

Dept. State
Legal Advisor (?)

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TITLE I

INTERNAL SELF-GOVERNMENT

Section 101

Micronesian
Constitu-
tion

(a) The people of Micronesia and their duly con-
stituted government shall have full authority to govern
the internal affairs of Micronesia, including the right
to adopt, amend or revoke their own Constitution.

(b) The Constitution of Micronesia 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.

(c) The Constitution of Micronesia shall remain
consistent with the provisions of this Compact.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY J. FELDMAN DATE 1/8/86

RDS or XDS EXT. DATE _____

TS AUTH. _____ REASON(S) _____

ENDORSE EXISTING MARKINGS

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Section 102

Micronesian
Government
Structure

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

Section 103

Micronesian
Self-
Determi-
nation

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 the right to become a [sovereign and] independent state or to enter into free association with any state or group of states, in accordance with Part X of this Compact.

Section 104

U.S.
Authority

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

TITLE II

FOREIGN AFFAIRS AND DEFENSE

Section 201

Foreign
Affairs

The United States shall have full authority over all matters which relate to foreign affairs of Micronesia, notwithstanding any other provision of this Compact.

(a) The Governments of Micronesia and of the United States each have a right to consult the other at any time on matters concerning the foreign affairs of Micronesia and they shall establish official channels to facilitate such consultations on a close and regular basis.

(b) The authority of the United States shall include the right to apply to Micronesia any appropriate international treaty or agreement to which the United States is a party. The Government of Micronesia agrees to enact whatever appropriate domestic legislation may be required for the enforcement of such treaties or agreements. However, the United States shall conclude international treaties or agreements which apply to Micronesia but not to the United States only with the consent of the Government of Micronesia.

Section 202

Consular
Assistance

The United States shall extend consular assistance and diplomatic protection to citizens of Micronesia traveling outside of Micronesia or the United States.

Section 203

Micronesian
Authority
in Foreign
Affairs

The United States shall separately set forth those areas of foreign commerce, technical, cultural and educational exchange, for which the Government of Micronesia, with its consent, shall exercise certain responsibilities.

Section 204

Air
Commerce

The authority of the United States under Section 201 shall include the right to regulate air commerce to [and among] the districts of Micronesia. This authority shall be exercised in close consultations with the Government of Micronesia. The United States shall obtain the consent of the Government of Micronesia before granting any new authority to domestic or international carriers to provide service to Micronesia.

Section 205

Defense

The United States shall have full authority for the conduct of all matters concerning defense in Micronesia, including the right to protect Micronesia against armed attack or threats thereof, the right to conduct activities relating to the security of the United States and the right to exercise its responsibilities for international peace and security. The United States undertakes to ensure that the activities of its forces stationed in Micronesia shall be conducted with full regard for the welfare and safety of the people of Micronesia.

Section 206

Military
Facilities
Denial

The United States shall have the exclusive right to establish and maintain military bases and to conduct military activities within the territory of Micronesia, and shall have full freedom of access to such bases and facilities. No other country shall enjoy such rights or access within the territory of Micronesia without the express consent of the United States. The United States shall have the right to establish and maintain military facilities in the Marshall and Palau Districts as provided in Annex A of this Compact. The rights specified in this Section shall continue for the duration of time set out in the military base agreements contained in that Annex, which shall be an integral part of this Compact.

(Plus Annex.)

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Section 207

Coast
Guard

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

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Section 208

Military
Service

Citizens of Micronesia who are otherwise qualified in accordance with United States law shall be eligible 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

Legal Status
of US
Military
Personnel,
etc.

The legal status of United States military personnel, of U.S. citizen civilian employees, and of their dependents, while stationed in Micronesia shall be established by mutual agreement which shall remain in effect for so long as such personnel are stationed in Micronesian territory or United States military base rights remain in force.

Section 210

Eminent
Domain

The United States Government shall have no right of eminent domain over land in Micronesia. If in the exercise of its responsibilities under Section 205 the United States should require areas within the territory of Micronesia in addition to those specified in Annex A, the Government of Micronesia shall give sympathetic consideration to any such request by the United States and shall negotiate in good faith a mutually acceptable agreement for the use of such areas.

Section 211

Environment

In its use of military facilities in Micronesia the United States shall endeavor to protect the surrounding environment from permanent or irreparable damage.

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[Section 212

Issue: Possible Defense agreement for application
after termination of Compact.]

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PART III

FINANCIAL AND ADMINISTRATIVE PROVISIONS.

Section 301

The United States Government agrees to assist the people of Micronesia in their efforts to maintain and develop effective public services and a growing economy in the following manner:

Financial Assistance

(a) The United States shall provide (fill in after Constitutional Convention) an annually appropriated sum of at least _____ for unrestricted use by the Government of Micronesia in providing public facilities and services to the people of Micronesia.

(b) The United States shall establish a matching fund with an annual maximum of _____ which shall be available to (fill in after Constitutional Convention), for use in providing educational and other local public services, in a ratio of five dollars from the matching fund for every one dollar of district tax revenues raised in each district.

U.S. Federal Programs and Services

(c) The United States may, subject to approval by the Congress of the United States, extend to Micronesia such United States federal programs and services as are from time to time mutually agreed. The Government of the United States reserves the right to modify or withdraw such programs or services at any time after appropriate consultations with Micronesian authorities.

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Section 303

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.

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Section 304

Banking

The Government of Micronesia shall have full 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 the opportunity to participate in United States federal banking programs in accordance with applicable United States laws and regulations.

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Section 305

Postal
Services

In accordance with Section 301(c) of this Compact the United States shall provide in particular regular postal services to the People of Micronesia.

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PART IV

APPLICABLE LAWS

Section 401

TTPI Laws
continued

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

Section 402

The Government of Micronesia shall by legislation or other appropriate legal means ensure compliance within its jurisdiction with United States laws and policies relating to its responsibilities for foreign affairs and defense in Micronesia. In the adjudication of cases involving United States responsibilities for foreign affairs and defense under this Compact, there shall be an automatic right of appeal from the highest Micronesian court to the United States Ninth Circuit Court of Appeals.

Section 403

The Government of Micronesia shall, by legislative or other legal means, require and enforce compliance within its jurisdiction with the United States laws and regulations relevant to any federal program or service which is extended to Micronesia.

PART V

TRADE AND COMMERCE

Section 501

U.S. Treat-
ment

The United States shall grant to Micronesian goods and commerce treatment no less favorable than that extended 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.]

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Section 502

The Government of Micronesia shall extend to goods and services from the United States treatment no less favorable than that extended to goods from any other country.

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Section 503

Import,
Control

The Government of Micronesia shall have the authority to establish, 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.

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. Nationality

The United States and Micronesia agree that the following persons shall be nationals 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 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 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 physically resided in Micronesia for at least three of those five years.

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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 citizenship or nationality, 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.

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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 laws of the United States. Citizens of Micronesia who are not United States nationals shall be accorded treatment as aliens for these purposes.

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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, consistent with the foreign affairs and defense responsibilities of the United States. Micronesia agrees that citizens of the United States will be treated at least as favorably as any other non-Micronesians in this regard.

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Section 703

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

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PART VIII

REPRESENTATION AND CONSULTATION

Section 801

Liaison
Offices

The Government of the United States and of Micronesia agree to establish in the central seat of Government of Micronesia and in Washington, D.C., respectively official Liaison Offices for the purpose of maintaining close and regular consultations on matters of mutual interest to them.

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PART IX

DISPUTE SETTLEMENT

Section 901

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.

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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.

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Section 1002

Termination

(a) This Compact may be terminated by mutual consent of the Parties at any time during the first fifteen 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 in accordance with its established 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 base rights, denial of foreign military activity in Micronesia, or other defense agreements which may have been mutually concluded before or during the operation of this Compact. Such agreements, including the relevant provisions of this Compact, shall be terminable only according to their own provisions.

(c) If termination of this Compact is effected 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), that termination shall be effective not less than one year from the date that the Party terminating notifies the other that the appropriate criteria of that subsection had been satisfied.

PART XI

EFFECTIVE DATE

Section 1101

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