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~~EXCISE~~

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January 17, 1972

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY B. H. BAAS DATE 4/16/87

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TO : Ambassador Hummel  
 FROM : L/UNA - Ronald F. Stower RS  
 SUBJECT: TTPI: US Draft Compact

Attached to this memorandum is the first draft of a compact which would reflect our status proposal as we have so far expressed it to the Micronesians. A number of sections are not filled in, principally because we have not yet formulated our own position on the relevant details.

This is not an attempt to modify Senator Sali's draft Compact to suit our goals. Although in this draft I have used his language occasionally where our interests coincided, I doubt that this is wise in any draft we may eventually show the Micronesians. (Selective use of his words will appear to constitute summary rejection of those not repeated.)

(b)(1)  
 (a) BT  
RS

I propose this draft not as a model on which we should base our next proposal; in fact many changes appear to be in order. Because the Micronesians are now toying with compact language I did feel, however, that it might be useful to you and Ambassador Williams to have a rough idea of how our present position might compare in the same medium. As we further develop our thinking particularly in the next month you might also wish to have a draft of alternatives we could propose in the future.

Although we agreed and stated at Hana that the U.S. should not table a detailed blueprint for Micronesia's future, now that we have had preliminary discussions, it might be appropriate to consider proposing in March our own

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draft compact for them to consider. We would not submit a draft of a Constitution, to which the Micronesians were understandably sensitive earlier, but we would make clear our ideas concerning the Compact, in which we certainly have as legitimate an interest as theirs.

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(b)(1)  
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AAS

Attachment:

Draft Compact.

L/UNA:RFStowe:mab

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PREAMBLE

The Government of the United States of America and the Congress of Micronesia,

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Desiring, upon termination of the Trusteeship over the Trust Territory of the Pacific Islands, to establish a new and enduring relationship between them, agree as follows:

PART I

ARTICLE 1

The people of Micronesia and their duly constituted Government shall have full authority to govern the internal affairs of Micronesia, including the right to adopt, amend or revoke their own Constitution, provided only that that Constitution shall remain consistent with the provisions of this Compact and that it shall continue to guarantee the same rights and freedoms designated in Article 7 of the Trusteeship Agreement relating to the Trust Territory of the Pacific Islands.

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ARTICLE 1A

The Constitution of Micronesia shall enter into force upon . . .

ARTICLE 2

The people of Micronesia shall have the right freely to adopt and revoke (any) democratic form of government of their choice in accordance with Article 1 of this Agreement.

ARTICLE 3

The people of Micronesia possess the (sovereign) right of self-determination (and may, therefore, choose their own future political status.)

ARTICLE 4

The Government of the United States shall retain only such rights and responsibilities with respect to Micronesia as are set forth in this Compact or as otherwise mutually agreed.

ARTICLE 5

Citizens of Micronesia shall be nationals but not citizens of the United States, in accordance with Annex A of this Compact.

PART II

FOREIGN AFFAIRS AND DEFENSE

ARTICLE 6

The United States undertakes the responsibility for the conduct of all matters which in the opinion of the United States Government relate to defense and foreign affairs in Micronesia. The United States agrees that international commitments made on behalf of Micronesia will be preceded by close and regular consultation with the Government of Micronesia.

ARTICLE 7

In accordance with its responsibilities under Article 6 of this Compact the United States shall extend consular assistance and diplomatic protection to Micronesians traveling abroad.

ARTICLE 8

The Government of Micronesia shall have full authority to negotiate directly with foreign states or individuals agreements in those areas of trade and

commerce agreed in consultation with the Government of the United States. (The United States undertakes to agree to the broadest possible scope for that authority, consistent with its responsibilities under Article 6. (-or- subject only to major concerns in the areas of foreign affairs and defense.)

ARTICLE 9

9  
The Congress of Micronesia agrees that no country other than the United States shall be permitted to establish military bases within the territory of Micronesia or to conduct military operations of any kind whatsoever therein without the express consent of the Government of the United States. No vessels of other countries serving any military purpose or possessing any intelligence gathering capability shall be permitted entry into Micronesian waters without that same consent.

ARTICLE 10

Citizens of Micronesia who are otherwise qualified shall be given the opportunity to volunteer for service

in the Armed Forces of the United States, but shall be exempted from involuntary induction into military service unless they assume permanent residence in the United States.

ARTICLE 11

The United States and Micronesia shall conclude an agreement concerning the stationing of American personnel on United States military installations within the territory of Micronesia. That agreement shall remain in force as long as those installations are maintained in Micronesia or until ~~it is~~ otherwise amended by mutual consent.

PART III

TRAVEL AND TRADE BETWEEN THE UNITED STATES  
AND MICRONESIA

ARTICLE 12

Citizens of Micronesia, as nationals of the United States, shall not be subject to U.S. immigration laws and hence shall have the privilege of unrestrained entry into and exit from the United States (and shall have all the rights and responsibilities of nationals therein except as otherwise specially provided). Citizens or nationals of the United States shall have the privilege of unrestrained entry into and exit from Micronesia.

ARTICLE 13

The Government of Micronesia shall have full discretion over the immigration and emmigration policies of Micronesia, except as provided in Article 12 or as necessitated by security considerations expressed by the United States pursuant to its responsibilities under Article 6.



PART IV

U.S. ECONOMIC ASSISTANCE, FEDERAL PROGRAMS  
AND SERVICES

PART V

JUDICIARY

PART VI

LAND USE AGREEMENTS  
(General)

PART VII

AMENDMENT & TERMINATION

Article \_\_\_\_\_

Either party may propose amendments to this Compact. Amendments shall enter into force upon the consent of both parties.

Article \_\_\_\_\_

Either party may propose termination of this Compact after it has been in force at least five years. The party to which such a proposal is made shall reply within three months from the time that proposal is received and shall negotiate in good faith to resolve any remaining differences. This Compact, including the rights and obligations of each party thereunder, except as provided in Article \_\_\_\_\_, shall be terminated <sup>at a time agreed</sup> upon ~~the consent of~~ <sup>by</sup> both parties.

Article \_\_\_\_\_

Termination of this Compact shall not affect the legal status of any rights and obligations set forth in Articles \_\_\_\_\_, \_\_\_\_\_, (etc.) which are to be provided for also in a separate agreement between the

United States and Micronesia concerning the use of military bases and the denial of foreign military activity in Micronesia.

Article \_\_\_\_\_

Disputes between the parties relating to the interpretation of provisions of this Compact shall be settled by negotiation between the parties. If after \_\_\_\_\_ months from the commencement of these negotiations there has in the opinion of either party been insufficient progress toward resolution of that dispute, a tribunal consisting of one representative from each party and a third member chosen by the consent of the other two shall be constituted and shall by procedures agreed among them render an opinion on the dispute which shall be binding on both parties.

PART VIII

FINAL CLAUSES

ANNEX A

(1) For as long as this Compact remains in force the following persons and their children are declared to be nationals but not citizens of the United States; \_\_\_\_\_

(a) All inhabitants of or persons born in Micronesia and their children who resided in the territory of Micronesia on July 18, 1947, including those residents of Micronesia temporarily absent from the territory of Micronesia on that date, who after that date continued to reside in Micronesia and who have taken no affirmative steps to preserve or acquire a foreign nationality;

(b) All persons who by birth or naturalization have become citizens of the Trust Territory of the Pacific Islands between July 18, 1947 and the effective date of this Compact and who are within the Trust Territory or otherwise subject to the jurisdiction of the United States and have taken no affirmative steps to preserve or acquire a foreign nationality.

(2) Any person described in (1) above who is a citizen or national of a country than the United States, and who desires to retain his present political status, shall make a declaration under oath of such desire within two years after the effective date of this Compact, or within six months after attaining the age of 21 years, whichever comes later, such declaration being made as prescribed by regulations. Having made such a declaration, any such person shall not be a National of the United States by virtue of this provision.

(3) The term "Micronesia" as used in this section shall refer to that area of the Trust Territory of the Pacific Islands within the Districts of Palau, Yap, Truk, Ponape and the Marshalls, but not to the District of the Marianas.