

DECLASSIFIED ~~CONFIDENTIAL~~

In reply refer to:
I-11087/69

OB2
7

12 APR 1985
DoD 5200.1-R (1-603)
M.J. Cirino

25 September 1969

MEMORANDUM FOR COMMANDER EDWIN A. KUHN, USN
EA&PR/OSD/ISA

SUBJECT: Proposed Micronesia Political Status Act -
United States Occupancy Agreements

The United States use and occupancy agreement to the following
language:

"b. Condition of Assignment. (A) Use
to be consistent with Trusteeship Agreement. The
use to which the land is put by the United States
of America thereunder shall be consistent with the
provisions and purposes of the Trusteeship Agree-
ment relating to the Administration of the Trust
Territory of the Pacific Islands."

Comment.

We have reviewed this provision and we are
concerned that it might become confusing once the Micronesia
Political States Act comes into force. We understand however
that this may be a sensitive subject for the Micronesian people.
It would therefore not seem to be appropriate to attempt to
amend these agreements either as a package or separately -
partially because it is our understanding that other issues
may also be raised contrary to the interests of the United
States.

On the other hand, it would appear that safe-
guard language should be added to Section 150(a) to the effect
that:

~~CONFIDENTIAL~~

121
10 410583

"The use of all land presently held by the United States by its agreements with the Government of the Trust Territory of the Pacific Islands for use and occupancy shall be consistent with the public purposes of the United States."

Although this language does not expressly say so, it would appear that if the public purposes of the United States differ from the provisions and purposes of the Trusteeship Agreement, they will override those provisions and purposes. On the other hand, it would not appear that the agreements would be subjected to onerous burdens if the provisions and purposes of the Trusteeship Agreement coincide with the public purposes of the United States for obvious reasons. It would appear that the provisions referring to the Trusteeship Agreement is intended to reflect the United States commitments for administering the Trust Territory, but once the Micronesia political Status Act comes into force the Trusteeship Agreement in large measure may be considered as null and void as far as these provisions are concerned.

I would like to have your comments on the above.

SIGNED

Harry H. Almond, Jr.
Office of the Assistant General Counsel
International Affairs

cc: Mr. Stephen Boyd/St. Dept.
Mr. C. Brewster Chapman/Dept. of Interior

Mr. Niederlehner
Master Chron
Circulating
Subject: ILP- ~~Proc. W. Rep. on~~
Trust Territories