

9/22/72

AGREED DRAFT

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.

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 to prevent third parties from using the territory of 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 Government of the United States may conduct all activities and operations on the lands and waters in the territory of Micronesia necessary for the exercise of its responsibility and authority under Section 302 (a).

Section 303

(a) The Government of the United States shall have the

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exclusive right to establish, maintain and use military areas and facilities in Micronesia, the 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.

(b) The Government of Micronesia shall assure the United States the rights and uses in the lands and waters specified in Annex B, which shall be an integral part of this Compact.

(c) If in the exercise of its authority and responsibilities under this Title the United States Government requires the use of areas within the territory of Micronesia in addition to those specified in Annex B, on the effective date of the Compact, requests may be made of the Government of Micronesia to satisfy these requirements. The Government of Micronesia shall establish suitable procedures to provide prompt response to any such request by the United States, and shall negotiate in good faith to achieve on reasonable terms an agreement for the use of such areas.

(d) The agreements for the lands and waters listed in Annex B shall conform with the provisions of this Compact and such agreements shall not contain any limitations on the use of such lands and waters which conflict with the basic authorities and responsibilities of the United States under Sections 301, 302, and 303 of this Title.

(e) The rights and uses specified in this Compact, and in

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agreements existing upon the entry into force of this Compact, shall at the option of the United States extend in full force and effect for the period specified in this Compact, unless a particular agreement provides for a longer term. Whenever agreements are extended, the terms of such agreements relating to payment shall continue, unless amended by mutual agreement.

Section 304

(a) No country other than the United States shall enjoy the right to conduct military activities or to establish and maintain military facilities and areas within the territory of Micronesia at any time.

(b) The United States Government may invite military units of other countries acting in conjunction with and under control of United States forces to utilize such military facilities and areas.

(c) The rights accorded the United States in paragraphs (a) and (b) above may not be assigned to any other country.

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.

Section 306

Citizens of Micronesia who are otherwise qualified in accordance

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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.

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. While not derogating from its full responsibility and authority in this area, the United States will 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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ANNEX B

(a) Pursuant to Sections 302 and 303 of the Compact, the parties agree that the rights and uses of the United States in the lands and waters of Micronesia shall include:

(1) Marshall Islands

- a) Within the Kwajalein Atoll, continuing rights for the use of those lands and waters associated with and currently controlled as part of the Kwajalein Missile Range, the land portion of which encompasses approximately 1,320 acres.
- b) In the Bikini Atoll, continuing rights for use of 1.91 acres of Ourukaen and Eniman islets, and to use the pier, airfield, and boat landing on Eneu Island.
- c) In the Eniwetok Atoll, retention of such use rights as may be negotiated upon return of the atoll.

(2) Palau Islands

- a) Access and anchorage rights in Malakal harbor and adjacent waters, together with rights to acquire 40 acres for use within the Malakal harbor area, composed of submerged land to be filled and adjacent fast land.

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- b) Rights for the joint use of an airfield capable of supporting military jet aircraft (the proposed airfield at Garreru Island reef, or Babelthuap airfield/Airai site), the right to improve that airfield to meet military requirements and specifications, and the right to develop an exclusive use area for aircraft parking, maintenance and operational support facilities.
  - c) On the island of Babelthuap the right to acquire 2,000 acres for exclusive use, along with the right for non-exclusive use of an adjacent area encompassing 30,000 acres, for intermittent ground force training and maneuvers.
- (3) Continuing rights to occasional or emergency use of all harbors, waters and airfields throughout Micronesia.
  - (4) Continuing rights to use of existing Coast Guard facilities.
- (b) Agreements for lands and waters specified in paragraph (a) above are listed below. All agreements for the use of lands and waters concluded after the effective date of this Compact, and all modifications to any agreement under this Title, shall conform to the provisions of this Compact and shall be listed in this Annex.

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