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DoD 20 July 1972 R

ANNEX A

UNITED STATES BASES AND OPTIONS

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see comment
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1. Presently existing rights of the United States in land and water areas, and in all facilities constructed by the United States shall continue in full force and effect upon the same terms and conditions. ^{b.} The United States shall have the right to acquire land or interests in land, and water areas or interests in water areas, for such uses as harbor facilities, research and development facilities, base sites, communications facilities, airfield facilities and operating rights, training rights and maneuver rights, as specified ~~in the following paragraphs.~~ ^{hereafter} The Signatories ^{to this Compact} shall assure the United States the availability of all such lands, waters, and interests therein, and shall further assure ^{as to all such lands, waters and interests therein} the United States all rights accorded under this Compact ~~or subsequently acquired by the United States.~~ Such rights and uses, and the measures taken for their protection and defense, shall not be restricted. The rights specified in this paragraph, in existing agreements, or in any agreements negotiated in the future with respect to the use of land or facilities or both in Micronesia, shall, notwithstanding the terms of the Compact, extend in full force and effect to the termination date set forth in those agreements. Should those agreements terminate before the Compact, the signatories to this Compact shall assure that they may be extended, through negotiation on reasonable terms and conditions, for the period specified in Title XI of this Compact.

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2. General:

- A. The United States rights to occasional use or emergency use of all harbors and airfields throughout Micronesia constructed with United States Government funds shall continue.
- B. The United States rights to use of existing Coast Guard facilities within the terms of existing agreements shall continue.

3. Marshall Islands:

- A. The United States shall control those lands and waters within the Kwajalein Atoll, associated with and currently controlled as part of the Kwajalein Missile Range, the land portion of which encompasses approximately 1,320 acres. This control shall be exercised within the terms of existing or subsequent leases and other use agreements.
- B. In the Bikini Atoll, the United States rights to use 1.91 acres on Ourukaen and Eninman islets, and to use the pier, airfield, and boat landing on Eneu Island shall continue. These rights were retained when the indefinite lease of this atoll was terminated and the islands released to former owners.
- C. In the Eniwetok Atoll, existing United States rights shall continue.

4. Palau Islands:

- A. In Malakal harbor and adjacent waters, the United States shall have unrestricted access and anchorage rights, together with acquisition rights to 40 acres within the Malakal harbor area, composed of submerged land to be filled and adjacent fast land.
- B. The United States shall have the right to operate from an airfield capable of supporting military jet aircraft, the right to improve the airfield to meet military requirements and specifications, and the right to develop an adjacent exclusive use area for aircraft parking,

maintenance and operational support facilities, including personnel support facilities.

- C. On the island of Babelthuap, the United States shall have the right to acquire 1,500 to 2,000 acres for exclusive use, along with the right for non-exclusive use of an adjacent area encompassing 25,000 to 30,000 acres, for ground force training and maneuvers.
5. The areas and facilities referred to in paragraph 3 and 4 above are shown, although not definitively, by the maps attached hereto.

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TITLE III

DEFENSE

Section 301

The Government of the United States shall have full responsibility for and authority over all matters which relate to defense in Micronesia.

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Section 302

(a) The defense responsibility and authority of the United States Government provided for in Section 301 shall include:

- (1) The defense of Micronesia, its people and territory, from attack or threats thereof.
- (2) The *right* ability to prevent third parties from using Micronesia for military purposes; and
- (3) The use of United States military bases which are established in Micronesia for the security of the United States, and to support its responsibilities for the maintenance of international peace and security.

(b) The Signatories further recognize and agree that in order to discharge these rights and responsibilities the United States is guaranteed the full and unencumbered right to protect all United States military facilities in Micronesia, and full freedom of use and access to all facilities and areas used for the conduct of military activities.

Section 303

(a) The Government of the United States shall have the exclusive right to conduct military activities and establish, maintain and use military facilities and areas in Micronesia. Annex A, which obligates the Signatories to assure the availability of those rights, facilities and areas, is an integral part of this Compact.

(b) If in the exercise of its rights or responsibilities under this Title the United States Government should require the use of areas within the territory of Micronesia in addition to those specified in Annex A on the effective date of the Compact, the Government of Micronesia shall give sympathetic consideration to any such request by the United States and shall negotiate in good faith and on reasonable terms an acceptable agreement for the use of such areas.

(c) Any agreement for the use of land for United States military facilities and areas concluded after the effective date of this Compact shall be included in Annex A.

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Section 304

(a) The Government of the United States, having the exclusive right to conduct military activities and to establish, maintain and use military facilities and areas within the territory of Micronesia, may invite military units of other countries to use such military facilities and areas for the conduct of military activities.

(b) Notwithstanding the provisions of paragraph (a) above, no other country shall enjoy such rights in or access to Micronesia at any time, without the express consent of the United States Government.

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Section 305

The legal status of United States military personnel, of United States citizen civilian employees, and of their dependents, while stationed in Micronesia shall be established by mutual agreement. That jurisdictional agreement shall come into force simultaneously with this Compact.

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Section 306

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, as determined by United States law.

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Section 307

The Government of the United States and the Government of Micronesia shall consult at any time requested by either of them on matters relating to defense. Notwithstanding the full responsibility and authority of the Government of the United States in defense, the Government of the United States shall, to the extent possible without prejudice to the fulfillment of its defense responsibilities, accommodate the expressed wishes of the Government of Micronesia.

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