹: A very poisonous radioactive element formed in nuclear reactors, said to be the most dangerous substance known. It is used for making nuclear weapons. If leaked into the environment, it can do great damage to living things. It has a half-life of 24,000 years.

Radioactive wastes: Radioactive waste material from nuclear plants, mining and milling of uranium, the making and testing of nuclear weapons and from the medical use of nuclear materials. These must be put in places where they will not be near living things. Some radioactive wastes are dangerous for one or two centuries, some for thousands of years.

From A Call to a New Exodus by Suliana Siwatibau and David Williams (Suva, Pacific Conference of Churches, 1982).

Implications:

4. With more than 70 U.S. nuclear reactors, 20 Japanese nuclear power plants and a growing U.S. export industry for nuclear power to Asian Third World nations, nuclear waste storage and disposal has become a critical problem for the U.S., Japan and other Asian nations. Within the U.S., attempts are being made to stop the government from dumping any wastes, low or high level, in the ocean. David Roberti, President of the California State Senate, wrote: "...The Rules Committee has unanimously passed a resolution calling on President Reagan to ban ocean dumping of radioactive wastes. The committee's action was intended as a response to reports we received that the U.S. Navy is considering the offshore burial of 100... nuclear submarines...."

"The Navy does not have a good record on nuclear waste disposal and certainly not good enough to warrant blind faith on our part. Both California's government and citizens must be vigilant against any potential dangers to our environment, especially a danger of such massive proportions..."²

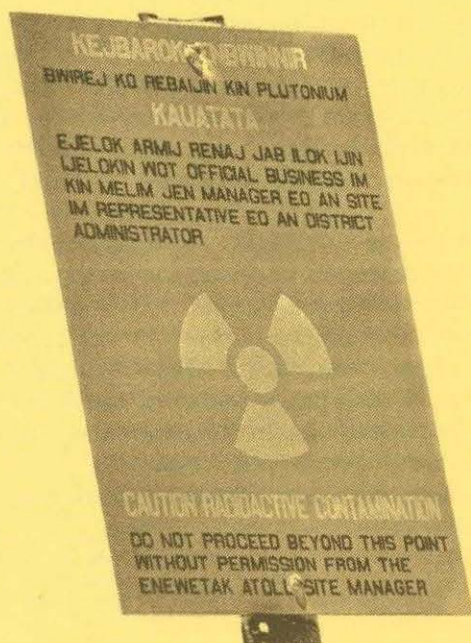
NUCLEAR WEAPONS

1. **Section 314** bans the testing by detonation or disposal of nuclear weapons in Micronesia. Nuclear weapons may be transported and stored in the FSM, Palau and the Marshall Islands if the U.S. decides the nuclear weapons are "not hazardous" to the public. The subsidiary agreements dealing with radioactive wastes and weapons allow the U.S. greater flexibility for storing, transporting and system testing of nuclear weapons in Palau, the Marshall Islands and the Federated States.

2. The Compact does not restrict transit and overflight of nuclear powered and nuclear weapons carrying ships, submarines and aircraft in the ports, waters and airfields of Palau, the Marshalls and the FSM. The U.S. military states that its nuclear weapons pose "no significant hazard" to the public, but this fails to address the fact that submarines, warships and bombers carrying nuclear weapons -- in addition to nuclear weapons storage sites -- will be the first target an enemy will seek to destroy. Additionally, the majority of U.S. nuclear weapons accidents have occurred during the transporting of nuclear weapons on ships and planes. (See box, Page 63.)

3. **Section 314(e)** at first appears to offer the people of Micronesia the best protection from future military and nuclear hazards introduced by the U.S. Although an earlier section (161 (e)) gives the U.S. President authority to exempt any U.S. activity from complying with U.S. environmental laws, **Section 314(e)** states the President may not use this power of exemption for any military activities.

Continued on Page 56



PACIFIC NATIONS BAN NUCLEAR VESSELS

Recognizing the hazards of allowing nuclear vessels into their islands, the official government policy of two South Pacific nations, Fiji and Vanuatu, as announced in 1982, bans the entry of any nuclear powered or nuclear weapons-carrying vessels into their ports.

DANGERS OF SEA-BASED NUCLEAR REACTORS

Nuclear submarines and warships are powered by nuclear reactors. What are the hazards of these sea-based nuclear power plants? Albert D. Rich, a lieutenant in the submarine nuclear program for five years (1971-1976) wrote:

"Because of the severe space limitations inherent in the design of ships, especially submarines, naval reactors must have much higher power densities than civilian (land-based) ones.

"Thus naval reactors must be operated nearer their core thermal limits—limits at which fuel damage or even melt-down could occur...I take issue (with) the supposed safety advantage that mobility gives to naval nuclear reactors. At least when a land-based reactor melts down, the highly radioactive fuel will remain more or less in one place. But consider what would happen if a melt-down occurred on a floating platform in or near a port. What would you lose...I don't know and I doubt anyone else does.

"One other thing about floating reactors: They can sink. And not only sink, but sink on their sides or even upside down (submarines are cylindrical). Thus instead of falling **into** the core during an emergency shutdown, the control rods which normally regulate the nuclear reaction would **fall out**, causing an almost instant melt-down.

"I would like to say that the Navy is extremely concerned about maintaining its excellent...record in nuclear safety...However, the constant pressure for machine-like perfection demanded from nuclear submarine crews leads to severe morale problems. Ironically, this in turn is compounded by long patrols in cramped quarters, all made possible by, you guessed it, nuclear power."

Adapted from an article in the *Honolulu Star-Bulletin*, April 7, 1979.

Implications:

A recent U.S. Supreme Court decision concerning nuclear weapons storage in Hawaii has made the **314(e)** provision virtually meaningless. The environmental protection **Section 161(a)** binds the U.S. to abide by the National Environmental Policy Act (NEPA) in completing an environmental impact statement "significantly affecting the quality of the human environment" on any activity in the Federated States, Palau or the Marshalls. It is reasonable to assume that storage, disposal or system testing of any radioactive materials or nuclear weapons would "significantly" affect the environment and therefore require an environmental impact statement (EIS). The importance of the EIS process is that it allows public review and discussion of U.S. government decisions.

Recently, the U.S. Navy planned to build 48 earthcovered cement bunkers near Pearl Harbor for storing nuclear weapons and other ammunition. The Navy asserted that storage of weapons would have "no significant" environmental impact and so refused to conduct an EIS. Hawaii residents disagreed with the Navy and brought suit in federal court to force the Navy to conduct an environmental impact statement for public review.

But the U.S. Supreme Court ruled that the Navy does not have to disclose "matters that are specifically authorized by an Executive Order to be kept secret in the interest of the national defense or foreign policy and are in fact properly classified." The ruling concluded that "an Environmental Impact Statement concerning a proposal to store nuclear weapons at West Loch (Pearl Harbor) need **not** be disclosed..." (emphasis added).

This 1981 decision effectively cancels the protections **Section 161** offers the FSM, Palau and the Marshall Islands. Because of Micronesia's strategic importance to the Pentagon, much of the information on military plans for the islands will likely be classified. Under the name of "national security" the U.S. can prevent the governments and people of Micronesia from gaining information on proposed military activity.³

4. The extent of testing, storage and disposal of radioactive materials and nuclear weapons is limited by the statement that it "not be hazardous to the public health and safety." The U.S. military's record shows, however, that what it considers "not hazardous" is decided according to US military or political necessity and not necessarily according to what will protect the people's health and safety.

³W. Jackson Davis, "They Lie About the Seabed," *Chain Reaction*, (Australia), Mar. 1981.

⁴David Roberti, President Pro Tempore, California Senate, to the Environmental Law Society, University of Santa Clara, Feb. 12, 1982.

⁵John Reaves, "Permissible Handling of Radioactive Materials in Palau Via the Compact of Free Association", University of Santa Clara Law School (California) May 1972.

BIKINI PEOPLE AND RADIATION

The extent of testing, storage and disposal of radioactive materials and weapons is limited by the qualification that it "not be hazardous" to public health and safety. The U.S. Government's record shows, however, that what it considered "not hazardous" is decided according to military or political 'necessity.'

An example of this is the U.S. attempt to resettle Bikini Atoll, site of 23 nuclear tests.

By the mid-1960's the Bikinians, who had lived in exile for 20 years, facing constant food shortages and harsh living conditions, increasingly voiced demands to return to Bikini. Widespread international publicity about their plight pressed the U.S. At the same time, the U.S. Atomic Energy Commission, facing criticism from American citizens for its position that there is a "safe" level of radiation exposure, was eager to prove that low doses of radiation were not harmful to people.

So in 1968 President Johnson announced that Bikini would be returned to its people. In 1969 the U.S. Atomic Energy Commission said "the exposures to radiation of the Bikini people do not offer a significant threat to their health and safety."

A small-scale cleanup and rehabilitation program was begun, and by the early 1970s a few people had begun moving back. Many Bikinians tell of AEC scientists demonstrating Bikini's safety by eating coconuts, fish and other foods in front of the islanders who were refusing to eat local foods, fearing radiation exposure.

Because of continued AEC assurances, people kept returning to Bikini during the early 1970s.

During an Atomic Energy Commission survey of the more than 100 people living on the atoll in 1975, the "presence of low levels of plutonium" in their urine was discovered, but U.S. Government scientists did not consider this "radiologically significant".

In contrast to a 1967 study which said well water on Bikini was safe to drink, a 1975 government report said that some wells on Bikini were too radioactive to be safe for drinking. Despite a statement from an Interior Department official in 1975 that Bikini "appears to be hotter or questionable as to safety" no action was taken to remove the people from a hazardous environment.

In June 1977, a Department of Energy study said "All living patterns involving Bikini Island exceed federal radiation guidelines...."

Despite the obvious hazard to the people, the DOE seemed reluctant to give up "Bikini (which) may be the only global source of data on humans where intake via ingestion is thought to contribute the major fraction of plutonium body burden...."

Finally, more than a year later, in September 1978, the people were evacuated from Bikini, but not before they were exposed to radiation levels at least 2 times the maximum "allowable" dose in the U.S. As early as 1975, the U.S. government had information about Bikini hazards, but for political and scientific reasons, the U.S. government encouraged the people to stay.

Adapted from "Paradise Lost", by Giff Johnson, *The Bulletin of the Atomic Scientists*, December, 1980.

JAPANESE N-WASTE DUMPING PLANS FOR MICRONESIA

All past seadumping programs pale before the planned Japanese program...This would entail sea dumping of more radioactive garbage annually than the U.S. claims it dumped in 24 years. The site of the planned dumping is the Pacific waters just north of Micronesia....

The Japanese Government has testified at length on the 'safety' of their program, but their testimony and their documents reveal fundamental flaws...They have assumed that the massive quantities of radioactivity...will disperse evenly in the entire Pacific Ocean, and thus be diluted to 'acceptable' levels. In fact the Farallon experience shows that the released radioactivity sticks to the ocean floor in concentrated form, where it is eaten by animals attracted to the dumpsite...

Politically, the Japanese would have to carry out the

program against the unanimous wishes of the Micronesian people. But there is a more sinister theme unfolding in the Japanese dumping program, involving the U.S. The U.S. is legally obliged to "protect the health and resources" of the Micronesian people by its U.N. Trusteeship Agreement, and yet has adopted a strict hands off policy with regard to the Japanese radioactive dumping program. Why? The U.S. research vessel **Vema** has just concluded an extensive survey to assess the suitability of this area of ocean for disposal of high-level wastes by the U.S. The chief scientist reported that the area studied could hold "all the nuclear waste that has been or ever will be produced by the world."

The lesson of the Farallon incident is clear; what we put into the ocean eventually returns to us in our food.

Jackson Davis, "They Lie About The Seabed".

NUCLEAR WEAPONS AND WASTE

From the Compact:

**Memorandum of Understanding
of the Government of the United States
and the Government of the Federated
States of Micronesia with respect to
Meanings of Terms and Expressions
Used in Section 314 of the Compact
of Free Association**

FSM RADIOACTIVE AGREEMENT

"With reference to Section 314 of the Compact of Free Association and with respect to the meaning of the terms and expressions used therein, the Governments of the United States and the Government of the Federated States of Micronesia confirm their understanding as follows:

1. Section 314:

"(a) Section 314 read in conjunction with Sections 311 and 312 authorizes the Government of the United States to store nuclear weapons in the respective Freely Associated State, so long as such storage is done in an amount and manner which would not be hazardous to public health or safety. The standard of what is hazardous to public health or safety is the same as that used by the United States Government in the United States.

"(b) The Constitution of the Federated States of Micronesia requires the national government of the Federated States of Micronesia to give its express approval to those provisions of Section 314 of the Compact of Free Association which refer to the testing, storage, use or disposal of radioactive, toxic chemical, or other harmful substances within the jurisdiction of the Federated States of Micronesia...Section 314 provides for such testing, storage, use or disposal under specified safeguards, and therefore the express approval of the National Government of the Federated States of Micronesia is required.

"(c) The express approval that the national government shall give at the time that the Compact becomes effective is attached hereto as Appendix A. It provides that "if and to the extent that" such storage is "deemed essential by the Government of the United States" such express approval is given. That approval shall be submitted for popular and legislative approval together with and in the same manner as the Compact and shall not be effective until so approved...

Implications:

1. Paragraph 3 of the Memorandum makes it clear that the Compact does not ban the testing, storage, disposal of radioactive waste and other materials -- it only prevents this if the U.S. decides the disposal would be dangerous to the people.

2. According to the Memorandum the U.S. is required to use the same safety standards that it uses in the U.S.. These so called "standards" for radiation exposure have constantly been and continue to be lowered as more is learned about the dangers to people from low level radiation. These guidelines have often failed to protect American citizens and would be unlikely to provide protection for people in the Federated States.

3. U.S. environmental laws allowed the dumping of thousands of barrels of both low and high level radioactive waste in the Pacific from 1942 to 1970. The U.S. Environmental Protection Agency (EPA) is currently planning to dismantle environmental protection laws to allow the resumption of ocean dumping of radioactive waste.¹ In a strictly legal sense, disposal of low or high level radioactive waste in the Federated States of Micronesia might be considered "not hazardous" by Compact standards, but there is no evidence that the specified levels of radiation are actually safe.

4. Verbal assurances by U.S. officials that there are no plans to dump or dispose of radioactive waste in the FSM are not binding on future U.S. action. The FSM government has given its "express approval for the testing, storage, use or disposal of (radioactive, toxic chemical or other harmful substances), including nuclear weapons" if the U.S. decides it is "essential." The important issue is that the U.S. decides what is "essential" and "hazardous to the public health and safety." The secrecy surrounding nuclear weapons and waste will further prevent the FSM from obtaining relevant health and safety information from the U.S. Under the guise of "national security" the U.S. can and will (as it has done elsewhere) refuse to comply with requests for information, thus putting the FSM in the position of having to rely on the U.S. military judgement of safety factors. U.S. military and nuclear policies are determined by political and economic needs. The U.S. has ignored the health of other Micronesians in pursuing its military mission.

From the Compact:**3. Section 314(a)(12):**

"Does not prohibit all testing, disposal or discharge of all radioactive, toxic chemical, or biological materials but prohibits only the testing, disposal, or discharge of those materials "in an amount or manner which would be hazardous to public health or safety." The standard of what is "hazardous to public health or safety" is the same as that used by the U.S. Government in the United States.

4. Section 314(b):

"The term "radioactive materials" does not mean "nuclear weapons." Nuclear weapons are therefore not subject to the restrictions contained in Section 314...

5. Section 314(c):

"Permits the storage of radioactive, toxic chemical, or biological materials not intended for weapons use, such as X-ray film or equipment, chemical cleaning agents or biological substances used to eliminate oil spills, and other items used routinely or in a prescribed manner. All storage permitted by Section 314(c) is subject to the safety requirements of Section 314(d)...

"(b) Provides that whenever anything, including nuclear weapons, is stored by the United States in the respective Freely Associated States, it will be stored in such a way that it will not be hazardous to public health or safety...

7. Section 314(e):

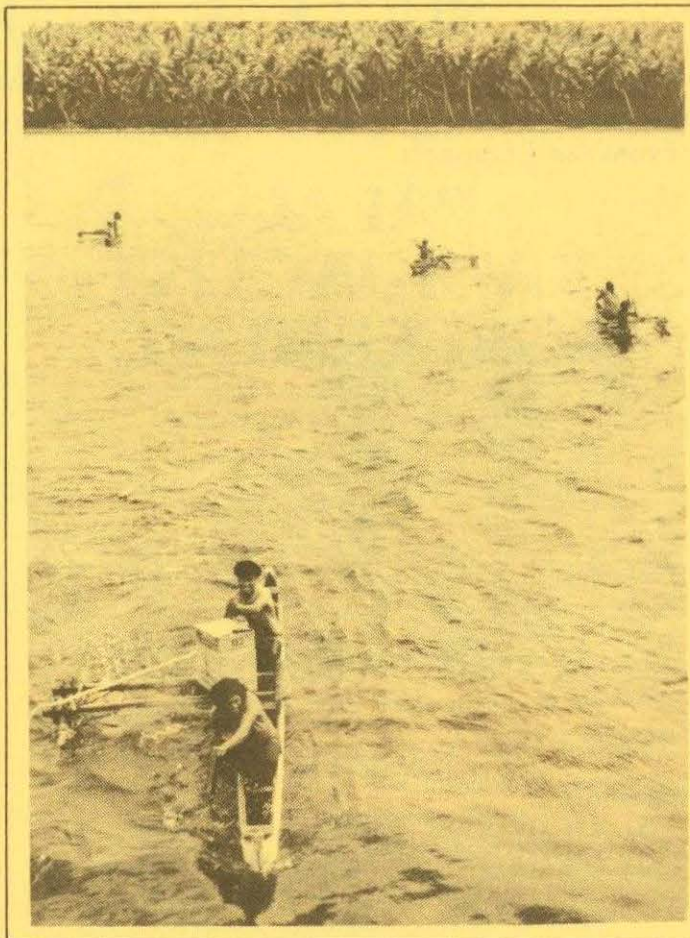
"...The President of the United States cannot exempt the Section 314 activities from the environmental standards or procedures which may be applicable under Sections 161(a)(3) and 161(a)(4), even if he determines it to be in the paramount interest of the Government of the United States to do so.

Appendix A

"...The Constitution of the Federated States of Micronesia forbids the testing, storage, use or disposal of radioactive, toxic chemical, or other harmful substances within the jurisdiction of the Federated States of Micronesia without the express approval of the national government of the Federated States of Micronesia.

"The Government of the United States in exercising its authority and responsibility for security and defense pursuant to Title Three of the Compact of Free Association may under certain circumstances require such testing, storage, use or disposal, subject to all of the conditions and safeguards of Section 314 of the Compact.

"Therefore, subject to all of the conditions and safeguards of Section 314 of the Compact which are in no way modified hereby, the national Government of the Federated States of Micronesia gives express approval for the testing, storage, use or disposal of such substances, including nuclear weapons, if and to the extent deemed essential by the Government of the United States..."



S. Polson

Implications:

5. As the U.S. has expressed no public plans for military use of land, why does the U.S. need this authority? The language of the agreement raises the question of what other military operations U.S. plans for the FSM. The power the FSM grants to the U.S. in this Memorandum undermines the intent of the ban on nuclear substances in the FSM constitution. Would the U.S. demand such a significant modification of the FSM Constitution if there are no future U.S. military plans for the islands? Moreover, **Section 354(b)** of the Compact confirms the "existence of separate agreements with each of (the governments)" for U.S. military land use. A review of this Memorandum and the Military Use subsidiary agreement will be necessary to understand the full implications of the Defense Title for the FSM.

7. Although this Memorandum of Understanding conflicts with the intent of the FSM Constitution ban on nuclear and other hazardous materials, there is no provision for it to be voted on separately. Therefore, it will be voted on as part of the Compact, and approval of the Compact means approval of this Memorandum.

¹W. Jackson Davis, "They Lie About The Seabed," *Chain Reaction*, (Australia) March, 1981.

NUCLEAR WEAPONS AND WASTE PALAU

From the Compact:

PALAU RADIOACTIVE AGREEMENT

Agreement Regarding Radioactive, Chemical and Biological Substances

Article I

"In accordance with Article II, Section 3, and Article XIII, Section 6 of the Constitution of the Republic of Palau, the Government of Palau shall seek approval of this Agreement by not less than three-fourths of the votes cast in a referendum in which this specific question shall be presented in conjunction with the plebiscite on the Compact...

Article III

Section 1

"Section 314 of the Compact permits the storage in Palau of radioactive, toxic chemical, or biological materials not intended for weapons use, such as X-ray film or equipment, chemical cleaning agents or biological substances used to eliminate oil spills, and other items used routinely or in a routine manner.

Section 2

"None of the areas covered by the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in Palau Concluded Pursuant to Sections 321 and 323 of the Compact shall be used by the Government of the United States for storage or disposal of radioactive wastes. None of the areas in which the Govern-

THE HAZARDS OF RADIOACTIVE WASTE

Radioactive wastes emit gamma rays and atomic particles that can injure or kill living things. This radiation may kill cells or damage the genetic material essential to reproduction. Very high levels of exposure to radiation can make people sick and kill them very quickly. Lower levels of exposure can cause cancer, sterility, or birth defects. There is considerable controversy over just how little exposure to radiation can be harmful.

Nuclear wastes can be dangerous to human beings not only through direct contact, but also by getting into water supplies or the food chain of plants and animals that we eat.

Defense Monitor, Center for Defense Information, Washington, D.C.

Implications:

Palau Radioactive Agreement

1. **Article 3, Section 1** allows the storage in Palau of radioactive, toxic chemical or biological "items **used routinely or in a routine manner**." (Emphasis added.) This is an ambiguous phrase that will allow storage of radioactive materials which are used "normally" during military operations. The word "routine" does not imply that these materials are safe for people or the environment. An example of "routine activity" on nuclear powered submarines and warships is discharging of low level radioactive waste from their nuclear reactors into the ocean. There is no ban in this Agreement on the disposal or discharge of **low level radioactive wastes**, presumably because **Article 4, Section 4(b)** allows these nuclear powered warships and submarines to use Palau's harbors.

2. **Article 3, Section 2** specifically prohibits the storage or disposal of radioactive waste on the military bases in Palau, but other parts of this Agreement allow storage of high level radioactive waste in other parts of Palau if below a certain quantity (**Article 7**), and the disposal of low level radioactive wastes into the ocean with an Environmental Protection Agency permit (**Article 3, Section 3**).

3. The Marine Protection Act referred to in **Article 3, Section 3** allows permits to be issued for the ocean dumping of "radiological...warfare agents, radioactive materials...laboratory wastes...." The Environmental Protection Agency may issue a permit for ocean dumping after (1) notice and opportunity for public hearings; and (2) determination that such dumping will not unreasonably degrade or endanger human health, welfare or amenities or the marine environment, ecological systems or economic potentialities. The review process may include "consultation" with government officials and the public, as the EPA

From the Compact:

ment of Palau has jurisdiction over the living resources of the seabed, subsoil and water column adjacent to its coasts shall be used by the Government of the United States for storage or disposal of materials in whatever form produced for biological and chemical warfare, or for high level radioactive waste or other high level radioactive matter as those terms are defined by the London Convention on the Prevention of Marine Pollution by the Dumping of Wastes and other Matters.

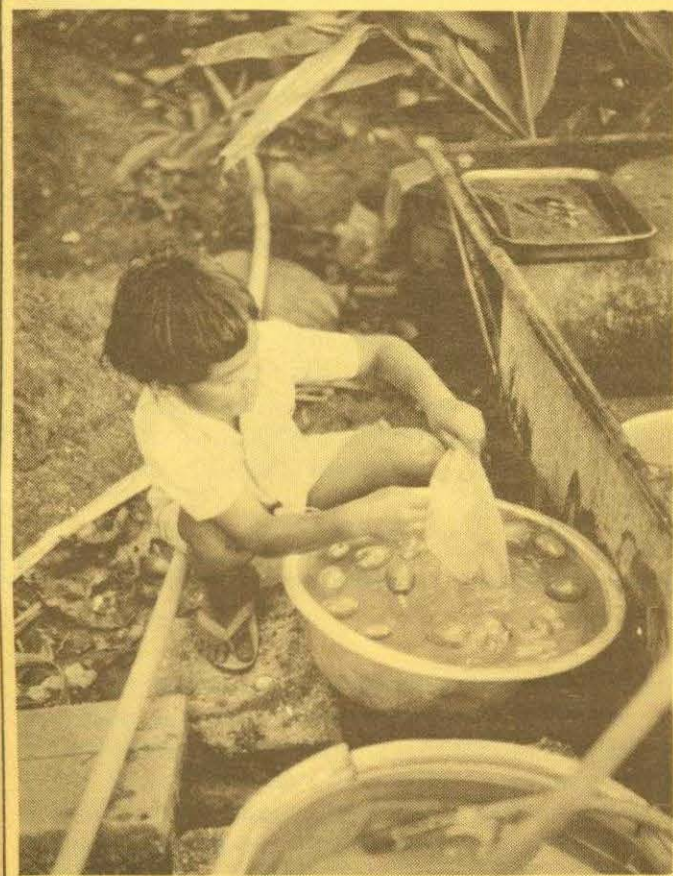
Section 3

"The safety provisions set forth in Section 314 of the Compact shall apply within the area in which Palau exercises jurisdiction over the living resources of the seabed, subsoil and water column adjacent to its coasts. The Government of the United States shall not issue permits pursuant to 33 U.S.C. 1412 and 1413 for any material for the purpose of dumping it into ocean waters in which Palau exercises jurisdiction over the living resources of the seabed, subsoil and water column adjacent to its coasts without consulting with and according due deference to the Government of Palau...

Section 4

"(b) The Government of the United States may use nuclear power plants or reactors in Palau on military ships or vessels under the ownership or control of the Government of the United States...

S. Arakawa



J. Vitarelli

Implications:

decides appropriate. "Consultation" does not imply that the advice or opinions of the public or government representatives must be heeded by the U.S.¹

4. The London Dumping Convention (referred to in **Article 3, Section 2**) prohibits the dumping of high level radioactive matter, but does not include radioactive materials below a certain amount. An American scientist, however, has described the London Convention "as a scientifically outmoded law. It ...is a license to dump. The London Convention just legitimizes pollution. It doesn't prevent it."²

5. The language of the Agreement suggests that radioactive materials cannot be disposed of in the ocean surrounding Palau. But U.S. Environmental Protection Agency and London Convention regulations do allow dumping and disposal under certain circumstances, and the U.S. retains final authority to issue permits for dumping radioactive wastes into the ocean around Palau. The only restriction is that the U.S. shall not issue permits for ocean dumping "without consulting with and according due deference to the Government of Palau" (**Article 3, Section 3**). The words **without the consent of Palau** could easily have been used but they were not. Only **consent** will grant Palau veto power over the issuance of permits by the U.S. EPA. But under the terms of this Agreement, the U.S. has no legal duty to abide by the **consultation** with the Government of Palau. The fact that the EPA must go through a public review process before granting a dumping permit allows the Palauans the right to protest such dumping plans, but the final decision to grant permits for ocean disposal of radioactive wastes rests with the U.S.³

From the Compact:**Article IV****Section 3**

"The Government of the United States shall permit the presence of nuclear weapons in Palau only incident to transit and overflight, during a national emergency declared by the President of the United States, during a state of war declared by the Congress of the United States, in order to defend against an actual or impending armed attack on the United States or Palau including a threat of such attack, or during a time of other military necessity as determined by the Government of the United States...

Article V

"The Compact requires that whenever materials or substances, including nuclear weapons, nuclear power plants or reactors in nuclear ships or vessels, or any toxic chemical or biological materials are present in Palau, the Government of the United States shall handle them in such a way that they shall not be hazardous to public health or safety. In determining what would be hazardous to public health or safety, the Government of the United States shall comply with the strictest standards of international guidelines accepted by the Government of the United States, any applicable agreements between the Government of Palau and the Government of the United States, and all applicable treaties and other international agreements, and the laws of the United States and their implementing regulations.

Article VI

"All disputes under this Agreement shall be referred to the Joint Committee established pursuant to Section 351 of the Compact.

Article VII

"...The words "radioactive waste" as used in Article III, Section 2 of this Agreement exclude small quantities of such waste temporarily present in exclusive-use and joint-use defense sites and which are incidental to routine military operations...

Article VIII**Section 3**

"This Agreement shall remain in effect so long as the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in Palau Concluded Pursuant to Sections 321 and 323 of the Compact remains in force." **[a 50-year period—Ed.]**

Implications:

6. The language of the nuclear weapons ban (**Article 4, Section 3**) is misleading as it gives the impression that nuclear weapons will not be allowed into Palau except in extreme emergencies. The question is what might constitute a "threat" of an armed attack or a "military necessity"? Is there not always a threat of war, whether real or imaginary? And couldn't the storage of nuclear weapons in Palau always be considered a "military necessity"? Nevertheless, it is the U.S. which retains the ultimate power to determine when nuclear weapons will be stored in Palau.

ROUTINE MILITARY OPERATIONS

Article 7 of the Palau Radioactive Substances Agreement gives the U.S. the power to use, store and dispose of "small quantities" of radioactive waste used in "routine military operations."

Routine military operations can include some surprises. In the words of Navy reports released in January 1982, "Chemicals and water used to clean ships turned radioactive by nuclear test explosions in the Pacific were **routinely** dumped into San Francisco Bay."

The Navy documents indicate that the USS Independence, a small aircraft carrier that was anchored less than a mile from nuclear test explosions on two occasions, was later routinely docked at San Francisco.

While at San Francisco, the Independence was 'decontaminated' with use of chemical solutions and sandblasting equipment. The sand was considered safe and was sold to private contractors for landfill, but they were not told of its origin for fear they would believe a hazard existed. Cleaning solutions were apparently dumped into the bay to save the expense of taking them to sea, according to minutes of a meeting of Navy officials.

(Honolulu Advertiser, January 16, 1982).

7. It is stated that the Government of the U.S. determines what a "military necessity" is. But no definition is given for the U.S. Government. Can a naval officer or the commanding officer of a ship or base in Palau make the decision? Is it the Pentagon, the Secretary of the Interior or the President who makes the decision to bring nuclear weapons into Palau?

INADVERTENT EXPLOSIONS

Nuclear weapons accidents can and do happen. In the authoritative Stockholm International Peace Research Institute 1977 Yearbook, Professor Milton Leitenberg of Cornell University states that "there have been about 125 (U.S.) nuclear weapon accidents, major and minor combined, between 1945 and 1976, or about one every two and a half months." The Atomic Energy Commission(AEC) and the Defense Department recognize the very real danger of nuclear weapon accidents in their jointly published document, *The Effects of Nuclear Weapons*:

"Nuclear weapons are designed with great care to explode when deliberately aimed and fired. Nevertheless, there is always a possibility that, as a result of accidental circumstances an explosion will take place inadvertently. Although all conceivable precautions are taken to prevent them, such accidents might occur in areas where weapons are assembled and stored, during the course of loading and transportation on the ground, or when actually in the deliverable vehicle, e.g., airplane or a missile."

AEC/Dept. of Defense, 1962.

FISH CONTAMINATED BY U.S. NUCLEAR WASTE DUMPING

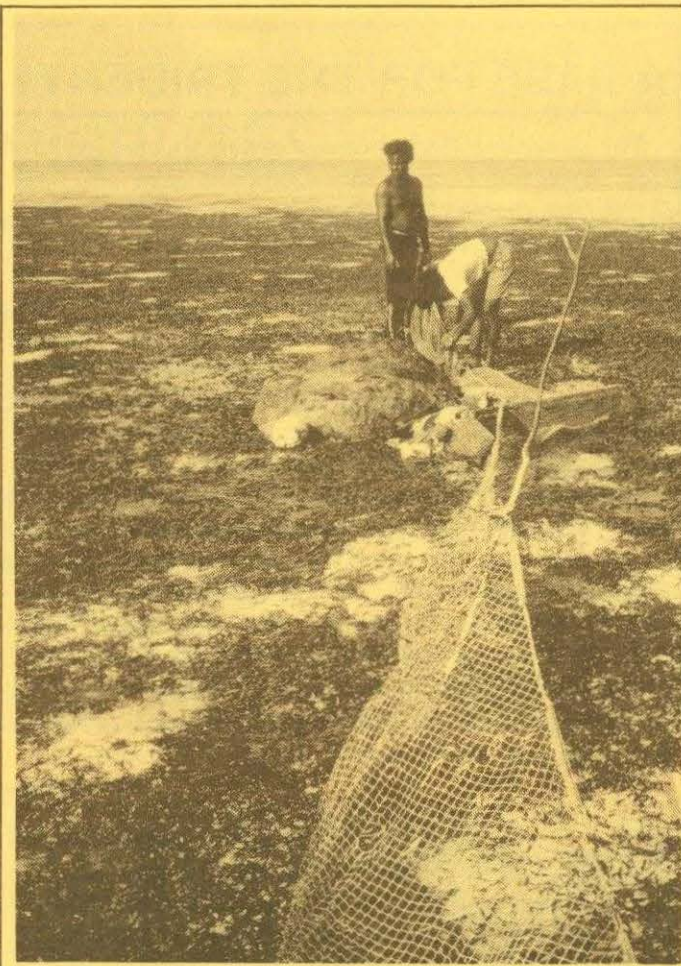
For 24 years beginning in 1946, the United States Government dumped radioactive wastes into the ocean. Nuclear garbage was packaged in used 55 gallon drums and casually jettisoned at sea at 50 sites up and down both USA coasts and in mid-Atlantic and Pacific oceans.

After several years of incessant prodding, the U.S. Environmental Protection Agency (EPA) was forced to release the results of 1977 surveys of the major US nuclear dumpsites, including one that occupies 5,000 square miles near the Farallon Islands off San Francisco. As scientific advisor to Quentin Kopp, Supervisor of San Francisco, I analyzed the EPA data and found:

- * plutonium levels 2,000 above background in ocean bottom sediment
- * deteriorating containers, with the worst contamination yet to come
- * extensive animal life in the dumpsite
- * released radioactivity stuck to the ocean bottom in the dumpsite, rather than dispersed by diffusion
- * radioactivity 5,000 times background in animal life, including edible fish.

In sworn testimony before Congressional Hearings last October the EPA could deny none of these disclosures.

From "They Lie About The Seabed" by Jackson Davis, Professor of Biology and Environmental Studies, University of California, Santa Clara.



S. Arakawa

Implications:

8. The smaller 600 acre site of the two proposed weapons storage areas on Babeldaob will most likely be where nuclear munitions will be stockpiled. Such sites are commonly separated because of more stringent regulations regarding security, fencing and lighting. Shuttling the weapons from storage in western Babeldaob to the airports or seaports further south will probably be by helicopter. The people of Palau can expect nuclear weapons and other ammunition movement in the skies over their homeland. The vast majority of the military's nuclear accidents between 1950 and 1980 occurred during transport and training operations.

9. The U.S. promise to defend Palau will not provide greater security to Palauans. It is precisely the presence of United States nuclear submarines and warships, military bases and nuclear weapons which will make Palau a primary target for attack by an enemy of the U.S. The experience of World War II, when islands with Japanese military installations were devastated by U.S. attacks and thousands of Micronesians died, is a cogent reminder of this fact.

Continued on Page 64

A BASE FOR THE TRIDENT?

The proposed **Radioactive Agreement**, the Military Use Agreement, and the Compact give the U.S. (1) exclusive use of the 40-acre ocean and land area in Malakal Harbor, Palau's main port, (2) the authority to bring in nuclear powered and nuclear weapons carrying warships and submarines, and (3) the power to "fit the premises (Malakal Harbor) to their intended use." These are facts that, combined with the following, point to Palau as an important future transit and operations base for nuclear weapons and submarines, Trident or others:

(a) Malakal Harbor is the only Western Pacific port where the submarine commander has a choice of two exits to avoid being bottled up in port (Subic Bay in the Philippines opens only directly into the China Sea). This would, however, require blasting a new channel through the barrier reef which protects Palau's vital marine resources;

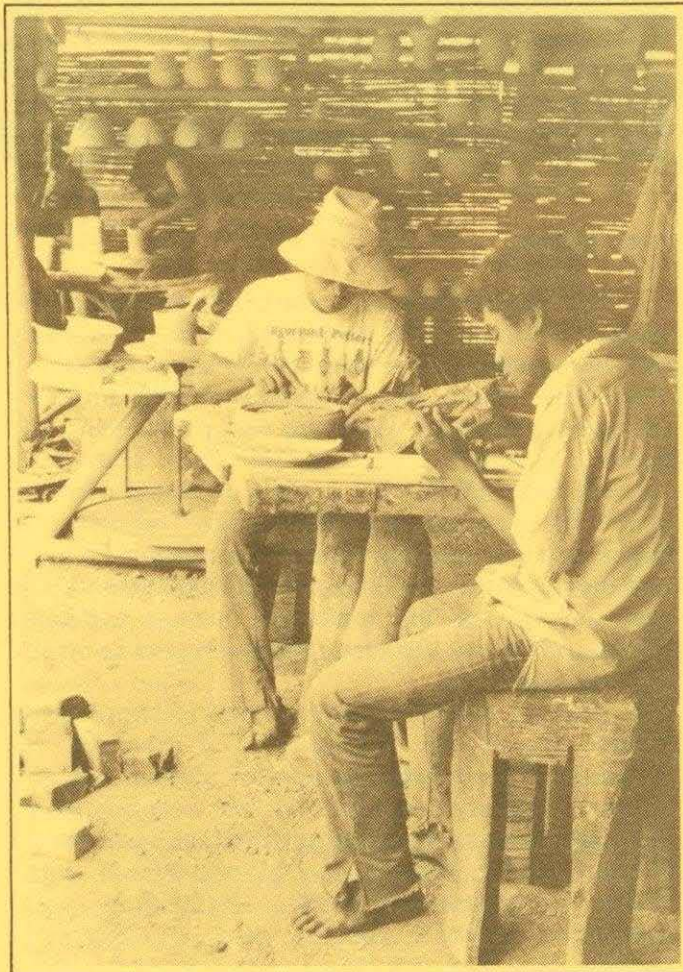
(b) Current Pentagon policy is to disperse forces so they cannot be so easily destroyed by an enemy nuclear attack. Guam and Subic Bay now have heavy concentrations of military bases, and under this policy would be poor candidates for a Trident port;

(c) It is unlikely that Trident submarines operating in the Western Pacific will travel 7,000 miles back to Puget Sound in the State of Washington each time it is necessary to change parts or rotate crews. Palau is strategically located in the area that Tridents will patrol.

(d) With growing global opposition to military bases, perhaps the most attractive consideration to military planners is that Palau has a population of less than 15,000 people in a region isolated from world opinion.

Adapted from "Trident Subs Headed for Port in Palau?", by Robert C. Aldridge, *Marianas Variety*, April 30, 1982.

J. Vitarelli



Implications: Continued from Page 63

10. The Palau constitution states that: "Harmful substances such as nuclear, chemical, gas or biological weapons intended for use in warfare, nuclear power plants, and waste materials therefrom, shall not be used, tested, stored or disposed of within the territorial jurisdiction of Palau without the express approval of not less than three-fourths (3/4) of the votes cast in a referendum submitted on this specific question." Because the Radioactive Agreement will allow nuclear submarines and warships entry into Palau, nuclear weapons storage and disposal of nuclear substances under certain circumstances, this Agreement must be approved by 75% of the voters in a referendum. The Radioactive Agreement will be voted on as a separate question from the Compact, which needs only a majority vote for approval.

11. The Palau radioactive agreement will be effective for the 50 year life of the Palau Military Use Agreement.

¹John Reaves, p. 26.

²Jackson Davis, articles in *Pacific Daily News* (Guam) November 9 & 12, 1980.

³John Reaves, p. 29.

E. SETTLING DISPUTES

From the Compact:

General Provisions

Section 351

"(a) The Government of the United States and the Government of Palau, the Marshall Islands or the Federated States of Micronesia shall establish three Joint Committees empowered to consider disputes under the implementation of this Defense Title and its related agreements.

"(b) The membership of each Joint Committee shall comprise selected senior officials of each of the two participating Governments. The senior United States military commander in the Pacific area shall be the senior United States member of each Joint Committee...

"(c) Unless otherwise mutually agreed, each Joint Committee shall meet semi-annually...A Joint Committee also shall meet promptly upon request of either of its members...

"(d) Unresolved issues in each Joint Committee shall be referred to the Governments concerned for resolution, and the Government of Palau, the Marshall Islands or the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States."

Conference and Dispute Resolution

Section 421

"The Government of the United States shall confer promptly at the request of the Government of Palau, the Marshall Islands or the Federated States of Micronesia and any of those Governments shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact or of its related agreements...

Section 423

"If a dispute between the Government of the United States and the Governments of Palau, the Marshall Islands or the Federated States of Micronesia cannot be resolved within 90 days...either party to the dispute may refer it to arbitration in accordance with Section 424.

Implications:

1. The method for solving military disputes between the United States and Palau, the Federated States of Micronesia and the Marshall Islands is completely different from the Arbitration board set up according to **Section 424** to handle all Compact disputes other than military issues. The Arbitration Board gives equal representation to the U.S and the Federated States, Palau and the Marshall Islands, and its decisions are binding on both parties involved in the dispute. But the Arbitration Board has no jurisdiction over any military disputes. All conflicts involving military operations come under the Joint Committees described in **Section 351**.

2. The senior U.S. member on the Joint Committees will be the Commander in Chief Pacific (CINCPAC), Hawaii. This officer authorizes and directs all operations for the area, including those which are causing the disagreements. If the Joint Committees cannot resolve a disagreement, then the FSM, Palau of the Marshall Islands will be granted a personal interview with the U.S. Secretary of Defense. This is the final legal recourse of the Micronesian governments in cases of opposition to any proposed U.S. defense activity. Of course, in meeting with the Secretary of Defense, the Micronesian governments are meeting with the official under whose supervision the problem originated. There is no further appeal provided for, in the courts or otherwise.

3. Therefore, the U.S. has ultimate authority to decide disputes in its own favor. With this overriding control, the U.S. can ignore Micronesian protests over health and safety issues, knowing the FSM, Marshall Islands and Palau have no power in the disputes.

4. The apparent safeguards in the arbitration process providing for a neutral third party do not exist in the provisions for resolving disputes about military matters.

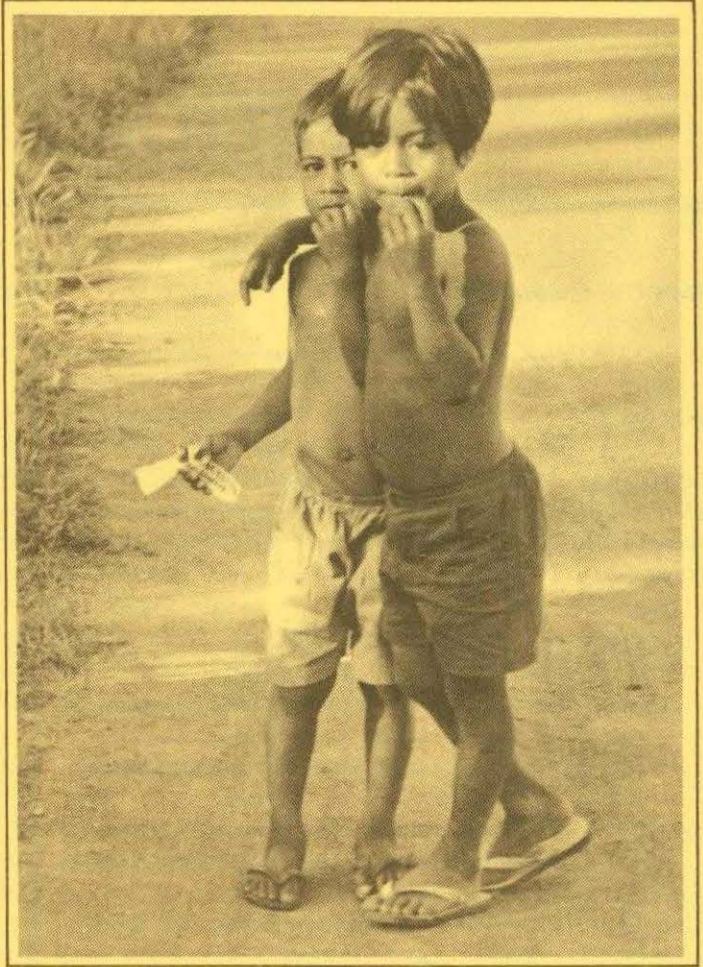
Section 424

"Should a dispute be referred to arbitration as provided for in Section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

"(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments which is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this Section within 30 days of referral of the dispute to arbitration pursuant to Section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of 10 candidates. The Parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

"(b) The Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four and their related agreements.

"(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote..."





R. Ziegler



S. Arakawa

PART IV: CONCLUSION

Since World War II, as with former colonies the world over, the direction of Pacific island nations has been toward greater autonomy. A recognition of shared colonial experiences and also current Pacific realities increasingly draws them together into a variety of regional and Pacific Basin groupings in which Palau, the Federated States of Micronesia and the Marshall Islands now join.

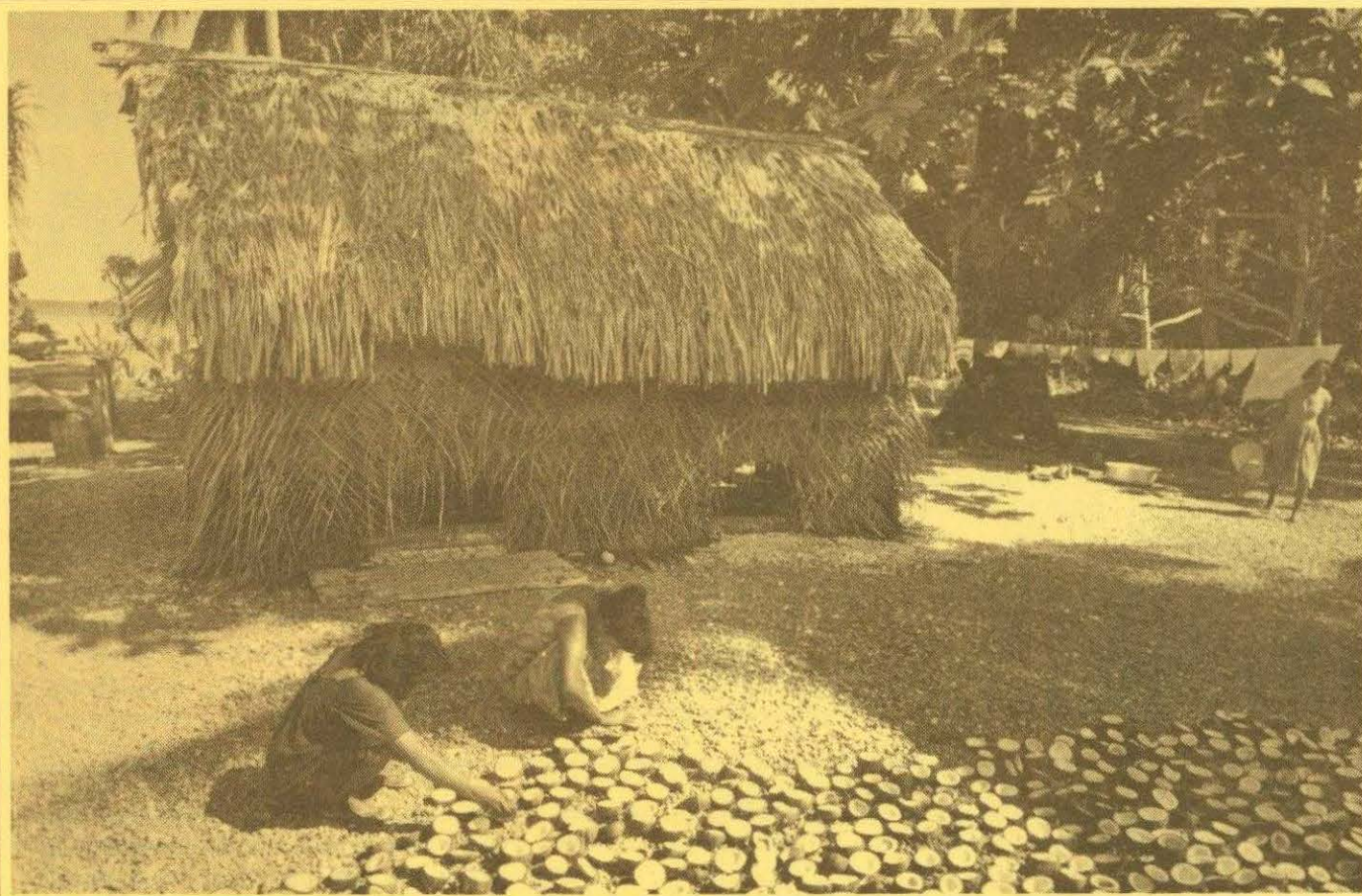
In matters concerning the environment of the Pacific and the future of its people, these groups are taking strongly outspoken positions in support of the rights of small nations of the region. For example, concerted response of the Pacific people to the Japanese proposal for dumping nuclear waste in the ocean near Micronesia has postponed the dumping "experiment" so far. But it is not alone the regional groups and leaders that have blocked the Japanese action: equally effective was the dramatic and public opposition when Japanese government representatives and scientists promoting the dumping program were confronted with a demonstration of women in Samoa and a packed meeting room in Saipan.

In 1973 the people of Tinian told the United States Navy that their only village was not to be moved, and that they refused to give up all of their island to the U.S. for a military base. Palauans stalled a proposed oil superport that threatened their whole environment; they later organized once more and successfully defended their nuclear-free constitution in three separate referendums.

Enewetak people, discovering that their atoll was again to be part of a destructive project called PACE (Pacific Cratering Experiments), by filing a lawsuit and arousing public opinion in the Marshalls and Hawaii, succeeded in forcing the U.S. Air Force to cancel PACE. Kwajalein landowners have repeatedly moved onto their islands occupied by the army, seeking a just solution to the problems posed by the military takeover of land needed for food and space for those on overcrowded Ebeye.

With all of these actions and others like them, the people of Micronesia have been self-determining their history, even while the long process of ending the U.N. trusteeship has slowly moved forward. In 35 years of U.S. trusteeship, Micronesians have shown that economic dependency does not mean lack of courage or resourcefulness. They have been demonstrating the strength to take the initiative for the future into their own hands with self-government.

The editors hope this booklet will stimulate discussion among the people who will be voting on the Compact of Free Association soon. A Selected Bibliography is included, and many of the articles in the text have references for further information. Specific questions and concerns can be raised directly with status commission members in Palau, the FSM and the Marshall Islands.



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