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I-13232

25 September 1972

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

SUBJECT: Working Paper - "Charter" - Subcommittee on  
Lands.

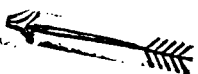
The attached "charter" is provided solely in terms of a working paper. Once it has been reviewed a simple perhaps shorter charter can be used to guide the efforts of the above Subcommittee. Additional provisions might be considered with the aid of the JAGN.

The final draft might be informal, but at least one accepted by and used by the two delegations to avoid confusion and misunderstandings.

SIGNED

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

cc: GC. Barringer, ISA  
Capt W. Crowe, Dept of Interior

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File: ILP - TTPE 

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10-63618

25 September 1972

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

MR. PHILIP E. BARRINGER, ISA/FMRA

CAPT W. CROWE  
DEPARTMENT OF THE INTERIOR

SUBJECT: Working Charter - TTPI - Subcommittee on Land and  
Land Uses.

A. Purposes and Objectives.

The Subcommittee on Land and Land Uses shall undertake studies and prepare the necessary background papers and work to meet the following objectives:

-Identify in the broadest form, the areas intended to be used by the United States for military purposes; no attempt shall be made to reach precision in either the exact acreage needed, nor the exact boundaries or locations of these areas will be required.

-Identify the general uses to be made of the sites to be used for military and defense purposes. Such uses shall be for the purpose primarily of identification and shall in no event be conclusive or limiting. The purpose of such identification shall be solely to indicate the uses and intended occupancy against the broadest expectations or anticipated needs, not to provide specific or detailed positions, nor to establish the time or duration of such uses.

-Identify possible future uses and needs. Attempt also to identify the amount of acreage will be required for such uses. Attempt to identify uses and access both to land areas or areas not under lease should defense objectives become more extensive than the direct protection of the bases themselves.

**B. Powers and Functions.**

The Subcommittee shall have the following powers and functions in undertaking its tasks:

-To identify, determine and if possible resolve issues between its members concerning the use occupancy and location of land to be included under the defense powers of the United States.

-To make recommendations or provide advice to the delegations regarding their findings, with the understanding that all such findings shall be advisory in nature and not conclusive.

-To recommend other areas of inquiry and to engage in those areas with the consent of the delegations.

-To engage in such other tasks as might be delegated to them by the delegations.

-To meet at such times as necessary to accomplish the above purposes, and to provide through their work the necessary on-site review of the land sites under consideration, the appropriate charts and maps, contour maps, and the like, required by the delegations for their use.

**C. Preparation of Reports and Studies.**

-All reports and studies shall be prepared by the Subcommittee - acting under a Chairman or Joint Chairmen, and with a rapporteur, and shall include the (a) report of the majority of the Committee and (b) any positions which are taken which are inconsistent with the majority position. The positions taken by the Subcommittee including the minority positions shall be provided solely for the information of the delegations and shall in no way be binding upon them. (This proposal is perhaps controversial and might be either modified or omitted depending upon policy considerations apart from the legal considerations).

-All reports and studies shall be submitted to the delegations and by them to the Congress of Micronesia and to the United States Government for review. (As in the previous proposal, this format may also be too technical for the present workings of the Subcommittee).

D. General Limitations.

-All reports, studies and recommendations shall be consistent with and shall not derogate from the provisions in the Compact, its Annexes, or other agreements made part of or incorporated in the Compact.

-The identification by the United States of needs or uses not set forth in the Compact or exceeding them shall be received in good faith by the Micronesian members, with the understanding that such identification is made solely in terms of anticipated genuine needs; the United States will undertake in turn to return any lands which are not needed or which in its best judgement will not be needed for military and defense purposes.

**SIGNED**

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