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I-12971

18 September 1972

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

MR. PHILIP E. BARRINGER
ISA/FMRA

MR. H. MARCUSE
DEPARTMENT OF JUSTICE

SUBJECT: Proposed Sections for the TTPI Compact.

Attached are two sections. Section 502 has been rewritten to shorten the version prepared by Mr. Marcuse, and is subject to his acceptance. The additional section is for the purposes of discussion. It does not require implementation but only - to the extent that Micronesia is able to decide upon its affairs - requires conformance with international law. Although presumptively not a member of the United Nations upon getting "free association," the provision relating to the Charter of the United Nations is merely to incorporate its provisions.

SIGNED

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

Att.

cc: GC
Chron
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21

Section 502.

(a) Treaties and international agreements applicable to Micronesia as of the date of this Compact, or applicable under Section 202 of this Compact, shall have the force of the internal law of Micronesia, subject to the following:

i. They shall be presumed to be self-executing, if the United States has not enacted implementing legislation at the time of their proclamation by the President.

ii. With respect to all other treaties or international agreements, the Government of Micronesia shall enact implementing legislation which shall conform with the corresponding legislation enacted by the United States, consistent, however, with local conditions.

iii. In the event that the Government of Micronesia fails to enact implementing legislation within a period of _____ after the enactment of implementing legislation by the United States, the United States legislation shall have the force of

the internal law of Micronesia, pending and until
the enactment of implementing legislation by
Micronesia.

(b) The Government of Micronesia undertakes to comply
with and to enforce in good faith the treaties and international
agreements set forth in Paragraph (a) of this Section.

(c) Reletter. No change proposed here.

Section 13xx.

(Proposed)

The Government of Micronesia in its relationships with the United States and other States shall carry out its activities in accordance with international law, including the Charter of the United Nations.

Top paragraph of page 6: Rewrite.

The existing leases and all new leases to be entered into under the Compact are subject to the provisions of Title III. In other words the leases and the rights, authority and responsibility as well as the obligations of the United States and Micronesia relating to defense matters must be carried out in large measure through the use of bases and in particular the leased lands.

Although there are a number of matters to be taken up in this connection and we hope to take them up at this negotiating session, we will expect that the overriding force of the Compact will and must apply, and that the Government of Micronesia will assume sufficient authority and power under the Compact to make it effective and applicable.