

MICRONESIA AND FREE ASSOCIATION: CAN FEDERALISM SAVE THEM?

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For over 400 years, a large area of the Western Pacific—Micronesia—has been under foreign political control. Beginning with Spain in the 16th century, control passed from Germany, to Japan, and to the United States in 1947 as administering authority for the United Nations designated Trust Territory of the Pacific.

Pursuant to article 76(b) of the United Nation's Charter, a measure of internal self-government is now being negotiated between the representatives of the people of the Trust Territory and the United States. While previous efforts of the Micronesian leaders have been designed to obtain from the United States a larger (or total) degree of self-determination, preliminary results of recent negotiations indicate that, at least on major internal matters, this objective has been substantially accomplished. As a result, a new dilemma faces the Territorial leaders: how to organize Micronesia for self-government.

It is the purpose of this article to investigate one form of governmental structure, the federation, in the Micronesian context. Relevant background data will be presented illustrating the political and economic divisions within the Trust Territory, and whether or not these can be overcome in a federal system. Some of the critical factors which have determined the success or failure of other federations will be considered against the background of the Micronesian experience.

I. BACKGROUND FACTORS CONTRIBUTING TO THE FORMATION OF POLITICAL SUB-UNITS WITHIN THE TRUST TERRITORY

Micronesia consists of a vast area of the Pacific lying north of the equator and considerably west of Hawaii.¹ The Trust

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1. The island groups include the Marianas, Carolines, Marshalls and Gilberts. Bryan, *Pacific Island Groups*, in PACIFIC SCIENTIFIC INFORMATION CENTER, *THE MARSHALLS AND THE PACIFIC 3* (1965), Bernice P. Bishop Museum.

Territory of the Pacific Islands is a subset of Micronesia consisting of three archipelagoes: the Marianas (except for Guam which is an unincorporated United States territory); the Carolines; and the Marshalls.² In area, the Trust Territory embraces almost the whole of Micronesia. Due to political activity in the area, the two designations have come to be used interchangeably.³

The geography of the area involves such great inter-island distances that no common cultural pattern has uniformly developed in the Trust Territory. Small island groupings have developed their own customs, social systems, and languages. Even physical characteristics are noticeably diverse. Nine major languages with multiple dialects clearly indicate the distinct ethnic entities within the island groupings.⁴

As western man began to make contact with Micronesia,⁵ he did not affect all the island cultures equally. Some groupings, most notably the Marianas and the Marshalls, underwent significant westernization from many years of whaler and missionary contacts. The Carolines, on the other hand, were relatively isolated until they were heavily settled and intermixed with Japanese prior to World War II.⁶

Western attempts to derive economic benefits from the Territory focused mainly on agriculture. Since the majority of Micronesian soil is suitable only for limited production of copra and other subsistence foods,⁷ the effect of these programs was relatively uniform across the Territory. This situation changed when the United States, with a large budget,⁸ began to administer the islands, making Saipan the administrative center as well

2. 22 DEP'T STATE ANN. REP. TTPI 1 (1969).

3. Blaz & Lee, *The Cross of Micronesia*, 23 NAVAL WAR COLL. REV. 59, 61 (1971) [hereinafter cited as *Cross of Micronesia*].

4. J. COULTER, *THE PACIFIC DEPENDENCIES OF THE UNITED STATES* 169 (1957). See also Bryan, *Pacific Island Groups*, in PACIFIC SCIENTIFIC INFORMATION CENTER, *THE MARSHALLS AND THE PACIFIC* 2 (1965), Bernice P. Bishop Museum.

5. Magellan sighted Guam on March 6, 1521. P. CARANO & P. SANCHEZ, *A COMPLETE HISTORY OF GUAM* 41 (1964).

6. See *Cross of Micronesia*, *supra* note 3, at 62.

7. A subsistence economy based on copra is the "starting point" of Micronesian agriculture. The Japanese were the most notable for their development of rice and organized copra production. But no great advances were made such that one district's economy significantly surpassed another's. See *Cross of Micronesia*, *supra* note 3, at 62.

8. \$17.5 million in 1963 to \$50 million in 1970. See *Cross of Micronesia*, *supra* note 3, at 59.

as the Congressional headquarters of Micronesia, while beginning to develop military research bases in the Marshalls.⁹ The result is that district economics, once uniform throughout the territory, now distinguish island groups from one another.

The United States administration of Micronesia began in 1947 under a United Nations Trusteeship Agreement approved by the Security Council¹⁰ and the United States government.¹¹ The first fifteen years of administration were characterized by a period of frugality and non-disturbance of the Micronesians. This was intended to foster the growth of what was believed desirable in a modernized native society. Notwithstanding the merits of this plan, it fostered a period in which whatever uniformity imparted by foreign influence (such as a *lingua franca*) deteriorated, and the area returned to localized customs, languages and attitudes.¹² The U.S. did not discourage this factionalism but recognized it by organizing the Trust Territory administrative machinery into seven districts.¹³

II. THE EVOLUTION OF THE TRUST TERRITORY AS A POLITICAL ENTITY IN THE 1960'S

The 1960's marked a period of renewed U.S. interest in the welfare of the Trust Territory. This was due to several converging factors. The most notable of these factors were: (1) the independence of other United Nations Trusteeships;¹⁴ (2) the

9. Kwajalein Atoll in the Marshalls provides employment for over 4000 on-site Americans, driving Micronesian income tax revenue from the Marshalls higher than any other Trust Territory District. The *Micronitor*, April 4, 1972, at 7, col. 4.

10. The Trust Territory of the Pacific Islands was designated a strategic area by the United Nations (U.N.). This means that the Administering Authority has the right to fortify and close off any part of the Territory for security reasons. The terms of the agreement cannot be altered without the consent of the Administering Authority, and the functions of the U.N. relating to the strategic trusteeship are exercised by the Security Council (with its rule of unanimity) instead of the General Assembly. U.N. CHARTER arts. 82, 83, 84.

11. The Navy continued administration of the Trusteeship until 1951 when responsibility was turned over to the Department of Interior. See *Cross of Micronesia*, *supra* note 3, at 64.

12. W. PRICE, *AMERICA'S PARADISE LOST* 184, 233, 234 (1966).

13. These districts include the (1) Marshall Islands District, (2) Palau District, (3) Ponape District, (4) Rota District, (5) Saipan District, (6) Truk District, and (7) Yap District.

14. Of the eleven U.N. trusteeships, only two remain—Micronesia (U.S.) and New Guinea (Australia). Western Samoa became independent in 1962 and Nauru in 1968. See *Cross of Micronesia*, *supra* note 3, at 66, 67.

granting of statehood to Hawaii, which provided congressional representation for the Pacific area;¹⁵ and (3) the passage of United Nations Resolutions 1541 (XV) and 1542 (XV). Resolution 1541 (XV) censured Portugal for the administration of its Trusts, while Resolution 1542 (XV) declared the necessity for ending colonialism and establishing the Committee of 24, the forum for filing petitions for self-determination by colonized countries.¹⁶

By 1962, the United States had decided to re-evaluate its policy of frugality toward its Trust Territory and to adopt a more generous relationship. The decision was made to bring Micronesia into the twentieth century as quickly as possible. Emphasis was placed on consolidating future relations between Micronesia and the United States.¹⁷ This was undertaken through educational,¹⁸ social,¹⁹ economic,²⁰ and political²¹ development

15. Hawaii has long championed the cause of Micronesia. Senator Fong and Senator Inouye have introduced legislation to make the Trust Territory eligible for benefits under the Public Works and Economic Development Act and to develop skipjack tuna fisheries. See *Bill To Aid Economics*, Pacific Daily News, February 4, 1971, at 1, col. 1.

Representative Patsy Mink from Hawaii provides representation for Micronesia in the House Committee on Interior and Insular Affairs. Representative Mink is also responsible for making minimum wage laws applicable to Micronesians employed at the Kwajalein Missile Range, thereby keeping the more educated Micronesians employed at the higher paying American jobs (gardening, housekeeping, etc.) rather than working for the Trust Territory on their islands in such occupations as school teachers or public administrators at the wages commensurate with the local economy.

A more recent far-sighted activity of Representative Mink has been to lend support to the Marianas secessionist movement. See *Mink Advocates Congress Boycott*, Micronesia Star, May 8, 1971, at 1; *Marianas Delegation Boycotts Congress of Micronesia Secession*, *Id.*

16. See G.A. Res. 1541 (xv) and 1542 (xv), U.N. GAOR Supp. 16, at 29-31, U.N. Doc. A/4684 (1961).

17. N. MELLER, THE CONGRESS OF MICRONESIA 18 (1969). This conclusion is verified by a theoretically secret report by the Chairman of President Kennedy's survey team which visited the islands in 1963, Anthony M. Solomon. *The Solomon Report*, as it has since become known, was obtained, reproduced and distributed by a group of Micronesian students at the University of Hawaii in April of 1971. The thrust of *The Solomon Report* is that by increasing U.S. financial aid, loyalty of the Trust Territory will be assured via the resultant economic dependency.

18. Emphasis was placed on the teaching of English as a second language (TESL Program) and thus providing a *lingua franca* for the nine major linguistic groups. Public High Schools were opened in each of the Districts. See *Cross of Micronesia*, *supra* note 3, at 67, 68.

19. Health Services received crash program treatment and were given added impetus in 1965 by a critical World Health Organization investigation which reported a prevalence of tuberculosis and general sanitation poverty. U.N. Trustee-

programs in the islands.

A. *The Congress of Micronesia*

In 1964, the United States took a significant step toward giving the Micronesians a voice in their own government by creating the Congress of Micronesia.²² In addition to the immediate effect of providing a vehicle for representative self-government, a centralized political entity existed with which the Micronesians could identify *as a territory* for the first time in their history.²³

The Congress did not idly play the role of intermediary between the United States and the District governments. Instead, it first pursued the task of regaining control over Micronesian land.²⁴ Secondly, the Congress explored the rights of the territory under the United Nations in order to formulate a position on future political status.²⁵ These actions reflect two cohe-

ship Council, *Report of the World Health Organization on Its Investigation of the Complaints Contained on a Petition Concerning the Trust Territory of the Pacific Islands*, U.N. Doc. T/1647 (1966).

20. Under the appointment of M. Wilfred Goding as High Commissioner in 1961, the budget of the Trust Territory was increased from \$7.5 million to \$17.5 million. This rise continued steeply through the mid-sixties to \$60 million in fiscal year 1971. The door to tourism was opened by the granting of scheduled air service to Continental Air Lines, which in turn promised to build tourist hotels and develop air service. *See Cross of Micronesia, supra* note 3, at 67.

21. One of the steps taken by the U.S. to ameliorate American political development was the transfusion, by special Executive request in 1965, of massive doses of Peace Corps Volunteers (P.C.V.'s). The total number for the Trust Territory reached 665 in 1968, the greatest concentration of any host population. By learning the local customs and language and living with the people, the P.C.V.'s gave the Micronesians a look at a type of American different from the occasional Trust Territory government employee. The number of volunteers was reduced to 338 in 1971. U.N. Trusteeship Council, Provisional Verbatim Record, U.N. Doc. T/PV. 1362, at 32 (1970). *See also* Kahn, *A Reporter At Large: Micronesia Revisited*, *NEW YORKER*, Dec. 18, 1971, at 105.

22. Department of Interior Order No. 2882, September 28, 1964; 2 TRUST TERRITORY CODE § 101.

23. The Congress consists of two Houses: a Senate with two Senators from each District and a House of Representatives whose membership is based on population. Department of Interior Order No. 2918, December 27, 1968; 2 TRUST TERRITORY CODE § 105.

24. Article 6(2) of the Trusteeship Agreement charges the Administering Authority with securing the lands of the Trust against loss. The U.S. has done this by forbidding the alienation of land to non-Micronesians. However, the U.S. has the power of eminent domain within the territory, which has been an unhappy experience for the Micronesians on several occasions. 22 DEP'T STATE ANN. REP. TTPI 1 (1969). *See also Cross of Micronesia, supra* note 3, at 70.

25. DeSmith, *Options For Micronesia: A Potential Crisis For America's*

sive forces at work on a territory-wide basis: land control and a desire for self-determination over internal affairs.

While attempts to alleviate the land problem did not effectively progress, activities involving the political development of the territory did. The 1966 session of the Congress petitioned President Lyndon B. Johnson to create a commission to assess political alternatives open to Micronesia.²⁶ However, no action was forthcoming from the United States. As a result, in 1967, the Congress of Micronesia created its own Future Political Status Commission²⁷ to study the problem and to educate the people politically.

In June of 1968, the Status Commission issued an Interim Report dealing with factors which transformed previously dependent territories into independent ones.²⁸ The Congress was impressed. It appropriated an additional \$70,000 for another report subsequently issued as the Final Report of the Future Political Status Commission in July, 1969.²⁹ The Final Report rejected integration with the American constitutional system,³⁰ appraised the benefits and liabilities of independence,³¹ and recommended a status of "free association" with the United States based on United Nations Resolution 1541(XV).³²

The significance of these activities in the context of this study is that they were directed toward divesting foreign control, in whole or in part, from Micronesia. The Final Report's recommendation of "free association" did not define precisely what this meant in terms of the operating agencies of the governments involved. It addressed the issue of internal self-government only incidentally with statements to the effect that unity must be in harmony with decentralization. While it is logical to refrain from crossing the bridge toward self-government until it appears

Pacific Trust Territory, 3 N.Y.U. CENTER INT'L STUDIES 4 (1969) [hereinafter cited as *Options for Micronesia*].

26. *Id.*

27. *Id.*

28. These were reported as (1) local agitation; (2) U.N. pressure; and (3) influential friends. *Id.*, at 6.

29. See *Cross of Micronesia*, *supra* note 3, at 72. Since the publication of the Interim Report, the Future Political Status Commission had visited Nauru, Cook Islands, American Samoa, Fiji, and New Guinea. They had also retained Professor James W. Davidson of the Australian National University, advisor to the Cook Islands and Western Samoa's independent committees.

30. See *Options for Micronesia*, *supra* note 25, at 15.

31. *Id.*, at 10, 18.

32. See *Cross of Micronesia*, *supra* note 3, at 72.

to be a possibility, reflection at this stage could have revealed that the only common unifying force behind the Status issue was foreign domination and that significant problems would arise once this domination was relaxed.³³

B. First Status Talks 1969

The Micronesian Congress endorsed the Final Report of its Commission and undertook to carry its recommendations to the United States by creation of the Future Political Status Delegation.³⁴ This delegation was authorized to engage in discussions with the U.S. and to resolve the issue. After several interim meetings between both parties in Washington, an official United States delegation met with the Micronesian Delegation in Saipan from May 4 through May 8, 1970.³⁵ The approach of the United States delegation was essentially to present a blueprint offer of traditional Commonwealth status.³⁶ The Micronesian Delegation, on the other hand, set forth certain principles it desired to *negotiate*.³⁷ The results of the talks constituted a stalemate with the United States failing to negotiate and the Micronesians rejecting their proposals.³⁸

The substance of the United States' proposal took shallow cognizance of the form of internal self-government of the Territory except for the standard "boiler plate" requirement that it be "consistent with" the United States form of government.³⁹ The Micronesian position began to address this issue but it was never reached due to disagreement and the subsequent termination of the talks on other grounds. Indications were, however, that in

33. The U.N. especially recognized this fact and opposed the concept of "Micro States". See *Options for Micronesia*, *supra* note 25, at 8-10. A most revealing testimony to this caveat was the discovery that each District feared the taking of land for U.S. military bases. See *Cross of Micronesia*, *supra* note 3, at 62, 72.

34. L. & Res. Cong. Micronesia, 3d Cong., Pub. L. No. 3C-15 (Aug. 29, 1969).

35. For the detailed synopsis of these talks, see *Report of Political Status Delegation of the Congress of Micronesia* MICRONESIAN REPORTER 18 (3d Quarter 1970).

36. *Id.*, at 21, 26.

37. For example, sovereignty resides in the Micronesian people so that any association should be unilaterally revocable, and Micronesia shall be governed by a constitution under either Free Association or Independence. *Id.*, at 25, 26.

38. The three key issues found unacceptable by the Micronesian Delegation were U.S. control of land, laws, and future termination. *Id.*, at 24, 25.

39. *Id.*, at 21. In the area of recognition of governments, this position has historically proven to be an illusory criteria. See W. BISHOP, *INTERNATIONAL LAW CASES AND MATERIALS* 339-345 (3d ed. 1971).

support of a primary concern for preservation of traditional Micronesian culture, the Delegation favored preservation of District identities which would be autonomous from a central Micronesian authority. This position reflected the strong sentiment favoring District loyalties rather than a national territorial identity. To the perspicacious observer, this would present future difficulties in organizing a cooperative system of self-government.⁴⁰

The Delegation concluded its report to the Congress of Micronesia with some very positive recommendations designed to break this impasse.⁴¹ As a result of this and other factors influencing the United States position,⁴² the groundwork was established for another round of Status Talks in 1971. It should be observed that throughout this activity, the Micronesians have exhibited an intelligent and capable approach in their negotiating position,⁴³ and subsequent to the 1969 talks, the United States responded by establishing its own Office of Micronesian Status Negotiations to deal directly with the highest levels in the Executive Branch.⁴⁴

III. THE HANA-MAUI STATUS TALKS AND THE NEW CHALLENGE: CAN MICRONESIA ACHIEVE SELF-GOVERNMENT AS AN ENTITY?

The second round of Status Talks were held at Hana, Maui,

40. See Mihaly, *U.S. Strategy In the Western Pacific and the Micronesian Dilemma*, INST. INT'L STUD. 21 (U.C. Berkeley 1970).

41. Specific steps advocated were the commissioning of an economic study of free association versus independent status; seeking the assistance of the U.N. Committee On Decolonization (Comm. of 24) to advise and explain issues to the Micronesians; the retention of a Washington, D.C. based law firm to represent Micronesia's interests in the Capital (now a reality via the firm of Clifford, Warnke, Glass, McIlwain & Finney). A most important recommendation was for the convening of a constitutional convention to address the problem of internal self-government. See note 35, *supra*, at 29.

42. The releasing of Okinawa from U.S. control and the Nixon pullback from Vietnam both weighed against upsetting the friendly relations with the Trust Territory of the Pacific Islands.

43. In addition to retaining James W. Davidson, the Micronesian Status Committee retained Dr. Thomas Gladwin of Hawaii as an advisor on independence and Dr. Eugene B. Mihaly, University of California at Berkeley. See notes 29 and 40 *supra*. See also *Cross of Micronesia*, *supra* note 3, at 76, 77.

44. The President appointed Franklin Hadyn Williams (President of the Asia Foundation) as Ambassador to the Status Negotiations in March 1971; created the Office For Micronesian Status Negotiations in Washington in July 1971; and recalled Ambassador Arthur W. Hummel, Jr., from Burma, to head that office in August, 1971. See Dorrance, *Micronesia's Future Status: The Most Important Question*, MICRONESIAN REPORTER 13 (4th Quarter 1971). [hereinafter cited as Dorrance].

Hawaii in October, 1971. These talks were preceded by extensive preparation and organization by both sides.⁴⁵

The preliminaries were not without consequence. The United States came prepared to grant full internal autonomy and self-government to the Micronesians,⁴⁶ including control over all land and resources⁴⁷ and full power to protect traditional values and customs. Relations between the two countries would be governed by a Compact,⁴⁸ which would grant to the United States power over Micronesian foreign affairs⁴⁹ and defense, with termi-

45. The Third Congress of Micronesia endorsed the position of its Status Delegation at the Saipan talks and established a Joint Committee on Future Status to coordinate and continue the work of the Status Commission and Status Delegation. On the creation of the Status Delegation, *see* L. & Res. Cong. Micronesia, 3d Cong., Pub. L. No. 3C-15 (app'd Aug. 29, 1969). On the creation of the Joint Committee on Future Status, *see* House Joint Res. No. 102, L. & Res. Cong. Micronesia, 3d Cong., (app'd Aug. 14, 1970) and House Joint Res. No. 87, L. & Res. Cong. Micronesia, 3d Cong. (app'd Aug. 25, 1970). The Joint Committee also was authorized to study alternative forms of internal self-government. *See Cross of Micronesia, supra* note 3, at 84.

The United States delegation acknowledged the fact that what the Micronesians desired had no U.S. Constitutional nor historical precedent, and a wholly new approach unfettered by "textbook" definitions and concepts was adopted. The Department of Defense was required to come up with specifics in future land requirements. No "blueprint" offer in terms of a legislative draft bill was taken to the talks, but rather it was deemed that the talks would concentrate on substance, exploring with the Micronesians how best to reach an agreement that would respect each party's generalized obligations to one another's proposals. *See Dorrance, supra* note 44, at 13.

46. The U.S. specifically stated that the Micronesian form of self-government did not have to be "consistent with" the United States form of government, and the U.S. would have no right of amendment. F. Williams, REPORT BY THE PRESIDENT'S PERSONAL REPRESENTATIVE FOR MICRONESIAN STATUS NEGOTIATIONS ON THE HANA-MAUI, HAWAII TALKS, at 3 (Wash. D.C., Oct. 4-12, 1971) [hereinafter cited as Williams Report].

47. By this control, the U.S. would relinquish the power of eminent domain permanently. Military land retention was specified by the delegation, the outside limit being 3.8% of the total land in the Trust Territory with no requirements at all in the districts of Yap, Truk and Ponape. *Id.*, at 2, 3.

48. As stated in the Williams report:

We would assume that our agreement would be neither a treaty nor a unilateral legislative act on the part of the United States but would, rather, be a binding Compact with legal definition of its own and recognized as such by both parties and by the world community.

The Compact would be subject to the advance approval of the Congress of Micronesia and a final review and acceptance by the people of Micronesia as an expression of their full rights of self-determination.

The Compact would also be presented to both Houses of the United States Congress for approval and to the President of the United States for his signature.

See Williams Report, *supra* note 46, at 118, 119.

49. The government of Micronesia and its citizens are free to negotiate and

nation by mutual consent.⁵⁰

The terms stated by the Micronesians during the 1969 talks were, in principle, satisfied by this position.⁵¹ A subsequent meeting held in Palau on April 2-13, 1972, has substantially ameliorated existing problems.⁵² Other areas of lesser consequence,⁵³ such as the "details" of the relationship, have now become matters of primary concern. Simply stated, these "details" revolve around one key issue: Can Micronesia organize for self-government?⁵⁴

This issue is more than rhetorical; its affirmative answer is necessary before Micronesia can enjoy the autonomy she desires. The problem is a basic one: economics. Over ninety percent of Micronesia's public revenues are derived from United States assistance.⁵⁵ While these revenues are not necessarily contingent on future complimentary relations between the parties, they are contingent on the capability of the government to represent the population, determine priorities, and administer the economy in an equitable and efficient manner. United States federal assistance to Micronesia, such as mail, banking, educational and judicial programs,⁵⁶ available upon request after termination of the Trusteeship, were presented by the U.S. Delegation with a ubiquitous inquiry: What Micronesian authority will the U.S. be deal-

sign contracts which do not involve intergovernmental obligations and responsibilities. Micronesian participation in Regional Organizations is also permitted. See *Final Joint Communique*, in OFFICE OF MICRONESIAN STATUS NEGOTIATIONS, THE FUTURE POLITICAL STATUS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, OFFICIAL RECORDS OF THE FOURTH ROUND OF MICRONESIAN FUTURE POLITICAL STATUS TALKS, at 1-4 (KOROR, Palau, Apr. 2-13, 1972) [hereinafter cited as *Final Joint Communique*]. Note the *jure restionis*, *jure imperii* analogy of the Tate Letter. 26 U.S. DEP'T STATE BULL. 984 (1952).

50. See Williams Report, *supra* note 46, at 8.

51. See explanation in note 37 *supra*. The single most important area of disagreement was the requirement of mutual consent for termination of the compact. The crux of the Micronesian concern is that they do not believe they will be able to maintain their identity and internal self-control where U.S. consent is required for termination. See Williams Report, *supra* note 47, at 139. This fear corresponds to the opinions of their advisor Eugene Mihaly. See Mihaly, *supra* note 40, at 21. See also Stone, *Free Association Must Be Free*, by The Micronitor, March 28, 1972, p. 1, col. 1.

52. *Final Joint Communique*, *supra* note 49, at 3.

53. Kluge, *Looking Back*, MICRONESIAN REPORTER (2d Quarter 1972).

54. Heine, *The Most Important Question*, MICRONESIAN REPORTER (4th Quarter 1971). [hereinafter cited as Heine]. Mr. Carl Heine, a Micronesian, has often been referred to as the father of Micronesian unity.

55. Ramon, *Inside Ponape*, The Micronitor, May 23, 1972, at 8, col. 1.

56. See Williams Report, *supra* note 46, at 4, 5.

ing with in the administration of these services?⁵⁷

The mandate for Micronesia to organize itself for self-government is clearly visible. The only constraints emanating from the Hana-Maui talks were that the internal government could not conflict with the provisions of the Compact, and that a democratic form of government with a Bill of Rights be instituted.⁵⁸ This principle has already been embraced by the Micronesians.⁵⁹ These constraints are *de minimus* in relation to the eventual form of self-government.

With the prospects of internal control over land and revenues imminent, cooperation among the Districts ground to a halt.⁶⁰ A resurgence of District sentiment found Truk threatening to "go it alone" as an independent District, the Marshalls threatening secession, and Yap, Palau and Ponape adopting a "wait and see" attitude.⁶¹ The Marianas District voted to secede from the rest of the territory in order to seek closer association with the United States. On May 24, it sent a delegation to the United Nations to consolidate this action.⁶²

IV. THE FEDERATION AS A FORM OF GOVERNMENT AND SOME FEDERAL EXPERIENCES OF OTHER COUNTRIES

Federalism has never been "defined", but often "explained".⁶³ It would appear to be form rather than content, or a system rather than a rule. It is therefore best described in terms of elements and functions.

The classical elements of a federation are three: sub-unit, central unit, and constitution. The powers of the sub-units, (such

57. See OFFICE OF MICRONESIAN STATUS NEGOTIATIONS, FUTURE POLITICAL STATUS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS MICRONESIA, PROCEEDINGS OF THE SIXTH ROUND OF NEGOTIATIONS, at 8-9 (Barbers Point, Oahu, Hawaii, Sept. 28-Oct. 6, 1972).

58. See Williams Report, *supra* note 46, at 3.

59. CONGRESS OF MICRONESIA, REPORT OF THE FUTURE POLITICAL STATUS COMMISSION, 3rd Cong., 2nd Sess. 8 (Saipan, Mariana Islands, July 1969).

60. Heine, *supra* note 54.

61. Heine, *supra* note 54, at 20.

62. Interview with Paul C. Warnke, Member of the firm Clifford, Warnke, Glass, McIlwain & Finney, in Washington, D.C., May 25, 1972. [hereinafter cited as Warnke]. See firm reference in note 41 *supra*. See also The Micronitor, May 23, 1972, at 9, col. 2; Micronesia News Service (report) May 25, 1972, item No. 1.

63. See generally W. RIKER, FEDERALISM: ORIGIN, OPERATION, SIGNIFICANCE (1964).

as states) are shared with the central unit or the central government according to a pre-established formula, (such as a constitution). In the usual circumstance, the powers reserved to the states concern domestic matters including police, health, and safety powers. The power of the central government usually focuses on inter-state matters involving commerce and the power to enter into relations with foreign government.⁶⁴ This "mix"⁶⁵ of powers, or "balance"⁶⁶ between state and central governments exists not so much by precise planning and forethought, but by the *desires of the people to make it work*.⁶⁷

This desire to "make it work" comes from a belief that some positive benefits will be derived from this form of government. Riker⁶⁸ has delimited these benefits in two categories: (1) a desire to aggregate or expand territory; and (2) preparation for military-diplomatic threat or opportunity.⁶⁹ This is about as close as one can come to a federation in definition and explaining what makes it work.⁷⁰

A. *The British West Indies*

The decision to federate in the West Indies was not made in haste; four constitutional conferences were held between 1947 and 1957, supplemented by standing *ad hoc* commissions to examine various aspects of the plan.⁷¹ In 1957, the federation

64. *Id.*

65. See Trager, *On Federalism*, in WHY FEDERATIONS FAIL XI (1968) [hereinafter cited as *On Federalism*].

66. *Preface* to Adams, A DEFENCE OF THE CONSTITUTIONS OF GOVERNMENTS OF THE UNITED STATES OF AMERICA AGAINST THE ATTACK OF M. TURGOT IN HIS LETTER TO DR. PRICE at ii (3rd ed. 1797).

67. T. FRANCK, WHY FEDERATIONS FAIL 170 (1968) [hereinafter cited as FRANCK].

68. See *On Federalism*, *supra* note 65, at XIV.

69. Examples of unifying forces in the United States are the "winning of the West" and the war of independence. See FRANCK, *supra* note 67, at 184.

70. See *On Federalism*, *supra* note 65. From this point on one can only make value judgments drawn out of experience as to the success or failure of the federal system. It is useful to draw a distinction between a federation and confederation for purposes of an understanding of each. In a confederation, each sub-unit is fully sovereign, the central government serving little more purpose than the diplomatic interrelations of the sub-units. Any actions of the central government are on the sovereign states, not on the citizens. In a federation, the sub-units are sovereign only in some areas, the central government in others. Actions of the central government, as permitted by the constitution, devolve upon the citizens directly. BLACK'S LAW DICTIONARY 740 (Rev. 4th ed. 1968).

71. See Flanz, *The West Indian Federation*, in WHY FEDERATIONS FAIL 92 (1968) [hereinafter cited as Flanz].

materialized under the West Indian Constitution. In October, 1961, Jamaica seceded.⁷² In January, 1962, Trinidad and Tobago withdrew, and the West Indies Federation came to an end.⁷³

Publicists evaluating the causes for failure of what seemed to be a well planned venture cite factors that fall into three general categories: political, economic, and geographical/historical. The political factors derived from defects in leadership and the political institution.⁷⁴ Jamaican leaders were opposed to the federation for economic reasons and found it easy to undermine the referendum vote on federation. Furthermore, petty insularisms of other islands opposed national unity.⁷⁵ Lastly, there existed *no credible external threat* to subordinate these petty rivalries.⁷⁶ The economic factors centered around the more wealthy islands' unwillingness to bind themselves to support their poorer sister "states" in a federal scheme.⁷⁷ Geographically, the large inter-island distances, along with the historical tradition of isolationism among the island, were cited as obstructive to federalism.⁷⁸

It is interesting to note at this point that in searching for parallels to the Micronesian situation, most experts cautioned against expecting to find even the vaguest comparable precedent.⁷⁹ However, it seems that while not analogous in all areas, some of the factors found in the West Indies situation are so very similar to some conditions in Micronesia that it is worthwhile to point out that the West Indies collapse occurred independent of the present crisis in the Trust Territory.⁸⁰

B. *The Cook Islands*

The significant fact in relation to the government of the

72. *Id.*, at 101.

73. *Id.*, at 103.

74. See Flanz, *supra* note 71, at 113. "No factor or combination of factors has been as effective in bringing about the debacle as Sir Alexander Bustamante's catatonic insistence that the Federation should be destroyed." *The Torchlight* (Grenada Newspaper), September 22, 1961.

75. See Flanz, *supra* note 71, at 104, 115.

76. *Id.* See also Campbell, *The West Indies: Can They Stand Alone?*, 39 INT'L AFF. 336 (1963).

77. Jamaica possessed a rich bauxite industry, and Trinidad, oil. See Flanz, *supra* note 71, at 107, 108.

78. *Id.*, at 104, 106.

79. Other federations which were considered truly lacked analogous value, e.g., Malaysia, East Africa, and Rhodesia/Nyasaland.

80. This occurred in 1968. See Flanz, *supra* note 71.

Cook Islands is that it is not a federation. While there are some ingredients in their relations with New Zealand which are federal in nature, they are better characterized as "quasi-federal". Instead of a sovereign central government, they have a Council of State;⁸¹ instead of a constitution delineating the relationships between the Council of State and the sub-units, it delineates relations between sub-units, central government and the "mother country" of New Zealand.⁸²

Despite the lack of similarity to the classical federation, these quasi-federations are not uncommon in regard to mini-states administered by a stronger power.⁸³ They are recognized as operating as a "clearing house of benefits" to the weaker state, eliminating the reciprocal *quid pro quos* for co-operation between equal states utilizing *ad hoc* agreements.⁸⁴ The significant innovative feature of these arrangements is that they leave the political organs and prerogatives of national sovereignty largely unaffected by the unity brought to aspects of the economic and judicial systems, among others. Quasi-federations have been recognized as likely to succeed where a political federation would fail for lack of any common primary ideological commitment which is widely shared.⁸⁵

C. *Factors Affecting the Success of Federations*

A study of the multitude of variables under which federations have succeeded or failed makes it difficult to isolate and quantify the factors which might be used to predict their futures. Nevertheless, this has been attempted by a number of scholars, and the consensus of their findings is not without merit.⁸⁶

Classical federations which have proved successful, such as the United States, are observed to have begun with positive charisma for the value of federation, such as "winning the west". This is usually accompanied by common language and ethnic ties. This is not to say that these elements are *sufficient* for a

81. Cook Islands Constitution Act of 1964, N.Z. Stat. No. 69, Part I § 4 (N.Z.).

82. *Id.*, c. 5, 6 *et seq.*

83. See FRANCK, *supra* note 67, at 199 n.16.

84. *Id.*, at 194.

85. *Id.*, at 195.

86. In the classical sense, federations are considered "failures" when association of the sub-units and the central government according to the constitution ceases. See FRANCK, *supra* note 67, at 169, 170. See also R. WATTS, *NEW FEDERATIONS* (1966) [hereinafter cited as WATTS].

federation to succeed, but some scholars consider the supremacy of the political federal value as the *necessary* element.⁸⁷ While it is widely acknowledged that this element can be brought about by secondary factors, in most federations studied (including the West Indies) this primary factor existed *before* actual federation.⁸⁸

Therefore, it is important in the aforementioned context to realize that there is no "definition" of federation until a nation's leaders "design" it. This design process must account for the popular desires of the people. Historical "molds" should be avoided in the formulation.⁸⁹

Studies also indicate that factors such as common enemies, common challenges, common languages, and cultural values are *secondary* to the eventual success of the federation. These elements appear to be enough to bring a federation into being and provide a transitional step to the primary factor of ideological commitment to federalism. By themselves, however, unless the transition is made, the federation will probably fail.⁹⁰

V. FEDERALISM AND MICRONESIA

In considering federation as a form of government for Micronesia, this study focuses on detecting and evaluating the factors believed to be influential in the success or failure of a federal system. The "starting point" for the evaluation is the existence of five sub-units: the Palau, Yap, Truk, Ponape and Marshall Districts.⁹¹ Evaluation of detected factors will be in reference to whether or not the constitutional "formula" can successfully distribute power between the sub-units and some central government.

A. "Negative Indicators" for Micronesian Federalism

By far the biggest problem facing the Trust Territory is the disparate ethnic and district loyalties.⁹² Much of the background

87. See FRANCK, *supra* note 67, at 172.

88. *Id.*, at 177.

89. "Attempts to . . . federate little nations are doomed to failure if the efforts are imposed from the outside . . . and if the population has not been prepared." J. Rappaport, et al., *Small States And Territories: Status and Problems 57* (a UNITAR Study, 1971). *Accord, see* FRANCK, *supra* note 67, at 169.

90. *Id.*, at 172. *See also* WATTS *supra* note 86, at 47, 99.

91. The Marianas are assumed "out" of the Trust Territory insofar as federation is concerned.

92. *See Micronesia Disunity Will Be Worse Before It's Better*, Micronesia

data presented herein has shown the existence of these loyalties throughout foreign domination.⁹³ Foreign domination has been cited as the one unifying force in the Territory,⁹⁴ and is a reality of the U.S. Trusteeship also.⁹⁵ Since that threat is now relaxing, the regional loyalties are replacing territorial loyalties.⁹⁶

The Districts other than the Marianas whose isolationist sentiments seem to be the strongest are Truk and the Marshalls.⁹⁷ Truk's desire is for independence from the United States and not necessarily from the other Districts. Future status discussions may well ameliorate Truk's extreme position.⁹⁸ The Marshalls' paramount discontent with federation is economic in nature. However, there is also the feeling of more westernized "elitism" in the Marshalls than in the other District, thereby militating toward closer association with the United States.⁹⁹

This bodes ill for federalism in view of both the theoretical analysis of factors necessary for federation success,¹⁰⁰ and the parallel experience of the West Indies.¹⁰¹ The paramount "will to make the federation work" can hardly be extracted from any constitutional formula when that will is contrary to unity *per se*.¹⁰²

A factor somewhat related to District sentiments is the difficulty of educating a small population spread over a wide area concerning the political consequences of federation. To most Micronesians, federalism is associated with Americanization—some-

Star, June 26, 1971, at 7. See also *Cross of Micronesia*, *supra* note 3, at 80-83; Dorrance, *supra* note 44, at 12; Heine, *supra* note 54.

93. See text accompanying notes 1-13 *supra*.

94. See *Cross of Micronesia*, *supra* note 3, at 80.

95. The threat most feared in each District was the emplacement of U.S. military bases. See CONGRESS OF MICRONESIA, *supra* note 59, at 26.

96. See Heine, *supra* note 54, at 19; text accompanying notes 45-62, *supra*. See also *Domnick Still Wants Separate Negotiations*, the Micronitor, March 28, 1972, at 1, col. 3.

97. See *Cross of Micronesia*, *supra* note 3, at 82. See also *Anti-Independence Group Forms*, Micronesia Star, July 9, 1971, at 1; *Carl Heine Critical of Marshalls Proposal*, The Micronitor, March 28, 1972, at 1.

98. See text accompanying notes 61-62, *supra*. See also Heine, *supra* note 54, at 20.

99. See *Cross of Micronesia*, *supra* note 3, at 82.

100. See text accompanying notes 63-90, *supra*.

101. *Id.*

102. Alexander Hamilton in *The Federalist*, No. 1, stated that the most formidable obstacle to federation is *state* politicians resisting a diminution of their powers. THE FEDERALIST NO. 1 (A. Hamilton). This is no less applicable in Micronesia where district officials will have to accommodate inter-District influences with the coming of federation. Authorities cited note 97, *supra*. See text accompanying notes 107-116, *infra*, in regard to Marshalls District and money.

thing to be avoided.¹⁰³ The consequences of this will accrue if there is to be an eventual vote on a future political status change. The United Nations should undertake a program of political education of the populace to avoid the manipulation of the people's vote by self-interested legislators, as occurred in the West Indies.¹⁰⁴

Despite the existence of the Congress for over five years, no charismatic leader has appeared to rally the Districts together for national unity.¹⁰⁵ Powerful Micronesians have emerged from Defense Department revenues, but none of them have been willing to part with that power in the interests of national unity.¹⁰⁶

Economic differences between districts do not exist because of inherent natural resources or agriculture.¹⁰⁷ They exist because of the Trust Territory government salaries at Saipan¹⁰⁸ and military land rentals in the Marshalls.¹⁰⁹ In March, 1971, an income tax law was imposed throughout the territory,¹¹⁰ further boosting the revenues of the Marianas and the Marshalls.¹¹¹ This illustrates the parallels with the West Indies failure.¹¹² It shows the unwillingness of the wealthier sub-units to enter into an arrangement that would require them to divest part of their wealth in support of their poorer neighbors.¹¹³ After the Marianas pull-out, ample

103. See Heine, *supra* note 54, at 19, 20; *Options for Micronesia, supra* note 25, at 15.

104. In the British West Indies, the voters did not vote on the political concepts of federation or separatism, but whether federation would cut administrative overhead and be a profitable venture for the island. See FRANCK, *supra* note 67, at 197. Accord, for U.N. function, see Report, *supra* note 35, at 29.

105. See Heine, *supra* note 54, at 20.

106. See The Micronitor, April 4, 1972, at 7, col. 1.

107. These revenues are essentially equal throughout the Districts. See text accompanying notes 7-9, *supra*.

108. *HICOM Signs Tax Bill Into Law*, Micronesia Star, March 13, 1971, at 5, col. 3.

109. In addition to rentals for Eniwetok and islands in the Kwajalein Atoll, the U.S. Military pays \$420,000 yearly to keep four square miles of land vacant for missile testing. The Micronitor, December 24, 1970, at 1.

110. CONG. OF MICRONESIA, S. Bill 4, 4th Cong. (1971).

111. The Marshall Islands accounts for fifty-six percent (\$1.4 million) of all income in the Trust Territory; the Marianas for nineteen percent, with the remaining Districts accounting for the rest. See *HICOM, supra* note 108, at 1, col. 4.

112. See Flanz, *supra* note 71; and text accompanying note 77.

113. For example, it was stated that:

The Marshalls' desire to negotiate separately is not a cultural problem, rather it is a money problem with certain Marshallese leaders concerned about the amount of money from tax revenues being made available to the district. . . .

signals have issued from the Marshalls that they intend to avoid support of poorer Districts at all costs¹¹⁴ by following the Marianas lead.¹¹⁵

It would appear doubtful that any central government involving all Districts could be considered a federation without having power to apportion revenues among the Districts. If the Marshalls can somehow be considered in this group, not burdened with the economics of its sister Districts, then hope for federation may exist. Even then, however, it should be observed that "acquiescence" in a federal scheme is not enough. There must be some benefits derived therefrom.¹¹⁶

B. *Reasons Supporting a Micronesian Federation*

Paradoxically, the main reasons for a Micronesian federation come from the United States. The reasons do not deal directly with why the sub-units should unite, but rather point up the benefits of having a central representative body to deal with the United States. Even though the general principles of self-determination in internal affairs have been agreed upon by the United States, there will be extensive negotiations in the future to "work out the details". A united Micronesia will have a much better chance of obtaining the "details" each individual district desires¹¹⁷ as a group negotiator than they would negotiating independently.¹¹⁸

See Carl Heine Critical of Marshalls Proposal, *The Micronitor*, March 28, 1972, at 1.

114. *See Dominick, supra* note 96; *see also, Kabua, The Micronitor*, April 4, 1972, at 1.

115. The influence of the U.S. dollar on the Marshalls' leadership should not be underestimated. A shoddy effort involving Amata Kabua to torpedo the long awaited U.S. Senate Joint Resolution 30 (Micronesia War Claims) in an attempt to obtain more funds was barely averted by Senators Salii and Santos of the Marianas in April, 1971. *See Salii-Santos Declare Efforts to Stop TT War Claims Bill "Insane"*, *Micronesia Star*, April 24, 1971, at 1, and *Herrop-Freeman, id.*, at 9. A more recent behind the scenes maneuver involved Senator Kabua's conflicts of interest in criticizing a fishing survey in the Marshalls. *See The Micronitor*, May 23, 1972, at 5; *see also Kabua, The Micronitor*, January 11, 1972, at 1.

116. *See text accompanying note 90, supra.*

117. For example, economic and technical assistance from both U.S. and foreign countries; membership in the U.N.; regional organizations; import-export controls; and trade agreements. *See Williams Report, supra* note 46, at 87, 88.

118. For Advisor Mihaly's reaction, *see The Micronitor*, April 4, 1972, at 7, col. 1. *See also, Warnke, supra* note 62, and *Mihaly, supra* note 40, at 21.

A beginning has been initiated in principle at least, for a federated form of government. The Congress of Micronesia is visible and active as an operating organ analogous to a central government. The United States has negotiated a future political status on the implied assumption that it will be dealing with *one* Micronesian government.¹¹⁹ It has also encouraged and endorsed a "central government" concept.¹²⁰ It would seem logical to implement this concept to test its feasibility before casting aside the existing form without a trial effort. Perhaps from the contours of the constitution with some minor alterations in congress and sub-units, the primary factor of federal ideological commitment will emerge. At any rate, now would appear to be the time to try it¹²¹ while the institutions still stand.

It would appear that if the United States is to handle foreign affairs and defense¹²² for the Micronesians, such would be facilitated if there were one government with which the U.S. must consult rather than three to six. For this practical reason, in addition to those stated in its endorsements of a central government in Micronesia, the U.S. may prefer to see a federation emerge.

Despite the pre-occupation with District and ethnic cultures, there are indications that the younger Micronesians are bored with their culture.¹²³ This has been observed by the author in personal visits to the "outer islands" in the Marshalls. The sacrifice of territorial unity for the cause of cultural identity, therefore, may be more illusory than real. In this context, it is significant to note that the younger Micronesians in Hawaii advocating independence do so on a *Territorial* basis, not District.

The life style of the Micronesians is primarily enhanced by United States services and programs including mail, banking, health, and education. The United States has offered to extend these services after termination of the present Trusteeship at the

119. At the Fourth round of Status Talks at Palau, the United States and Micronesia agreed that their future relations would be governed by a compact—implying unity in both parties. See The Joint Communiqué, *supra* note 49.

120. See Williams Report, *supra* note 46, at 108.

121. See Warnke, *supra* note 62.

122. In the defense area, the objective is *denial*, much more easily implemented by being able to control the Trust Territory as a unit rather than as three to six separate district governments. See *Cross of Micronesia*, *supra* note 3, at 77, 78.

123. Kahn, *A Reporter At Large: Micronesia Revisited*, in *The New Yorker Magazine*, December 18, 1971, at 108.

request of the Micronesian government providing appropriate U.S. laws and regulations will govern these services.¹²⁴

It is realistic to assume that many of these services will be continued after a new status is achieved. It would appear that the uniform influence of these programs and laws would, at least to some extent, render District "individuality" less distinct and more susceptible to co-operation with sister Districts. This is but part of a larger realization that the revenues and hence the life-style upon which the entire Territory has come to depend is a substantial element of a continuing commonality which can be best administered by a federation.¹²⁵

A somewhat political aspect of future economic assistance from the United States also points to the creation of a central governmental authority. It is the realization that if, in the future, the Districts apply for United States aid on an individual basis, the United States will administer funds by much the same procedure as does the Trust Territory government now. In other words, the decision as to the amount allocated to each District would be a United States decision. If, on the other hand, a central Micronesian government obtains funds for the entire territory, then Districts will be dealing with Micronesian authorities, and the decision as to the amount to be dispersed to each District will be a *Micronesian* decision.

The biggest question mark remaining in uniting the Territory involves the Marshal Island District. The Districts of Palau, Yap, Truk and Ponape will most likely consider some form of union as in their best interests in order to obtain such benefits as future aid.¹²⁶ Whether the Marshalls can be united in this grouping depends on: (1) the position the United States adopts regarding a separate status; (2) the influence of the Berkeley and United Nations advisors; and (3) the terms of the arrangement effecting the union. Of these factors concerning the Marshalls' unity, the first is the most important because the United States' attitude will influence greatly the terms of any future agreement.

Even if a suitable plan for union is achieved, it should be recalled that this will not be a federation in the classical sense, but a

124. See Williams Report, *supra* note 46, at 49.

125. For a scholarly treatment of how Micronesia can wrest itself from the U.S. economy and become truly independent, see Albers, *Micronesian Independence: An Economic Problem*, *Micronesia Star*, September 11, 1971, at 7.

126. See *Cross of Micronesia*, *supra* note 3, at 82.

"quasi-federation" involving a third-party stronger nation.¹²⁷ The requirements for the success of the "quasi-federation" are much less severe,¹²⁸ and quite analogous to the Micronesian situation.

In retrospect, the two biggest factors which will influence the prospects for federation are District sentiments and economic discrepancies between Districts, both *negative* factors.¹²⁹ However, as has been shown, these factors are not without ameliorating arguments.¹³⁰ It should seem that the attitude of the people toward a federative scheme will be the primary factor in Micronesia, as it has been in other countries.¹³¹ If this is assured, all else will follow.¹³²

VI. CONCLUSION

As long as Micronesia remains economically dependent on the United States, the United States laws and policies will be influential. Economic dependence appears to be the reality, at least in the immediate future. In view of these circumstances, a united central Micronesian authority in a united territory is considered to be the best method for dealing with the United States and the Districts.¹³³

The organ for such a united territorial authority already exists in the Congress of Micronesia. The advantages of the Congress as a future central authority are twofold: first, it already exists as an operating body; and second, it is identified by the population as a popular *Micronesian* institution. The governmental structure for federal unity within the territory is available and should be given a chance to work.

While the elements of a federation (sub-units and central authority) are present, the constitutional *formula* or *mix* uniting these two structures depends upon the desire of the people to make this *formula* work. This in turn requires that discernable

127. See text accompanying notes 81-85, *supra* (Cook Islands).

128. See *On Federalism*, *supra* note 67, at 195.

129. See text accompanying notes 92-106, *supra* (Negative Indicators).

130. See text accompanying notes 117-132 (Reasons Supporting).

131. See *On Federalism*, *supra* note 67, at 172.

132. Interview with Professor Stanley D. Metzger, Georgetown University Law Center, Washington, D.C., March, 1972.

133. See, Warnke, *supra* note 62; Heine, *supra* note 54; Mihaly, *supra* note 40, at 21; and DeSmith, *supra* note 25, at 8, 9.

benefits exist in the federal form of government.¹³⁴ Overwhelming opinion in the case of Micronesia indicates that they do.¹³⁵

The people's awareness and acceptance of these benefits depends on their leaders. Micronesian leaders themselves must overcome petty District self-interests¹³⁶ and continue in the spirit of territorial unity which has brought them to the threshold of Free Association. The willingness of the Micronesian leadership to do this will be a major factor in federal unity.¹³⁷

In a larger sense, the issue before the Micronesians is not one of safety or well-being, but one of identity. The desire for self-determination has brought them to the point where they have control over their own affairs for the first time in 400 years. Whether there is a "Micronesia" which can emerge as an entity from this, or simply a number of island groupings preferring to exist under a stronger country's trust, is the case to be proven.

134. See text accompanying notes 64-70, *supra*.

135. See note 133, *supra*.

136. See note 115, *supra*.

137. See text accompanying note 74, *supra*. See also Heine, note 54, *supra*.