



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
WASHINGTON, D. C. 20301

I-4513

15 May 1974

MEMORANDUM FOR MR. PHILIP E. BARRINGER
FMRA, ISA, OASD

MR. W. SOLF
JAG-A

MR. BOYD ALLEN
USAFGC

SUBJECT: Draft Cable - Doolin to Williams - Micronesian Compact.

May I have comments as to proposed cable - Doolin to Williams - reading:

// Pursuant to minimum DoD requirements with respect to defense and security interests, the following language for the Compact for Micronesia represents DoD positions from which further fallback will not be possible. For the purpose of accuracy the entire section or subparagraph of a section has been quoted.

Section 302(b) must read as follows:

"The Government of the United States may conduct all activities and operations within the lands, waters and superjacent airspace of the territory of Micronesia necessary for the exercise of its responsibility and authority under Section 302(a)."

Section 402 of the Draft Compact should be deleted and the sections that follow renumbered.

Section 501(c) should read as follows:

"Nothing in this title shall limit the jurisdiction, rights, power or authority of the United States in the jurisdictional agreement concluded under Section 305."

(Comment: This section is essential to protect the jurisdiction over civilians and military personnel against any limiting legislation of Micronesia with respect to the SOFA).

Section 506 should read:

"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 environmental quality standards no less restrictive than those established by United States law, except as otherwise may be agreed."

(Comment: Limitation extends solely to environmental standards, and does not incorporate procedures extending them beyond their own terms).

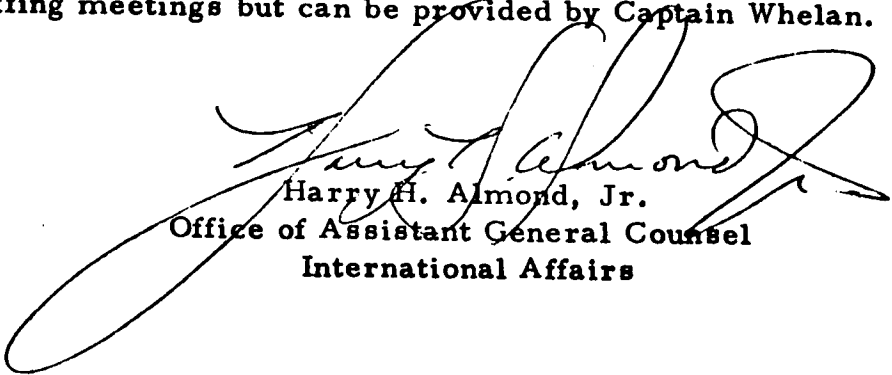
Section 1001 concerning disputes should be rewritten to read as follows:

"In the event of a dispute which relates to the interpretation or application of the provisions of this Compact, the Government of Micronesia and the Government of the United States shall settle the dispute in good faith by negotiation [or by other peaceful means of their own choice]. Each government may request arbitration with respect to any dispute which cannot be settled by negotiation. In the event that the two governments proceed to arbitration, their dispute shall be submitted for an advisory opinion of a three-member arbitration panel specially selected to consider the

dispute. Each government shall select one member of the panel. The two members thus selected shall then by agreement between one another select the third member of the panel." (Bracketed section is optional but recommended).

Corrections to Section 1002 should be made in accordance with the consensus already and earlier reached by the members of the delegation, intended for the purpose of clarifying paragraph (b).

The purposes of the above positions have been indicated in the staffing meetings but can be provided by Captain Whelan."



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

cf: GC
Chron
Circulating
File: ILP - TTPI