

COMPACT

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF TERRITORIES
WASHINGTON

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17 March 1972

First cut on Ron Stowe's Draft Compact

- Special Agents
- Future agents

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PART I

Section 101

Micronesian
Constitu-
tion

The people of Micronesia and their duly consti-
tuted government shall have full authority to govern
the internal affairs of Micronesia, including the
right to adopt, amend or revoke their own Constitu-
tion; provided only that

- (a) that it shall guarantee to the inhabitants
of Micronesia freedom of conscience; freedom
of speech, of the press and of assembly;
freedom of worship and of religious teaching;
freedom from unreasonable search and seizure
and from cruel or unusual punishment; and
freedom of migration and movement, and
(b) that Constitution shall remain consistent
with the provisions of this Agreement.

① How reconcile
Constitution Compact

Section 102

Micronesian
Government

The people of Micronesia shall have the right
freely to adopt and alter their own system of self-
government in accordance with section 101 of this Compact.

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Micronia

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Section 103

Micronesian
Self-
Determina-
tion; Sov-
eignty

The people of Micronesia, in the exercise of their right of self-determination, may in the event of termination of this Compact freely choose their own future political status, including sovereign independence or free association with any state or group of states.

Section 104

U.S.
Authority

The United States shall retain only such rights and authority with respect to Micronesia which are necessary to fulfill its responsibilities as set forth in this Compact or as from time to time mutually agreed.

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PART II

FOREIGN AFFAIRS AND DEFENSE

Section 201

Foreign
Affairs

Notwithstanding any other provision in this Compact, the United States shall have responsibility for the conduct of all matters which relate to foreign affairs in Micronesia. Micronesia and the United States agree to establish channels for close and regular consultations on matters concerning Micronesian foreign affairs, and in particular the United States agrees to such consultation before international commitments are made on behalf of Micronesia.

Section 202

Consular
Assistance

In accordance with its responsibilities under section 201 the United States agrees to extend consular assistance and diplomatic protection to Micronesians traveling outside of Micronesia or the United States.

Section 203

Micronesian
Authority
in Foreign
Affairs

The United States and Micronesia shall agree on areas of foreign commerce, technical, cultural and

educational exchange, certain responsibilities for which shall be exercised by the Government of Micronesia with the consent of the United States.

Section 204

Defense

The United States shall have responsibility for the conduct of all matters concerning defense in Micronesia, including protection of Micronesia against armed attack or threats thereof as well as activities relating to the security of the United States or to its international obligations. The United States shall endeavor to ensure that the activities of its forces stationed in Micronesia shall in no way interfere with the legitimate rights of the people of Micronesia except as essential for the protection and safety of life and property.

Section 205

Denial

Micronesia agrees that no country other than the United States shall be permitted to establish military base

or conduct military operations of any kind within the territory of Micronesia without the express consent of the United States. No vessels of other countries serving any military purpose or possessing intelligence gathering capability shall be permitted to enter Micronesia waters without the consent of the United States.

Section 207

Coast
Guard

The United States shall continue to provide Coast Guard protection as well as emergency air and sea search and rescue assistance to the people of Micronesia.

Section 208

Military
Service

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 not be subject to involuntary induction into military service unless they become (permanent residents of the United States).

Section 209

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The legal status of United States military personnel / and U.S. citizen civilian employees while stationed in Micronesia shall be established in a special agreement which shall continue in effect for so long as such personnel are stationed in Micronesian territory.

Section 210

Base
Rights

The Government of Micronesia agrees that the United States shall have the right to exclusive use and control of military facilities specified in Annex A(I) of this Compact. That right shall continue for the duration of this Compact and, except in the event of termination pursuant to suggestion by the United States, for a term of _____ years thereafter on the same terms which were in force at the time of termination.

Before the expiration of that _____ year period the United States and Micronesia shall agree to the renewal of those base rights on mutually acceptable terms. If by the end of that period no mutually satisfactory agreement has been reached the past agreement may be temporarily extended by mutual consent while negotiations are continued. However, after the end of that _____ year period either Micronesia or the United States may declare its intention to discontinue the negotiations. From the date of such declaration the United States shall have _____ years during which to withdraw completely from any base the lease for which has not been renewed.

Section 211

Option
Rights

The Government of Micronesia grants to the United States the option to lease for defense purposes the areas specified in Annex A(II) according to the terms set out therein.

Notwithstanding any provision of Section 210, those leases shall remain in force for at least _____ years from the time they are exercised.

Section 212

If in the exercise of its responsibilities under Section 205 the United States should require areas within the territory of Micronesia other than those specified in Annex A, the Government of Micronesia agrees to give sympathetic consideration to any such request by the United States and to negotiate in good faith a mutually acceptable agreement for the temporary use of such areas, unless that request is considered by the Government of Micronesia to be in irreconcilable conflict with fundamental welfare of the Micronesian people.

Section 213

The United States agrees that in its use of military facilities in Micronesia it will endeavor to protect the surrounding environment from permanent or irreparable damage.

Section 214

Notwithstanding any other provision of this Compact, the United States shall not have the right of eminent domain over any land in Micronesia.

PART III

UNITED STATES ASSISTANCE TO MICRONESIA

Section 301

Currency The currency of the United States shall be the official legal tender of Micronesia until such time as the Government of Micronesia shall adopt its own currency.

Section 302

Banking The Government of Micronesia shall have authority to establish and regulate the operation of banks in Micronesia. The United States shall provide advice and assistance to Micronesia in the establishment of such system, including, on mutually agreed terms, the opportunity to participate in United States federal banking programs.

Section 303

U.S. Federal Programs and Services The United States shall, in accordance with relevant United States laws and regulations, extend to Micronesia such United States federal domestic

programs and services as are from time to time mutually agreed. Either the United States or Micronesia may, in accordance with the agreement to extend those programs and services, request and effect the termination of any such program or service.

PART IV

Section 401

Application
of U.S.
Law

The Government of Micronesia shall, by legislation or other legal means, require and enforce compliance within its jurisdiction with the United States laws and regulations referred to in section _____. The United States reserves the right to exercise concurrent jurisdiction with the Government of Micronesia to adjudicate alleged violations in Micronesia of those laws and regulations, and the Government of Micronesia agrees to respect and enforce in good faith the decisions of both Micronesian and United States courts in their exercise of that jurisdiction.

Section 402

The Government of Micronesia shall also, by legislation or other appropriate legal means, require and enforce compliance within its jurisdiction with

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United States laws relevant to its responsibilities for foreign affairs and defense in Micronesia. The Government of the United States reserves the right to exercise jurisdiction to adjudicate alleged violations in Micronesia of the United States laws referred to in this section and to enforce the decisions of United States courts in such cases. Enforcement of those laws and judicial decisions shall be effected whenever appropriate and possible through Micronesian authorities.

Section 403

(Right of
Appeal to
U.S. Court
of Appeals
from Micro-
nesian
Courts)

Section 404

The laws of the Trust Territory of the Pacific Islands in force on the effective date of this Act, except as modified by this Compact or pursuant to approval of the Micronesian Constitution, are hereby continued in force, subject to modification or repeal by appropriate authority.

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PART V
TRADE AND COMMERCE

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Section 501

U.S. Treat-
ment

The United States shall grant to Micronesian goods and commerce treatment as favorable as it extends to any foreign country.

[Alternative Section 501

The United States agrees to the principle of duty-free entry of Micronesian goods into the United States and undertakes to develop detailed rules and procedures to apply that principle to goods of Micronesian origin.]

Section 502

Micronesia shall extend to goods exported from the United States treatment as favorable as that extended to goods from any other country.

Section 503

The Government of Micronesia shall have the authority to change or eliminate import duties and other regulations including internal charges, laws

and conditions governing the importation of and
commerce in goods from outside of Micronesia,
subject only to compatibility with United States
obligations under Part II of this Compact.

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PART VI
CITIZENSHIP AND NATIONALITY

Section 601

Micronesian
Citizen-
ship

The Government of Micronesia shall have the authority to establish criteria for Micronesian citizenship.

Section 602

U.S. Na-
tionality

The United States and Micronesia agree that the following persons shall be nationals but not citizens of the United States:

(a) All inhabitants of or persons born in Micronesia, and their children, who resided in 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

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date of this Compact [and who are within the Trust Territory or otherwise subject to the jurisdiction of the United States] and who have taken no affirmative steps to preserve or acquire a foreign nationality;

(c) All persons who become citizens of Micronesia in accordance with criteria established pursuant to section 601 after the effective date of this Compact, who have had that citizenship status for at least five years, and who have resided in Micronesia for at least three of those five years.

Section 603

Foreign
Nation-
ality

Any person described in section 602 who is a citizen or national of a country other 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 becoming 21 years of age, 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.

PART VII
IMMIGRATION AND TRAVEL

Section 701

Micronesians
in U.S.

Citizens of Micronesia who are United States nationals shall be free to enter, reside in or leave the United States at any time in accordance with the privileges of that nationality.

Section 702

U.S. Citizens
in Micro-
nesia

The Government of Micronesia may establish, amend or revoke laws and regulations concerning immigration or travel of non-Micronesians in Micronesia, subject to security considerations. Micronesia agrees that citizens of the United States will be treated at least as favorably as any other non-Micronesians in this regard.

Section 703

Nothing in this Compact shall affect the right of the United States Government to enact, amend or repeal any law concerning nationality, citizenship, or immigration,

PART X

AMENDMENT AND TERMINATION

Section 1001

Amendment

This Compact may be amended at any time upon the mutual consent of Micronesia and the United States and in accordance with their constitutional processes.

Section 1002

Termination

(a) This Compact may be terminated by mutual consent of the parties at any time during the first twenty-five years after it enters into force.

(b) Thereafter it may be terminated unilaterally by either party in accordance with the following provisions:

- (1) This Compact may be terminated by the Government of the United States upon the consent of each House of the United States Congress and with the approval of the President, in accordance with United States constitutional processes.

(2) This Compact may be terminated by the Government of Micronesia upon the affirmative vote of two-thirds of each House of the Micronesian legislature and the approval in referendum of two-thirds of the Micronesian public voting in such a referendum. At least ninety days must elapse between introduction of such a measure in the legislature and its approval by that legislature, and at least sixty days must elapse between the time of final legislative approval and the date of the public referendum.

(3) Termination of this Compact shall in no way alter the rights and obligations of the United States or of Micronesia with regard to agreements concerning base rights and the denial of foreign military activity in Micronesia which may have been mutually concluded during the operation of this Compact.

(c) If termination of this Compact is agreed pursuant to section 1002(a), that termination shall become effective on a date mutually agreed by the parties. If termination is effected pursuant to section 1002(b) without mutual, that termination shall be effective not less than one year from the date that the appropriate criteria of that subsection are satisfied.

PART XI

EFFECTIVE DATE

Section 1101

Effective
Date

This Compact shall enter into force on a date mutually agreed by Micronesia and the United States. That effective date shall be preceded by approval of this Compact and of a Micronesian Constitution by the people of Micronesia, by approval of this Compact by the United States Government, and by agreement by the President of the United States that the Constitution of Micronesia is consistent with the provisions of this Compact.

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PART XII

DISPUTE SETTLEMENT

Section 1201

Disputes between the Governments of Micronesia and of the United States which relate to the interpretation of provisions of this Compact shall be settled by negotiation between those governments. If after _____ months from the commencement of those negotiations there has in the opinion of either party been insufficient progress toward resolution of the 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 on that dispute an opinion which shall be binding on both parties.

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