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MEMORANDUM

October 24, 1973

TO: Captain Scott  
Office of Micronesia Status Negotiations (OMSN)

FROM: EA/ANP - John C. Dorrance *off for*  
L/EA - O. Thomas Johnson *off for*

SUBJECT: Micronesia - Draft Compact of Free Association

OMSN's October 3 memorandum requested comments of concerned agencies on the Draft Compact of Free Association. Following are our initial comments on what we consider to be the key problem areas in the draft. We may have further comments on additional sections at a later date. We specifically reserve comment on Section 401 and 402 which have not yet been provided.

Section 403

Add the following as a new second sentence in sub-section (a):

"The U.S. Postal Service and the U.S. Federal Aviation Administration shall have the same regulatory authority within Micronesia as they would were Micronesia a state of the United States."

If the FAA and the Postal Service are to provide services in Micronesia they, of course, should also have the regulatory authority which goes along with the provision of their services in the United States. We concur in the changes in this Section suggested by Interior.

Section 502

We endorse Defense's rewrite of sub-section (a).

We would leave sub-sections (b) and (c) unchanged except for the deletion in those sub-sections of the term "generally recognized principles of international law". We believe sub-section (c) should be retained because a commitment to regard international obligations as internal law does not appear as satisfactory a commitment as one directly obliging Micronesia to abide by such obligations. Future Micronesian governments would not be obligated by this compact, nor should

DEPARTMENT OF STATE A/CDC/MR  
REVIEWED BY *V. Friedman* DATE *10/18/73*  
FOI OF FOI EXEMPTIONS  
DATE  
REASON(S)  
EXCESS EXISTING MARKINGS  
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RELEASE DENIED

*Not clear*

*166*



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they be, to abide by their own internal law.

Section 503

We would change sub-section (a) to read as follows:

"The Government of Micronesia shall adopt and enforce such measures as may be necessary (1) to protect the personnel, property, installations and official information maintained by the Government of the United States in Micronesia pursuant to this compact and (2) to ensure the effective implementation of the services and programs provided by the Government of the United States in Micronesia pursuant to this compact. Such measures shall follow the corresponding United States statutes and regulations as closely as possible consistent with local conditions."

We further suggest that the enumerated offenses of sub-section (a) be deleted. We do not believe that they are necessary inasmuch as sub-section (b) adequately protects our interests in the face of inadequate Micronesian action. We further believe that this enumeration is harmful in that it may lead to assertions that Micronesian action is required with respect only to the listed offenses.

More generally, in order for this section to be acceptable to the Micronesians we believe that it must be reciprocal. There should be added some language regarding the protection of Micronesian offices in the United States.

Section 504

We do not understand the purpose behind sub-section (b).

Section 505

We would change this section to read as follows:

"The Government of Micronesia and the United States Government shall cooperate with each other in the pursuit, capture and delivery to appropriate authorities of fugitives from justice who have fled from the jurisdiction of one party to that of the other. The precise terms of this mutual obligation shall be the subject of a separate agreement between Micronesia

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and the United States which shall come into force simultaneously with this compact. This agreement shall survive termination of this compact pursuant to Section 1102(b)."

We believe this language is somewhat more precise, especially in its reference to fugitives from justice.

Sections 601, 602 and 603

For reasons of clarity we would change Sections 602 and 603 to read as follows:

"Section 602 The Government of the United States will grant to Micronesian goods treatment no less favorable than that extended to goods from any foreign country.

"Section 603 The Government of Micronesia will grant to United States goods treatment no less favorable than that extended to the goods of any foreign country."

More generally, we believe that fallback language is required which provides for (a) mutual duty free entry of US and Micronesian products or (b) non-reciprocal duty free entry into the United States of Micronesian products. Although the latter position has not yet been conceded to the Micronesians, the United States Delegation at the Hana and Koror talks agreed that the United States, if necessary, could agree to such a non-reciprocal arrangement.

Section 604

We would add the following sentence to sub-section (c):

"That responsibility will be exercised consistently with all applicable FAA regulations."

This addition is to make clear that the responsibilities to be exercised by Micronesia are those which might be described as CAB functions and not FAA responsibilities assuming the FAA is to have authority in Micronesia.

Section 701

We would change the word "may" to "will".

Sections 702, 801 and 802

The Micronesians may not agree that Micronesian

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citizens will also be US Nationals. Though desirable, the latter status is not essential to US interests. Accordingly, alternative language should be developed, possibly providing for something like resident-alien status for purposes of obtaining entry into and residency in the United States. Perhaps there could be provision for a Micronesian referendum on the question of US Nationality.

Section 901

We believe the Inter-Agency Group should discuss the question of whether the Compact should provide for some sort of privileges and immunities for the official representatives of either party in the territory of the other. This would be especially important with respect to taxation matters.

Section 1001 (concerning environment)

We endorse the change suggested by Defense if the word "favorable" in their language is replaced with "restrictive".

Section 1001 (concerning dispute settlement)

We suggest that we delete any reference to dispute settlement in our initial presentation. Should it later become necessary to include a dispute settlement provision we believe our proposal should provide for some specific arbitration machinery in addition to a general requirement that disputes be settled by negotiation. We would suggest that this machinery take the form of a three member arbitration board -- one member selected by each party, the chairman to be selected by the original two members. Other machinery would be acceptable so long as it did not include a role for an international organization.

Section 1102

We believe that we cannot press for a two-thirds majority in the Congress of Micronesia and in a termination referendum. If we insist upon a two-thirds majority (as against a simple majority), we must be prepared to commit the US Congress to similar procedures, and also be prepared to accept a two-thirds majority condition in the Micronesian plebiscite which will initially consider the compact. Obviously neither condition is acceptable.

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Section 1103

Although not opposed in principle to this section, we believe it requires further consideration and discussion by the Inter-Agency Working Group.

Section 1201

We would change, for reasons of clarity, Section 1201 to read as follows:

"(a) The Compact shall be approved by the United States according to its constitutional processes;

"(b) The Compact shall be approved by Micronesia if a majority of those voting in a referendum to be held in Micronesia vote in favor of the Compact. All persons who would be eligible to vote in elections for the Congress of Micronesia, if such elections were held on the day the referendum is conducted, shall be eligible to vote in the referendum. In determining whether a majority has voted for or against the Compact, only the affirmative and the negative votes shall be counted."

Section 1202

We would change Section 1202 to read as follows:

"This compact will come into effect, following its approval pursuant to Section 1201, on the date announced by the President of the United States as the date on which the Trusteeship Agreement between the United States and the Security Council of the United Nations for the former Japanese Mandated Islands has been terminated or will terminate."

We do not believe the enumeration of conditions precedent to the Compact's coming into effect is necessary. Furthermore, the Micronesians will probably object to subparagraphs (2) and (3). In particular, the implication that the President must specifically approve the Micronesian constitution will be unacceptable. The Compact will not be submitted to the President and to the US Congress until these conditions are met -- so why flag them in an objectionable manner?

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Sections 1301 and 1302

These sections are obviously redundant.

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TITLE IV

FINANCIAL PROVISION

Section 401

The Governmtn of the United States, in order to assist the people of Micronesia agrees subject to the provisions of this Compact, <sup>AND TO CONCURRENCE THROUGH AUTHORIZATION AND APPROPRIATION BY THE US CONGRESS</sup> to provide the Government of Micronesia a sum not to exceed \$ million annually. This total will comprise the following categories of assistance:

[DOTA]

[DOTA]

(a) Funds for <sup>THE UNENCUMBERED</sup> [unrestricted] use by the Government of Micronesia [toward the costs of the Central and District Government s and for Micronesia governmental] <sup>FOR</sup> programs and OPERATIONS OF THAT GOVERNMENT OR ANY SUBDIVISION THEREOF AS AUTHORIZED BY THE GOVERNMENT OF MICRONESIA services and captial improvement projects for the welfare of the people of Micronesia;

(b) Funds to cover the payment for U.S. Federla programs <sup>& SERVICES</sup> which may be requested by the Government of Micronesia and extended to Micronesia with the approval of the Government of the United States in accordance with the provisions of Section 403 <sup>(b) & (c)</sup>.

(c) Funds for rentals and other payments under agreements negotiated pursuant to Title III and Annex B of this Compact, which will constitute a first claim upon the <sup>FUNDS</sup> ~~revenues~~ described in this Section.

(d) The assistance described in Section 402.

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Section 402

[DOTA] The Government of the United States will contribute to  
a [District] Economic Development Fund on a matching fund basis  
with an annual maximum payment by the United States of \$ \_\_\_\_\_.

[DOTA] THE GOVERNMENT OF MICRONESIA SHALL SEE THAT A COMMENSURATE  
SHARE OF THIS TOTAL SHALL BE RESERVED FOR ECONOMIC DEVELOPMENT  
LOANS AND RELATED ACTIVITIES FOR EACH DISTRICT OF MICRONESIA.

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Section 403

(a) The Government of the United States agrees to provide the Government of Micronesia services of the U.S. Postal Service, U.S. Weather Service, and U.S. Federal Aviation Administration.

The level of such services shall be that as extended to the Trust Territory of the Pacific Islands on the effective date of this Compact and shall not be charged against the assistance figure in Section 401.

THE US POSTAL SERVICE AND THE US FEDERAL AVIATION ADMINISTRATION SHALL HAVE THE SAME REGULATORY AUTHORITY WITHIN MICRONESIA AS THEY WOULD HAVE WITHIN MICRONESIA A STATE OF THE UNITED STATES

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[DOTA]

(b) <sup>At the request of</sup> [By mutual agreement with] the Government of Micronesia the United States <sup>Agrees to</sup> [may] provide additional services by the U.S. Postal Service, U.S. Weather Service, and U.S. Federal Aviation Administration or other entities of the United States Government. The cost of such services will be charged against the overall assistance figures.

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[DOTA]  
DELETE  
ALL

(c) Subject to the provisions of Section 401 and Section 403(b) above, the Government of the United States agrees to provide to the Government of Micronesia services of ]

*Embassies*

REF ID: A667030  
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Section 403

OMSN:  
STUDY II  
AND DEK'S  
INSTRUCTIONS  
INDICATE ALL  
ASSISTANCE  
TO BE CHARGED  
AGAINST  
OVERALL  
FINANCE  
LEVEL.

(a) The Government of the United States agrees to provide the Government of Micronesia services of the U.S. Postal Service, U.S. Weather Service, and U.S. Federal Aviation Administration, and

(b) The cost of the programs and services provided by the United States will be charged against the overall assistance figures in Section 401.

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Section 404

[DOTA]

UPON MUTUAL AGREEMENT

The Governments of Micronesia and the United States may review the levels of assistance provided in Sections 401 (a) (b) and (d) at five-year intervals from the effective date of this Compact.

Applicable Laws

SECTION 501.

(a) The treaties, international agreements, [and generally DOD recognized principles of international law] applicable to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact shall be applicable to Micronesia, as well as the treaties and international agreements made applicable to Micronesia pursuant to Section 202 of this Compact.

(b) The statutory law of the United States applicable to the Trust Territory of the Pacific Islands on the day preceding the effective day of this Compact shall not be applicable to Micronesia except as otherwise provided in this Compact or in other agreements between the United States and Micronesia.

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SECTION 502.

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(a) Treaties and international agreements applicable to

to

Micronesia shall have the force of internal law in Micronesia.

[without the need of implementing legislation if they are self-executing, regardless of whether such treaties or international

agreements became applicable to Micronesia prior to or after

the effective date of this Compact. A treaty or international

agreement shall be presumed to be self-executing if the

United States has not enacted implementing legislation at the

time of its proclamation by the President.]

DO

(b) The Government of Micronesia agrees to enact what

APPROPRIATE

ever domestic legislation is appropriate or required to

enforce or implement those treaties and international agreements

STATE [and generally recognized principles of international law]

applicable to Micronesia pursuant to Section 501(a) of this

Compact] which are not self-executing. [Such implementing

legislation shall follow the corresponding legislation enacted

by the United States as closely as possible, consistent with

local conditions. The implementing legislation enacted by

the United States shall, however, have the force of internal

law in Micronesia (1) pending the enactment of [the] Micnesian

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legislation [provided for in this subsection, or (2) if in  
the opinion of the United States, the <sup>IMPLEMENTING</sup> legislation <sup>APPLICABLE to</sup> enacted by  
the Government of Micronesia <sup>SHALL BE THAT ENACTED BY THE UNITED STATES</sup> fails to implement adequately  
any treaty, international agreement, or generally recognized <sup>AS</sup>  
principle of international law, and the Government of the <sup>UNITED STATES</sup> <sup>IF IN THE OPINION OF THE UNITED STATES IT ADEQUATELY</sup>  
<sup>IMPLEMENTS SUCH TREATY OR INTERNATIONAL AGREEMENT.</sup>  
United States so notifies the Government of Micronesia.]

[(c) The Government of Micronesia undertakes to comply  
with and to enforce faithfully the treaties, international  
agreements, [and generally recognized principles of interna-  
tional law] and laws set forth in subsections (a) and (b)  
of this section.]

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[STATE]

SECTION 503.

SUCH MEASURES  
SHALL BE

[DOJ]  
[STATE]

(a) The Government of Micronesia shall adopt and enforce the <sup>LEGISLATION AND REGULATIONS</sup> procedures necessary (1) to protect the personnel, property, installations, services, programs, and official information maintained by the Government of the United States

in Micronesia ~~pursuant to this Compact~~, and (2) to <sup>ENSURE THE EFFECTIVE</sup> implementation of the <sup>PROVISIONS OF THE COMPACT</sup> such <sup>LEGISLATION AND REGULATIONS</sup> procedures shall follow the

[DOJ]  
[STATE]

corresponding United States statutes and regulations as closely as possible, consistent with local conditions. [Such <sup>LEGISLATION AND REGULATIONS</sup> procedures shall include appropriate and adequate civil and criminal remedies against:

Such measures  
as may be  
necessary

1. Fraud against the Government of the United States.
2. Theft, embezzlement, or destruction of property belonging to or in the custody of the Government of the United States; or the and theft, unauthorized use of official information of the Government of the United States.
3. Interference with the operation of installations, programs, or services maintained by the Government of the United States in Micronesia pursuant to this Compact.]

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DOJ

ADOPT Legislation and Regulations  
[establish] the [procedures]

(b) If Micronesia fails to [establish] the [procedures] provided for in subsection (a) of this section, the pertinent statutes and regulations of the United States shall have the force of internal law in Micronesia, pending the enactment of such legislation by Micronesia.

*in the opinion of the U.S.*

*measures*

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SECTION 504.

(a) Nothing in this Compact shall be construed as constituting a submission of the United States to the jurisdiction of any of the courts of Micronesia.

(b) The United States Court of Claims shall not have jurisdiction over any claim against the United States growing out of or dependent upon this Compact.

(c) The provisions of section 1346(b) and of chapter 171, title 28, United States Code shall not be applicable to any claim arising in Micronesia.

*Tort claims act*

*Avoid dispute settlement now  
c. clause*

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SECTION 505.

[STATE]

THE GOVERNMENT OF MICRONESIA AND THE UNITED STATES GOVERNMENT SHALL COOPERATE WITH EACH OTHER IN THE

Provision shall be made by mutual agreement for the <sup>TO APPROPRIATE AUTHORITIES</sup> pursuit, capture, imprisonment, and delivery of fugitives from justice. <sup>with this Compact</sup> [Such] agreement shall come into force simultaneously with this Compact <sup>by the Micronesians and the United States which shall be subject to appropriate</sup> [its duration shall not be dependent upon the continuation in effect of this Compact.] <sup>This agreement shall survive termination of this Compact pursuant to Section 1102 (b).</sup>

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TITLE VI

TRADE AND COMMERCE

Micronesian  
Control of  
Imports

Section 601

[05]

<sup>POWER OF TAG</sup>  
The Government

of Micronesia <sup>to</sup> [may] establish,

change, or eliminate import duties and other regulations

including internal charges, <sup>AS WELL AS</sup> laws and conditions

governing the importation of and commerce in goods

from outside of Micronesia, <sup>SHALL BE</sup> subject [only] to compati-

bility with relevant United States international

obligations, other provisions of this Compact and

other agreements between Micronesia and the United

States.

*Separate section  
U.S. programs*

DEPARTMENT OF COMMERCE  
TITLE VI

TRADE AND COMMERCE

Treatment of Micronesia Goods

Section 602

The Government of the United States will grant to Micronesia

[DOD]

[goods] with respect to all matters concerning trade and commerce treatment no less favorable than that extended to any other non-United States goods.

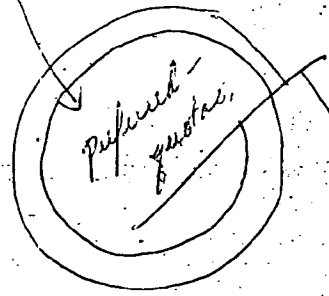
including  
services  
travel  
tourism  
commerce

ITS TRADE AND COMMERCE WITH ANY OTHER COUNTRY.

[DOT]: DOES THIS GRANT MOST FAVORED NATIONS TREATMENT OR DOES THE LANGUAGE (ORIGINAL) GRANT PREFERRED TREATMENT?

[STATE]

THE GOVERNMENT OF THE UNITED STATES WILL GRANT TO MICRONESIA GOODS TREATMENT NO LESS FAVORABLE THAN THAT EXTENDED TO GOODS FROM ANY FOREIGN COUNTRY.



including goods of Mic origin

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TITLE VI

TRADE AND COMMERCE

Treatment of  
U.S. Goods

Section 603

The Government of Micronesia will grant to United States goods, treatment no less favorable than that extended to <sup>the goods of</sup> any other any other <sup>any other countries</sup> non-Micronesian goods

[STATE]

*DOD*  
*responsibility*  
*entry*  
*N.R.R.*

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TITLE VI

TRADE AND COMMERCE

iation and Section 604  
ritime  
merce

(a) In the exercise of its authority and responsibility under Section 201(a), the Government of the United States will apply to Micronesia and the Government of Micronesia will enforce appropriate international treaties, agreements and standards which relate to air and maritime commerce.

(b) The Government of the United States agrees to obtain the consent of the Government of Micronesia before granting any new authority to any United States or foreign air carrier for international air commerce to or from Micronesia, except for aircraft operated for or under the control of the Government of the United States in connection with activities under Title III.

(c) The Government of Micronesia SHALL HAVE THE POWER TO REGULATE will be responsible for the regulation of domestic air and maritime commerce between points wholly within the territory of Micronesia, TO THE EXTENT THAT SUCH REGULATION DOES NOT INFRINGE ON THE TREATIES, AGREEMENTS AND STANDARDS SET FORTH IN SUBSECTION (a) OF THIS SECTION. THAT RESPONSIBILITY WILL BE EXERCISED CONSISTENTLY WITH ALL APPLICABLE FAA REGULATIONS.

(DOJ)

(FIVE)

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~~PART VII~~

CITIZENSHIP AND NATIONALITY

Section 701

[STATE]

The Government of Micronesia <sup>will</sup> ~~may~~ establish criteria for  
Micronesian citizenship.

OMSN  
[DOJ]

omit THIS SECTION

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TITLE VII

CITIZENSHIP AND NATIONALITY

Section 701

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[DoJ]

Every citizen of Micronesia who either <sup>is</sup> **was** a citizen of the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact, or who thereafter becomes a citizen of Micronesia by birth, and who has not <sup>chosen</sup> **[taken any]** affirmative step to preserve or acquire any **[foreign]** citizenship or nationality, shall be a national but not a citizen of the United States unless he is otherwise qualified for United States citizenship.

U.S. - nationals

Citizen of Micronesia U.S. -

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**NEW**  
Section 702

Any person described in Section 702 who is a citizen or a national of a foreign country shall cease to be a national of the United States within one year after the effective date of this Compact, or within six months after becoming <sup>18</sup> 21 years of age, whichever comes later, unless he <sup>EFFECTIVE</sup> renounces that foreign citizenship or nationality.

[105]  
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TITLE VIII

IMMIGRATION AND TRAVEL

US Citizens  
in Micronesia

Section 801

[DOS]

POINT OF THE

(a) The Government of Micronesia may regulate

shall

immigration and entry of non-Micronesians into  
Micronesia, SHALL BE consistent with the foreign affairs  
and defense responsibilities of the United States.

citizen

Persons who are not citizens of Mic

(b) Micronesian provisions applicable to entry and exit of United States citizens to and from Micronesia shall not be more restrictive than the comparable United States regulations governing those Micronesians who are United States nationals.

[DOS]

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WE CANNOT RESTRICT THE ENTRY OF US NATIONALS INTO THE US, BUT WE CAN RESTRICT THE ENTRY OF MICRONESIANS WHO ARE NOT US NATIONALS. ON THE OTHER HAND MICRONESIA MUST ADMIT ALL US CITIZENS.

shall not regulate

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Micronesians  
in U.S.

Section 802

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.

[DOJ]: THIS SECTION IS ALREADY US LAW.

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TITLE IX

REPRESENTATION AND CONSULTATION

Section 901

Resident  
Offices

[DOJ]

The Governments of the United States and of  
Micronesia agree to establish [in] <sup>At</sup> the central seat  
of Government of Micronesia and in Washington, D. C.,  
respectively, official Resident Offices for the  
purpose of maintaining close and regular consulta-  
tions on matters of mutual interest to them.

[STATE]

INCORPORATE LANGUAGE TO PROVIDE FOR IMMUNITIES and  
IMMUNITIES of the OFFICIAL REPRESENTATIVES of the PARTY  
IN THE TERRITORY of the other.

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TITLE X

ENVIRONMENT

Section 1001

In the conduct of its activities in Micronesia, the Government of the United States will endeavor to protect the surrounding environment from permanent or irreparable damage by adherence to standards established by the United States law.

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MISN  
STATE

RESTRICTIVE  
NO LESS FAVORABLE THAN THOSE

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PART XI

[DISPUTE SETTLEMENT]

[Section 1101]

[SITE]

Disputes between the Government of Micronesia and the Government of the United States which relate to the interpretation or application of the provisions of this Compact shall be settled by negotiation.]

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9/18/72 (See footnote  
concerning clearance  
status.)

TITLE XII

AMENDMENT AND TERMINATION

Amendment

Section 1201

This Compact may be amended at any time by  
agreement of the parties.

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Termination Section 1202

(a) This Compact may be terminated at any time by mutual consent of the parties.

(b) After the expiration of the first fifteen years following its entry into force it may also 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 <sup>A MAJORITY</sup> [two-thirds] of the members of the Micronesian legislature (or of each chamber thereof if the legislature is bicameral; or a two-thirds vote of the legislators voting individually if the central legislative function is organized on a basis other than one-legislator-one-vote) and the approval in referendum of <sup>A MAJORITY</sup> [two-thirds] of the Micronesian people eligible to vote in any local or general election. At least ninety days must

[STATE]

[STATE]



# DECLARATION

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.

- (c) Termination of this Compact shall in no way alter the rights and obligations of the United States or Micronesia set forth in Sections 302 (a)(2), 302 (a)(3), 302 (b), 303 (a), 303 (b), 303 (d), 303 (e), 304 and 305 and Annex B of this Compact nor shall termination affect other defense and security agreements concluded pursuant to the provisions of this Compact.
- (d) If termination of this Compact is effected pursuant to Section 1202(a), that termination shall become effective on a date mutually agreed by the parties. If termination is effected pursuant to Section 1202(b) without mutual consent, that termination shall be effective not less than one year from the date that the appropriate criteria of the subsection are satisfied.

DECLARATION

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Section 1203

If termination of this Compact is effected by Micronesian action pursuant to Section 1202 (b), any administrative district of the Government of Micronesia, as currently recognized by the Government of the United States in the administration of the Trust Territory of the Pacific Islands, may elect, by affirmative vote of two-thirds of the residents of that district entitled to vote in any local or general elections, to seek a continued relationship with the Government of the United States under <sup>such</sup> the terms and for such time as may be agreed to by the Governments of that district and the United States.

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TITLE XIII

APPROVAL OF THE COMPACT AND EFFECTIVE DATE

Section 1301

[STATE]

The Compact shall be approved?

(a) by the United States according to its constitutional processes;

THE COMPACT SHALL BE APPROVED

(b) by a referendum to be held in Micronesia, if a majority of these voters in a referendum to be held in MICRONESIA the voters' vote in favor of the Compact.

All persons who would be eligible to vote in elections [to] the Congress of Micronesia, if such elections were held on the day the referendum is conducted, shall be eligible to vote in the referendum.

(c) In determining whether a majority has voted for or against the Compact, only the affirmative and the negative votes shall be counted.

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SECTION 1302.

The President of the United States <sup>SHALL</sup> [will] issue a proclamation announcing a date mutually acceptable to the United States Government and Micronesia at which <sup>TIME</sup> the Compact will come into effect, <sup>(will)</sup> [after] he finds:

1. That the Compact has been approved as provided for in Section 1301; and that
2. The People of Micronesia have adopted a Constitution which complies with the requirements of Section 101 of the Compact; and that
3. The requirements of the United States for the use of land and water areas set forth in Title III of this Compact have been satisfied; and that
4. The jurisdictional and extradition agreements set forth in Sections 305 and 505, respectively, of the Compact have been concluded; and that
5. The Strategic Trusteeship <sup>Agreement</sup> between the United States and the Security Council of the United Nations for the former Japanese Mandated Islands, approved by the President of the United States on July 18, 1947, has been terminated or will terminate upon the <sup>on the day on which the Compact becomes effective</sup> issuance of such proclamation.

[STATE]

This Compact will come into effect following its approval pursuant to Section 1301, on the date announced by the President of the United States as the date on which the Trusteeship Agreement between the United States and the Security Council for the former Japanese Mandated Islands is terminated.