

HIGHLIGHTS



OFFICE OF THE HIGH COMMISSIONER
TRUST TERRITORY OF THE PACIFIC ISLANDS
SAIPAN, MARIANA ISLANDS

November 1975

HiCom Addresses PATA Conference

As High Commissioner of the TTPI for almost seven years, I have been greatly concerned about the growth of tourism in the Pacific area. There is virtually no other place more anxious to see a successful tourist industry in this part of the world than Micronesia.

With our small population, scattered over many small islands, like stepping stones across the Pacific, we see our economic potential as limited, at this time, to three basic areas — fishing and other marine resources, agriculture (mainly to become self-sustaining with some limited exports) and tourism. And as you can readily see by enjoying the vista from this fine hotel, the natural ingredients for a successful tourist industry are definitely present here in Micronesia.

As the Administering Authority of the Trust Territory under the United Nations Trusteeship, the United States in recent years has actively encouraged the development of tourism as a major foundation of the future economy. The TT Government has established Tourism Boards in each of our 6 districts, and although there have been somewhat varying degrees of receptivity among the districts, the recognition of tourism as a vital part of the islands' future economy is growing.

While world wide tourism is not maintaining its previous phenomenal growth rate, Micronesia has still shown a nine per cent gain over the past year. The total number of entries for the twelve months ending Sept. 30, 1975, were 66,541 as compared to 60,835 for the previous 12 month period. Relatively speaking, these numbers are very encouraging.

We are familiar with the change in emphasis on the part of PATA from marketing to development and we have been pursuing those same goals here in Micronesia.

Our foreign investment boards, our environmental protection boards, our tourism boards have all acted in concert with established policies which are designed to bring the maximum benefits of tourist development to the citizens of Micronesia themselves, along with policies which will preserve and protect the natural beauty and unique cultural assets of Micronesia.

As this year's President of PIDC (Pacific Islands Development Commission, consisting of the Chief Executives of Hawaii, American Samoa, Guam and the Trust Territory) I have also worked towards the achievement of PATA's long range objectives. Just last month I visited Fiji where nine Pacific Island governments

and nine airlines participated together to foster cooperative efforts for the development and promotion of tourism in the islands of the Pacific. The results of the meeting showed great promise for the future, and we plan to meet again in February — in either the Cook Islands or Western Samoa.

Our efforts there, like all of PIDC's efforts, although representing a smaller geographical area than PATA, are intended to complement and move forward the goals to which we all aspire-cooperation in all fields to develop a sound tourist industry — one in which the visitor receive maximum enjoyment and pleasure for his money and one in which the people of the host countries themselves receive maximum benefits from the investment of their time and resources.

In the interest of working toward our mutual goals the PIDC has in the past 3 years (with the cooperative sponsorship of the South Pacific Commission) conducted Tourism Seminars in Guam, American Samoa and Saipan. In reviewing several of PATA's recent reports and publications, I was especially pleased to note the comment in Development Authority 40 that the PIDC conference in Saipan Aug. 11-14, 1975, "was felt to be most worthwhile by those in attendance and this format is one the development authority might consider for future usage". This compliment coming from such a successful organization — one which rightly refers to its distinguished membership as the "Hallmark of Excellence" in the tourism field — is much appreciated by the members of PIDC and we are both proud and happy to have contributed even in this small way to the continued progress of PATA.

We are also most pleased to note that you are assembling a Development Authority team to carry out a project on the economic value of tourism to the Pacific Islands in March 1976. We look forward to continued cooperation between your organization and our various Pacific Island Governments in the future.

The Constitution of the Federated States of Micronesia is included in this issue of *Highlights*.

PERSONNEL NEWS AND INFORMATION

NEWS

A two-day Workshop "Management in the Public Sector" was held October 22nd and 23rd in Saipan, October 28th and 29th in Palau, and November 3rd and 4th in Truk. This first part of a five - part workshop series provided an updated overview of a system approach to managing human resources.

The eighteen participants in the Saipan session represented the Headquarters Departments of Education, Finance, Health Services, Personnel, Transportation and Communications, Disaster Control and the Program and Budget Office Representatives of Administration from the Marianas District and the Congress of Micronesia also participated in the program.

The Palau session had twenty-one participants from Palau District's Agriculture, Communications, Economic Development, Education, Finance, Health Services, Land Management, Personnel, Procurement and Supply, Public Affairs, Public Safety, and Public Works; and Yap District's Agriculture, Education, Health Services, Marine Resources, Personnel, Public Safety and Public Works.

Participating in the Truk session were twenty-one from Truk, representing Administration, Broadcast, CAA, Community Development, Economic Development, Education, Finance, Health Services, Immigration, Labor, Land Management, Personnel, Procurement and Supply, Public Works, and the Weather Service; and four from Ponape, representing Health Services, Land Commissioner, Land Management, and Personnel.

Participants in the first session are eligible to participate in one or more of the four subsequent sessions on "Goals and Objectives", "Assigning Responsibilities", "Establishing Standards of Performance" and "Appraising Performance", to be held in Saipan, Palau and Truk at various time from December until the first week of May 1976. The Workshops are conducted for the Training and Employee Development Division by the Government Division of the American Management Association's Professional Institute.

Other Compensation Provisions (Continued)

The previous presentation about compensation additional to basic pay covered Overtime Compensation, Holiday Pay, Hazardous Work and Nigh Work Differentials. Following are presented additional differentials:

Hazardous Post Differential: An additional amount equivalent to twenty percent (20%) of base salary rate, or the *Adjusted Base Salary Rate* when provide by law, is paid to an employee assigned to a duty station which involves conditions of unusual hardship. To qualify, an employee must be regularly assigned to a duty station which has been certified by the Director of Personnel as constituting a hardship situation: The site is geographically isolated from other activities or facilities, remote and removed from population centers, with little recourse to and contact with other locations and activities, and inaccessible except by special and infrequent transportation and/or communication.

Consideration is given to pleasantness, attractiveness, and desirable features of the location; the existance of shopping, recreation and housing, and relationships and presence of other people. Among other factors considered are lack of available shipping and goods being subject to excessive loss, damage or delay; and generally accepted means of transportation - such as roadways, automobiles, motobikes, and boats - are lacking, as well as the means for their servicing and repair.

NOTE: Base Salary Rate is the base salary established by PL 6-65, and does not include other types of compensation or payment. *Adjusted Base Salary Rate* is the base salary established by PL 6-65, plus such differentials and/or premiums the law specifies shall be included: there are advanced professional capability, Foreign Service Premium, and Special Medical Differential for Trust Territory citizens; and Market Place Differential and Special Medical Differential for expatriates.

Standby Differential: A twenty percent (20%) of base salary rate, or of the *Adjusted Base Salary Rate* when provided by law, is paid an employee whose employment requires: remaining on call in a standby duty status for work to be performed at the employee's designated work station; serving on a regularly scheduled standby period not less than eight (8) hours a week in excess of the employee's normal forty (40) hours work week; receiving regular and frequent performance calls while on standby; and *not* receiving Nigh Work Differential nor Holiday nor Overtime Pay for work performed while on Standby. Overtime will be paid if additional to the employee's normally scheduled workweek and regularly scheduled standby hours.



We've always suspected the existence of a "printer's devil" in our typesetting room but have not been able to confirm it until now. The little mischievous elf exists indeed. The little devil perpetrated a prank in our last issue which caused havoc on a paragraph we ran on former Yap DistAd Leonard Aguigui. Chief Roboman did not say that "the cooperation and consultation between the office of the DistAd, the Chiefs' Council, and the Yap District Legislature during Aguigui's tenure has been the key for such *vacant* accomplishments". The miserable elf was responsible for substituting the word "vast" with the word "Vacant", and we apologize to Mr. Aguigui and Chief Roboman for this unauthorized action.

UN Course Completed in Saipan

The Sub-Regional Course on Project and Development Planning for island countries got underway on Saipan October 28 at the Garapan Garden Hotel.

Deputy High Commissioner Peter T. Coleman told the participants from the various South Pacific island nations and territories that the "success of any project or enterprise" depends on the management. Millions of dollars have been lost in the Pacific islands and territories due to inadequate management, Coleman told the participants.

Coleman said that the "tides of change are moving fast not only politically but economically." He then pledged full support to the success of the training program.

Deputy District Administrator Danny Akimoto then spoke. He said that the Marianas District Government is "pleased" for being selected as the site for the 37-day course. This training "is extremely vital especially at this time when the Marianas is at the threshold of political development," Akimoto said.

Dr. Gerald Dahlke, from the United Nations Asian Development Institute (ADI) headquarters in Bangkok, is the director of the course.

Manny Sablan, Deputy Chief of the Economic Development Division, said that other lecturers from the South Pacific Commission and the UN ADI organizations will be attending the training program.

Senior officials of various countries involved directly in planning, development, economic and social schemes will also attend as well as others from private businesses and various department heads of the TT Government.

The training course was initiated by the Department of Resources and Development, and made possible through the Economic and Social Commission for Asia and the Pacific (ESCAP) of which the Trust Territory Government is a member.

1st In-Country Judiciary Training

The Trust Territory held its first two-week in-country Judiciary training program for the Clerks of Courts on Moen, Truk District from October 15-29. Seven participants from all over the Trust Territory who attended the program.

Subjects covered during the training included: duties and responsibilities of the Clerks of Courts; procedures for handling criminal, traffic, civil, small claims, juvenile delinquency, habeas corpus, appeals and transferred cases; accounting of court funds and budgeting; management of court personnel and related records; reports and management of various records required by law to be for maintenance.

The first Court Manual of Instruction, recently compiled by the Administrative office at the Judiciary Headquarters by the director and the Chief Justice was used during the training. The manual will be printed and made available in all Clerks of Courts offices to assist them in their work. It is designed to standardize procedures concerning the duties of the Clerks of Courts.

CSB to Raise Copra Price

The members of the Board of Directors of the Copra Stabilization Board (CSB) alarmed at the decline in copra production as a result of the low copra buying price, voted to cut certain marketing costs where possible and pass the savings on to the copra producers in the hope of stimulating increased production.

United Micronesia Development Association (UMDA), which has a contract with CSB to market the TT's copra, volunteered to reduce a portion of its marketing fees by 20 percent and the Board voted to reduced the buyers' fee (TT licensed copra buyers) by 20 percent.

Even though the Copra Stabilization Fund is practically exhausted, the Board expects that if all concerned in the copra industry work together in this "touch and go" situation, the price can be maintained and thus increase copra production — if not, then the price will have to be reduced in the future.

The Board hopes all District Agriculture agents will assist the copra producers in improving drying methods since the Fund loses money through copra shrinkage — less shrinkage means more money. Stevedoring companies will be asked to voluntarily reduce their fees by 20 percent and to also take care not to damage copra bags so they may be used over and over. The Copra Stabilization Board spends a large amount of money buying new bags to replace bags which were used only one or two times.

The new price per short ton will be as follows: District Center — \$125, \$115 and \$105 for Grades 1, 2 and 3 respectively; Outer Islands or field trip price — \$100, \$90 and \$80 for Grades 1, 2 and 3 respectively if serviced by Government vessels or \$90, \$80 and \$70 when serviced by private vessels. The new price is to become effective early November.

Attending the first training program were: Ignacio C. Benavente, Assistant Clerk of Courts, Marianas; Milton Zackious, Clerk of Courts, the Marshalls; Amador D. Ngirkelau, Clerk of Courts, Palau; Herbert Gallen, Ponape; Sichiou Kichiro, Truk; Jesse Thinfan, Yap; and Rewel Tara, Kusaie.





PATA Board members in conference, held at Palau Continental Hotel.

PATA CAME, SAW and was Impressed



Hicom takes his time out from PATA Conference to attend and address the people of Ngchesar municipality, Palau.



Relaxation during lunch at Ngermeyaus rock island, Palau.



This barracuda I caught with my bare hand, look!, rock island.



The high school students and Ms. Sadami Blailes, who tended the needs of PATA people in Palau.

Two-hour stopover in Yap, PATA delegations were entertained in the municipality of Rull.



HIGHLIGHTS

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Constitution of the Federated States of Micronesia

PREAMBLE

WE, THE PEOPLE OF MICRONESIA, exercising our inherent sovereignty, do hereby establish this Constitution of the Federated States of Micronesia.

With this Constitution, we affirm our common wish to live together in peace and harmony, to preserve the heritage of the past, and to protect the promise of the future.

To make one nation of many islands, we respect the diversity of our cultures. Our differences enrich us. The seas bring us together, they do not separate us. Our islands sustain us, our island nation enlarges us and makes us stronger.

Our ancestors, who made their homes on these islands, displaced no other people. We, who remain, wish no other home than this. Having known war, we hope for peace. Having been divided, we wish unity. Having been ruled, we seek freedom.

Micronesia began in the days when man explored seas in rafts and canoes. The Micronesian nation is born in an age when men voyage among stars; our world itself is an island. We extend to all nations what we seek from each: peace, friendship, cooperation, and love in our common humanity. With this Constitution we, who have been the wards of other nations, become the proud guardian of our own islands, now and forever.

ARTICLE I

Territory of Micronesia

SECTION 1. The territory of the Federated States of Micronesia is comprised of the Districts of the Micronesian archipelago that ratify this Constitution. Unless limited by international treaty obligations assumed by the Federated States of Micronesia, or by its own act, the waters connecting the islands of the archipelago are internal waters regardless of dimensions, and jurisdiction extends to a marine space of 200 miles measured outward from appropriate baselines, the seabed, subsoil, water column, insular or continental shelves, airspace over land and water, and any other territory or waters belonging to Micronesia by historic right, custom, or legal title.

SECTION 2. Each state is comprised of the islands of each District as defined by laws in effect immediately prior to the effective date of this Constitution. A marine boundary between adjacent states is determined by law, applying the principle of equidistance. State boundaries may be changed by Congress with the consent of the state legislatures involved.

SECTION 3. Territory may be added to the Federated States of Micronesia upon approval of Congress, and by vote of the inhabitants of the area, if any, and by vote of the people of the Federated States of Micronesia. If the territory is to become part of an existing state, approval of the state legislature is required.

SECTION 4. New states may be formed and admitted by law, subject to the same rights, duties, and obligations as provided for in this Constitution.

ARTICLE II

Supremacy

SECTION 1. This Constitution is the expression of the sovereignty of the people and is the supreme law of the Federated States of Micronesia. An act of the Government in conflict with this Constitution is invalid to the extent of conflict.

ARTICLE III

Citizenship

SECTION 1. A person who is a citizen of the Trust Territory of the Pacific Islands immediately prior to the effective date of this Constitution and a domiciliary of a District ratifying this Constitution is a citizen and national of the Federated States of Micronesia.

SECTION 2. A person born of parents one or both of whom are citizens of the Federated States of Micronesia is a citizen and national of the Federated States by birth.

SECTION 3. A citizen of the Federated States of Micronesia who is recognized as a citizen of another nation shall, within 3 years of his 18th birthday, or within 3 years of the effective date of this Constitution, whichever is later, register his intent to remain a citizen of the Federated States and renounce his citizenship of another nation. If he fails to comply with this Section, he becomes a national of the Federated States of Micronesia.

SECTION 4. A citizen of the Trust Territory of the Pacific Islands who becomes a national of the United States of America under the terms of the Covenant to Establish a Commonwealth of the Northern Mariana Islands may become a citizen and national of the Federated States of Micronesia by applying to a court of competent jurisdiction in the Federated States within 6 months of the date he became a United States national.

SECTION 5. A domiciliary of a District not ratifying this Constitution who was a citizen of the Trust Territory of the Pacific Islands immediately prior to the effective date of this Constitution, may become a citizen and national of the Federated States of Micronesia by applying to a court of competent jurisdiction in the Federated States within 6 months after the effective date of this Constitution or within 6 months after his 18th birthday, whichever is later.

SECTION 6. This Article may be applied retroactively.

ARTICLE IV

Declaration of Rights

SECTION 1. No law may deny or impair freedom of expression, peaceable assembly, association, or petition.

SECTION 2. No law may be passed respecting an establishment of religion or impairing the free exercise of religion, except that assistance may be provided to parochial schools for non-religious purposes.

SECTION 3. A person may not be deprived of life, liberty, or property without due process of law, or be denied the equal protection of the laws.

SECTION 4. Equal protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language, or social status.

SECTION 5. The right of the people to be secure in their persons, houses, papers, and other possessions against unreasonable search, seizure, or invasion of privacy may not be violated. A warrant may not issue except on probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

SECTION 6. The defendant in a criminal case has a right to a speedy public trial, to be informed of the nature of the accusation, to have counsel for his defense, to be confronted with the witnesses against him, and to compel attendance of witnesses in his behalf.

SECTION 7. A person may not be compelled to give evidence that may be used against him in a criminal case, or be twice put in jeopardy for the same offense.

SECTION 8. Excessive bail may not be required, excessive fines imposed, or cruel and unusual punishments inflicted. The writ of habeas corpus may not be suspended unless required for public safety in cases of rebellion or invasion.

SECTION 9. Capital punishment is prohibited.

SECTION 10. Slavery and involuntary servitude are prohibited except to punish crime.

SECTION 11. A bill of attainder or ex post facto law may not be passed.

SECTION 12. A citizen of the Federated States of Micronesia may travel and migrate within the Federated States.

SECTION 13. Imprisonment for debt is prohibited.

ARTICLE V

Traditional Rights

SECTION 1. Nothing in this Constitution takes away a role or function of a traditional leader as recognized by custom and tradition, or prevents a traditional leader from being recognized, honored, and given formal or functional roles at any level of government as may be prescribed by this Constitution or by statute.

SECTION 2. The traditions of the people of the Federated States of Micronesia may be protected by statute. If challenged as violative of Article IV, protection of Micronesian tradition shall be considered a compelling social purpose warranting such governmental action.

SECTION 3. The Congress may establish, when needed, a Chamber of Chiefs consisting of traditional leaders from each state having such leaders, and of elected representatives from states having no traditional leaders. The constitution of a state having traditional leaders may provide for an active, functional role for them.

ARTICLE VI

Suffrage

SECTION 1. A citizen 18 years of age may vote in national elections. The Congress shall prescribe a minimum period of local residence and provide for voter registration, disqualification for conviction of crime, and disqualification for mental incompetence or insanity. Voting shall be secret.

ARTICLE VII

Levels of Government

SECTION 1. The three levels of government in the Federated States of Micronesia are national, state, and local. A state is not required to establish a new local government where none exists on the effective date of this Constitution.

SECTION 2. A state shall have a democratic constitution.

ARTICLE VIII

Powers of Government

SECTION 1. A power expressly delegated to the national government, or a power of such an indisputably national character as to be beyond the power of a state to control, is a national power.

SECTION 2. A power not expressly delegated to the national government or prohibited to the states is a state power.

SECTION 3. State and local governments are prohibited from imposing taxes which restrict interstate commerce.

ARTICLE IX

Legislative

SECTION 1. The legislative power of the national government is vested in the Congress of the Federated States of Micronesia.

SECTION 2. The following powers are expressly delegated to Congress:

- (a) to provide for the national defense;
- (b) to ratify treaties;
- (c) to regulate immigration, emigration, naturalization, and citizenship;
- (d) to impose taxes, duties, and tariffs based on imports;
- (e) to impose taxes on income;
- (f) to issue and regulate currency;
- (g) to regulate banking, foreign and interstate commerce, insurance, the issuance and use of commercial paper and securities, bankruptcy and insolvency, and patents and copyrights;
- (h) to regulate navigation and shipping except within lagoons, lakes, and rivers;
- (i) to establish usury limits on major loans;
- (j) to provide for a national postal system;
- (k) to acquire and govern new territory;
- (l) to govern the area set aside as the national capital;
- (m) to regulate the ownership, exploration, and exploitation of natural resources within the marine space of the Federated States of Micronesia beyond 12 miles from island baselines;
- (n) to establish and regulate a national public service system;
- (o) to impeach and remove the President, Vice-President, and justices of the Supreme Court;
- (p) to define major crimes and prescribe penalties, having due regard for local custom and tradition; and
- (q) to override a Presidential veto by not less than a 3/4 vote of all the state delegations, each delegation casting one vote.

SECTION 3. The following powers may be exercised concurrently by Congress and the states:

- (a) to appropriate public funds;
- (b) to borrow money on the public credit;
- (c) to promote education and health; and
- (d) to establish systems of social security and public welfare.

SECTION 4. A treaty is ratified by vote of 2/3 of the members of Congress, except that a treaty delegating major powers of government of the Federated States of Micronesia to another government shall also require majority approval by the legislatures of 2/3 of the states.

SECTION 5. National taxes shall be imposed uniformly. Not less than 50% of the revenues shall be paid into the treasury of the state where collected.

SECTION 6. Net revenue derived from ocean floor mineral resources exploited under Section 2 (m) shall be divided equally between the national government and the appropriate state government.

SECTION 7. The President, Vice-President, or a justice of the Supreme Court may be removed from office for treason, bribery, or conduct involving corruption in office by a 2/3 vote of the members of Congress. When the President or Vice-President is removed, the Supreme Court shall review the decision. When a justice of the Supreme Court is removed, the decision shall be reviewed by a special tribunal composed of one state court judge from each state appointed by the state chief executive. The special tribunal shall meet at the call of the President.

SECTION 8. The Congress consists of one member elected at large from each state on the basis of state equality, and additional members elected from congressional districts in each state apportioned by population. Members elected on the basis of state equality serve for a 4-year term, and all other members for 2 years. Each member has one vote, except on the final reading of bills. Congressional elections are held biennially as provided by statute.

SECTION 9. A person is ineligible to be a member of Congress unless he is at least 30 years of age on the day of election and has been a citizen of the Federated States of Micronesia for at least 15 years, and a resident of the state from which he is elected for at least 5 years. A person convicted of a felony by a state or national government court is ineligible to be a member of Congress. The Congress may modify this provision or prescribe additional qualifications; knowledge of the English language may not be a qualification.

SECTION 10. At least every 10 years Congress shall reapportion itself. A state is entitled to at least one member of Congress on the basis of population in addition to the member elected at large. A state shall apportion itself by law into single member congressional districts. Each district shall be approximately equal in population after giving due regard to language, cultural, and geographic differences.

SECTION 11. A state may provide that one of its seats is set aside for a traditional leader who shall be chosen as provided by statute for a 2-year term, in lieu of one representative elected on the basis of population. The number of congressional districts shall be reduced and reapportioned accordingly.

SECTION 12. A vacancy in Congress is filled for the unexpired term. In the absence of provision by law, an unexpired term is filled by special election, except that an unexpired term of less than one year is filled by appointment by the state chief executive.

SECTION 13. A member of Congress may not hold another public office or employment. During the term for which he is elected and 3 years thereafter, a member may not be elected or appointed to a public office or employment created by national statute during his term. A member may not engage in any activity which conflicts with the proper discharge of his duties. The Congress may prescribe further restrictions.

SECTION 14. The Congress may prescribe an annual salary and allowances for members. An increase of salary may not apply to the Congress enacting it.

SECTION 15. A member of Congress is privileged from arrest during his attendance at Congress and while going to and from sessions, except for treason, felony, or breach of the peace. A member answers only to Congress for his statements in Congress.

SECTION 16. The Congress shall meet in regular, public session as prescribed by statute. A special session may be convened at the call of the President of the Federated States of Micronesia, or by the presiding officer on the written request of 2/3 of the members.

SECTION 17. (a) The Congress shall be the sole judge of the elections and qualifications of its members, may discipline a member, and, by 2/3 vote, may suspend or expel a member.

(b) The Congress may determine its own rules of procedure and choose a presiding officer from among its members.

(c) The Congress may compel the attendance and testimony of witnesses and the production of documents or other matters before Congress or any of its committees.

SECTION 18. A majority of the members is a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

SECTION 19. The Congress shall keep and publish a journal of its proceedings. A roll call vote entered on the journal shall be taken at the request of 1/5 of the members present. Legislative proceedings shall be conducted in the English language. A member may use his own language if not fluent in English, and Congress shall provide translation.

SECTION 20. To become law, a bill must pass 2 readings on separate days. To pass first reading a 2/3 vote of all members is required. On final reading each state delegation shall cast one vote and a 2/3 vote of all the delegations is required. All votes shall be entered on the journal.

SECTION 21. (a) The Congress may make no law except by statute and may enact no statute except by bill. The enacting clause of a bill is: "BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:". A bill may embrace but one subject expressed in its title. A provision outside the subject expressed in the title is void.

(b) A law may not be amended or revised by reference to its title only. The law as revised or section as amended shall be published and re-enacted at full length.

SECTION 22. A bill passed by Congress shall be presented to the President for approval. If he disapproves of the bill, he shall return it with his objections to Congress within 10 days. If Congress has 10 or less days remaining in its session, or has adjourned, he shall return the bill within 30 days after presentation. If the President does not return a bill within the appropriate period, it becomes law as if approved.

ARTICLE X

Executive

SECTION 1. The executive power of the national government is vested in the President of the Federated States of Micronesia. He is elected by Congress for a term of four years by a majority vote of all the members. He may not serve for more than 2 consecutive terms.

SECTION 2. The following powers are expressly delegated to the President:

(a) to faithfully execute and implement the provisions of this Constitution and all national laws;

(b) to receive all ambassadors and to conduct foreign affairs and the national defense in accordance with national law;

(c) to grant pardons and reprieves, except that the chief executive of each state shall have this power concurrently with respect to persons convicted under state law; and

(d) with the advice and consent of Congress, to appoint ambassadors; all judges of the Supreme Court and other courts prescribed by statute; the principal officers of executive departments in the national government; and such other officers as may be provided for by statute. Ambassadors and principal officers serve at the pleasure of the President.

SECTION 3. The President:

(a) is head of state of the Federated States of Micronesia;

(b) may make recommendations to Congress, and shall make an annual report to Congress on the state of the nation; and

(c) shall perform such duties as may be provided by statute.

SECTION 4. A person is ineligible to become President unless he is a member of Congress for a 4-year term, a citizen of the Federated States of Micronesia by birth, and a resident of the Federated States of Micronesia for at least 15 years.

SECTION 5. After the election of the President, the Vice-President is elected in the same manner as the President, has the same qualifications, and serves for the same term of office. He may not be a resident of the same state. After the election of the President and the Vice-President, vacancies in Congress shall be declared.

SECTION 6. If the office of the President is vacant, or the President is unable to perform his duties, the Vice-President becomes President. The Congress shall provide by statute for the succession in the event both offices are vacant, or either or both officers are unable to discharge their duties.

SECTION 7. The compensation of the President or Vice-President may not be increased or reduced during his term. They may hold no other office and may receive no other compensation from the Federated States of Micronesia or from a state.

SECTION 8. Executive departments shall be established by statute.

SECTION 9. (a) If required to preserve public peace, health, or safety, at a time of extreme emergency caused by civil disturbance, natural disaster, or immediate threat of war, or insurrection, the President may declare a state of emergency and issue appropriate decrees.

(b) A civil right may be impaired only to the extent actually required for the preservation of peace, health, or safety. A declaration of emergency may not impair the power of the judiciary except that the declaration shall be free from judicial interference for 30 days after it is first issued.

(c) Within 30 days after the declaration of emergency, the Congress of the Federated States of Micronesia shall convene at the call of its presiding officer or the President to consider revocation, amendment, or extension of the declaration. Unless it expires by its own terms, is revoked, or extended, a declaration of emergency is effective for 30 days.

ARTICLE XI

Judicial

SECTION 1. The judicial power of the national government is vested in a Supreme Court and inferior courts established by statute.

SECTION 2. The Supreme Court is a court of record and the highest court in the nation. It consists of a Chief Justice and not more than 5 associate justices. Each justice is a member of both the trial division and the appellate division, except that sessions of the trial division may be held

by one justice. No justice may sit with the appellate division in a case heard by him in the trial division. At least 3 justices shall hear and decide appeals. Decision is by a majority of those sitting.

SECTION 3. The Chief Justice and associate justices of the Supreme Court are appointed by the President with the approval of 2/3 of Congress. Justices serve during good behavior.

SECTION 4. If the Chief Justice is unable to perform his duties he shall appoint an associate justice to act in his stead. If the office is vacant, or the Chief Justice fails to make the appointment, the President shall appoint an associate justice to act as Chief Justice until the vacancy is filled or the Chief Justice resumes his duties.

SECTION 5. The qualifications and compensation of justices and other judges may be prescribed by statute. Compensation of judges may not be diminished during their terms of office unless all salaries prescribed by statute are reduced by a uniform percentage.

SECTION 6. (a) The trial division of the Supreme Court has original and exclusive jurisdiction in cases affecting officials of foreign governments, disputes between states, admiralty or maritime cases, and in cases in which the national government is a party except where an interest in land is at issue.

(b) The national courts, including the trial division of the Supreme Court, have concurrent original jurisdiction in cases arising under this Constitution; national law or treaties; and in disputes between a state and a citizen of another state, between citizens of different states, and between a state or a citizen thereof, and a foreign state, citizen, or subject.

(c) When jurisdiction is concurrent, the proper court may be prescribed by statute.

SECTION 7. The appellate division of the Supreme Court may review cases heard in the national courts, and cases heard in state or local courts if they require interpretation of this Constitution, national law, or a treaty. If a state constitution permits, the appellate division of the Supreme Court may review other cases on appeal from the highest state court in which a decision may be had.

SECTION 8. When a case in a state or local court involves a substantial question requiring the interpretation of the Constitution, national law, or a treaty, on application of a party or on its own motion the court shall certify the question to the appellate division of the Supreme Court. The appellate division of the Supreme Court may decide the case or remand it for further proceedings.

SECTION 9. The Chief Justice is the chief administrator of the national judicial system and may appoint an administrative officer who is exempt from civil service. The Chief Justice shall make and publish and may amend rules governing national courts, and by rule may:

(a) divide the inferior national courts and the trial division of the Supreme Court into geographical or functional divisions;

(b) assign judges among the divisions of a court and give special assignments to retired Supreme Court justices and judges of state and other courts;

(c) establish rules of procedure and evidence;

(d) govern the transfer of cases between state and national courts;

(e) govern the admission to practice and discipline of attorneys and the retirement of judges; and

(f) otherwise provide for the administration of the national judiciary.

Judicial rules may be amended by statute.

SECTION 10. The Congress shall contribute to the financial support of state judicial systems and may provide other assistance.

SECTION 11. Court decisions shall be consistent with this Constitution, Micronesian customs and traditions, and the social and geographical configuration of Micronesia.

ARTICLE XII

Finance

SECTION 1. (a) Public money raised or received by the national government shall be deposited in a General Fund or special funds within the National Treasury. Money may not be withdrawn from the General Fund or special funds except by law.

(b) Foreign financial assistance received by the national government shall be deposited in a Foreign Assistance Fund. Except where a particular distribution is required by the terms or special nature of the assistance, each state shall receive a share equal to the share of the national government and to the share of every other state.

SECTION 2. (a) The President shall submit an annual budget to Congress at a time prescribed by statute. The budget shall contain a complete plan of proposed expenditures, anticipated revenues, and other money available to the national government for the next fiscal year, together with additional information that Congress may require. The Congress may alter the budget in any respect.

(b) No appropriation bills, except those recommended by the President for immediate passage, or to cover the operating expenses of Congress, may be passed on final reading until the bill appropriating money for the budget has been enacted.

(c) The President may item veto an appropriation in any bill passed by Congress, and the procedure in such case shall be the same as for disapproval of an entire bill by the President.

SECTION 3. (a) The Public Auditor is appointed by the President with the advice and consent of Congress. He serves for a term of 4 years and until a successor is confirmed.

(b) The Public Auditor shall inspect and audit accounts in every branch, department, agency or statutory authority of the national government and in other public legal entities or nonprofit organizations receiving public funds from the national government. Additional duties may be prescribed by statute.

(c) The Public Auditor shall be independent of administrative control except that he shall report at least once a year to Congress. His salary may not be reduced during his term of office.

(d) The Congress may remove the Public Auditor from office for cause by 2/3 vote. In that event the Chief Justice shall appoint an acting Public Auditor until a successor is confirmed.

ARTICLE XIII

General Provisions

SECTION 1. The national government of the Federated States of Micronesia recognizes the right of the people to education, health care, and legal services and shall take every step reasonable and necessary to provide these services.

SECTION 2. Radioactive, toxic chemical, or other harmful substances may not be tested, stored, used, or disposed of within the jurisdiction of the Federated States of Micronesia without the express approval of the national government of the Federated States of Micronesia.

SECTION 3. It is the solemn obligation of the national and state governments to uphold the provisions of this Constitution and to advance the principles of unity upon which this Constitution is founded.

SECTION 4. A noncitizen, or a corporation not wholly owned by citizens, may not acquire title to land or waters in Micronesia.

SECTION 5. An agreement for the use of land for an indefinite term is prohibited. An existing agreement becomes void 5 years after the effective date of this Constitution. Within that time, a new agreement shall be concluded between the parties. When the national government is a party, it shall initiate negotiations.

SECTION 6. The national government of the Federated States of Micronesia shall seek renegotiation of any agreement for the use of land to which the Government of the United States of America is a party.

SECTION 7. On assuming office, all public officials shall take an oath to uphold, promote, and support the laws and the Constitution as prescribed by statute.

ARTICLE XIV

Amendments

SECTION 1. An amendment to this Constitution may be proposed by a constitutional convention, popular initiative, or Congress in a manner provided by law. A proposed amendment shall become a part of the Constitution when approved by 3/4 of the votes cast on that amendment in each of 3/4 of the states. If conflicting constitutional amendments submitted to the voters at the same election are approved, the amendment receiving the highest number of affirmative votes shall prevail to the extent of such conflict.

SECTION 2. At least every 10 years, Congress shall submit to the voters the question: "Shall there be a convention to revise or amend the Constitution?" If a majority of ballots cast upon the question is in the affirmative, delegates to the convention shall be chosen no later than the next regular election, unless Congress provides for the selection of delegates earlier at a special election.

ARTICLE XV

Transition

SECTION 1. A statute of the Trust Territory of the Pacific Islands continues in effect except to the extent it is inconsistent with this Constitution, or is amended or repealed. A writ, action, suit proceeding, civil or criminal liability, prosecution, judgment, sentence, order, decree, appeal, cause of action, defense, contract, claim, demand, title, or right continues unaffected except as modified in accordance with the provisions of this Constitution.

SECTION 2. A right, obligation, liability, or contract of the Government of the Trust Territory of the Pacific Islands is assumed by the Federated States of Micronesia except to the extent it directly affects or benefits a government of a District not ratifying this Constitution.

SECTION 3. An interest in property held by the Government of the Trust Territory of the Pacific Islands is transferred to the Federated States of Micronesia for retention or distribution in accordance with this Constitution.

SECTION 4. A local government and its agencies may continue to exist even though its charter or powers are inconsistent with this Constitution. To promote an orderly transition to the provisions of this Constitution, and until state governments are established, Congress shall provide for the resolution of inconsistencies between local government charters and powers, and this Constitution. This provision ceases to be effective 5 years after the effective date of this Constitution.

SECTION 5. The Congress may provide for a smooth and orderly transition to government under this Constitution.

SECTION 6. In the first congressional election, congressional districts are apportioned among the states as follows: Kusaie — 1; Marianas — 2; Marshalls — 4; Palau — 2; Ponape — 3; Truk — 5; Yap — 1. If Kusaie is not a state at the time of the first election, 4 members shall be elected on the basis of population in Ponape.

ARTICLE XVI

Effective Date

SECTION 1. This Constitution takes effect 1 year after ratification unless the Congress of Micronesia by joint resolution specifies an earlier date. If a provision of this Constitution is held to be in fundamental conflict with the United Nations Charter or the Trusteeship Agreement between the United States of America and the United Nations, the provision does not become effective until the date of termination of the Trusteeship Agreement.

Josio Nakayama
 Josio Nakayama, President

YAP DELEGATION

Petrus Jun
Samuel Jalánruw
Francisco Luklun
Hilary Tachelot
Julian
Luke Tman
Delarmino Hathey

TRUK DELEGATION

Shudomy Ninyes
Shiga Albert
Tigita Bossy
Sauhichi Fritz
Sasauo Haruo
Kataro Meldart
Kimitaki Jaseh
Soiter Akweu
Frank Niton
Mahelo Robert
Ishio Sony
Manuel Sound
Jalasu Wainil

PONAPE DELEGATION

Leo Jalcan
Kikuo Agri
Kihyo Anis
William Eperiam
Heinrich Triari
Max
Nicosi Ismael
Ramel Mateah
Dailey Ulter
Jadao Sigran
Hamrick Stephen
Daro Weital
Strik Yoma

PALAU DELEGATION

John Najakah
Ym Crabbone
Ybedul Sibbons
Josio Nakamura
Santas Olihng
Lehal
Levatus Salii
Jacob Sawaichi
Acting Keahai Jermeleel
Johnson Joriblong

MARSHALLS DELEGATION

Earl Heing
William Lanki
John Heine
Langue Kalles
Wilfred Kendall
Tom Kijiner
Isaac Lanki
Mary Lanki
John
Waja

MARIANAS DELEGATION

Lorenzo E.S. Cabrera
Alampio J. Dorja
Alonso Iglsomar
Luis Limes
Benjamin Mangloga
Alfonso La Rosa
Rafonso Rasa

A RESOLUTION

Relating to the traditional leaders of Micronesia.

WHEREAS, in establishing the government for the new Federated States of Micronesia, and making provision for the governing of the various states, the question has arisen over whether this affects the traditional leaders of Micronesia. It is not the intention of the Delegates to the Micronesia Constitutional Convention to affect adversely any of the relationships which prevail between traditional leaders and the people of Micronesia, nor to diminish in any way the full honor and respect to which they are entitled; now, therefore,

BE IT RESOLVED by the Micronesia Constitutional Convention of 1975 that it is the consensus of this Convention that all due honor and respect continue to be accorded the traditional leaders of Micronesia, and nothing in the Constitution of the Federated States of Micronesia is intended in any way to detract from the role and function of traditional leaders in Micronesia or to deny them the full honor and respect which is rightfully theirs; and

BE IT FURTHER RESOLVED that upon the signing of the Constitution, this Resolution be included with all duplications of the Constitution so that the intent of the Delegates may be evident to all who read the Constitution of the Federated States of Micronesia.



I-r Alanso Igisomar & Larry Cabrera (Marianas)



I-r Tadao Sigrah, Irosi Ismael (Kusaie)



Fichita Bossy (Truk)



I-r Front row: Heinrich Iriarte, Heinrich Stephen (signing), Leo Falcam Standing back row: Max Iriarte, Daro Weital (Ponape).



Mrs. Mary Lanwi (Marshalls)

I-r (standing) Hilary Tacheliol, Senator Petrus Tuh, (sitting) Sam Falanruw (Yap)



ConCon President Tosiwo Nakayama and High Commissioner Edward E. Johnston.



I-r Ibedul Gibbons and acting Reklai Termeteet