

8 June 1972

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MEMORANDUM FOR CAPTAIN GORDON SCHULLER, USN
ISA/EA&PR

SUBJECT: Working Draft - Defense Treaty United States/Micronesia.

Introduction.

1. The attached working draft of a defense treaty between the United States and Micronesia - prepared by way of fall back anticipates an agreement with Micronesia as a "sovereign" State and is submitted for comments and discussion only. It should be circulated amongst other departments including the JAGS once the general format is reviewed by us.

2. The attached draft is based on the Korea/United States "Mutual" Defense Agreement but I have omitted the term "mutual" in the draft for obvious reasons. The SOFA already prepared in working draft would of course supplement this agreement.

Comments.

I call attention to the following:

1. The Preambles, and Articles I, III, V and VI remain unchanged except for identifying Micronesia, and except for a change relating to collective defense in the Preamble. Therefore, as written, the draft presupposes that the United States would assume the defense of Micronesia, and that "efforts" by Micronesia would be limited to providing bases. This presupposition will call for further discussion.

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12 APR 1985

DoD 5200.1-R (1-603)

M. J. Caffino

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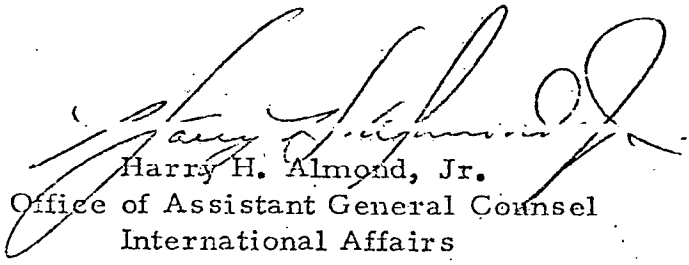
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2. Article II - rewritten - adds in the idea of "threat" to enable the United States to have greater freedom of action in taking defense/security efforts. Secondly, an additional paragraph has been added, giving the United States its use and access to bases and facilities. Broad language is used particularly in the provision for "full authority" at the close of this paragraph.

3. Article IV - rewritten - provides the "sole" and "exclusive" grant of the right to deploy United States forces, to be given more detailed treatment in a separate agreement. The separate agreement should be negotiated with and made part of the Defense Agreement. The intent here is that no other State shall have this right. It therefore operates as a denial to the armed forces of any other State - unless, of course, changed by mutual agreement.

4. The final Article (VI) is self evident.


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

Encl

cc: Col. A. Smith, JCS
Col. Kenyon, FMRA/ISA

DEFENSE TREATY BETWEEN THE UNITED STATES
OF AMERICA AND (MICRONESIA)

The Parties to this Treaty,

Reaffirming their desire to live in peace with all peoples
and all governments, and desiring to strengthen the fabric of
peace in the Pacific area,

Desiring to declare publicly and formally their common
~~determination to defend themselves against external armed~~
attack so that no potential aggressor could be under the
illusion that either of them stands alone in the Pacific area,

Have agreed as follows:

ARTICLE I

The Parties undertake to settle any international disputes in
which they may be involved by peaceful means in such a manner

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that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the Purposes of the United Nations, or obligations assumed by any Party toward the United Nations.

ARTICLE II

The Parties will consult together whenever, in the opinion of either of them, the political independence, territorial integrity or security of either of the Parties is threatened by external armed attack. The Parties will jointly maintain and develop appropriate means to deter armed attack and will take all suitable measures in consultation and agreement to implement this Treaty and to further its purposes.*

*Implementing Agreement can be separately drafted once the general content is known.

To this end, the United States shall have complete and unconditional freedom to use and have access to all ^{existing} bases and facilities, ^{or bases and facilities for which future options are in effect,} maintained by it within the territory of Micronesia, and full authority to maintain the security and defend such bases and facilities at all times against [external armed] attack and to take all necessary protective measures commensurate with the threats of such attack.

ARTICLE III

Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance

with its constitutional processes.

ARTICLE IV

(Micronesia) grants, solely and exclusively to the United States of America and the United States of America accepts, the right to dispose United States land, air and sea forces in and about the territory of (Micronesia) as determined by ^{the terms of the compact} mutual agreement. ¹¹

ARTICLE V

This Treaty shall be ratified by the United States of America and (Micronesia) in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Washington.

? (*) i. e. detailed determination including SOFA provisions would be the separate agreement.

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ARTICLE VI

or for a minimum of

This Treaty shall remain in force indefinitely, [Either Party

— years after implementation.

may terminate it one year after notice has been given to the other

Party.)]

Note: *(at time of unilateral termination)*
An implementation, and length of
survivability of rights after
implementation article is more
desirable than the above.

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