



Office of the President
THE MARSHALL ISLANDS

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June 20, 1980

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M. to...
EAP/...

Ambassador Peter R. Rosenblatt
Personal Representative of the
President of the United States
for Micronesian Status Negotiations
Office of Micronesian Status Negotiations
Department of the Interior
Washington, D.C. 20240

Dear Peter:

The Marshallese people have known the ravages of war first hand. We appreciate and share the concerns raised by Senators Jackson, Johnston and McClure that no third country that is an enemy of the United States ever be permitted to establish a military presence in our midst, directly or indirectly. With the understanding that the United States will act in good faith and will not interfere with uses of our territory, territorial waters and airspace that do not truly involve such danger and with deep appreciation for the reciprocal willingness of these Senators and their colleagues to meet other of our concerns, we are prepared to meet their concern about perpetual denial. We propose that their concerns and ours be dealt with by agreeing to the following changes in the Compact of Free Association, initialled on January 14, 1980:

A. Add the phrase "Except for the provisions of Title IV, which apply irrespective of the political status of Palau, the Marshall Islands or the Federated States of Micronesia" at the beginning of both section 442 and section 443 of the Compact of Free Association, initialled on January 14, 1980. The provisions would then read, in part:

"Section 422

Except for the provisions of Title IV, which apply irrespective of the political status of Palau, the Marshall Islands or the Federated States of Micronesia, this Compact may be terminated, etc."

NO DEPT. OF ENERGY CLASSIFIED
INFORMATION (NO RD/FRD/DOE-NSI)
COORDINATE WITH: DOE/DOE
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AUTHORITY: DOE/SA-20
BY H.R. SCHMIDT, DATE:

HRS/LH 2/22/94
John & Billy S.
DOE 22 Feb 94

HRS/Schmidt 6/13/01
DOE memo 200100765, 3/30/01
DOE letter, 10/11/94
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"Section 443

Except for the provisions of Title IV, which apply irrespective of the political status of Palau, the Marshall Islands or the Federated States of Micronesia, this Compact shall be terminated, etc."

B. Renumber Title IV of the Compact of Free Association, initialled on January 14, 1980 so that it becomes Title V, and renumber sections 411 to 472 so that they become sections 511 to 572. Introduce corresponding changes throughout.

C. Add the following new text:

"TITLE IV

PERMANENT RELATIONS

Section 411:

(a) The Governments of Palau, the Marshall Islands and the Federated States of Micronesia undertake not to permit or tolerate that their respective territories, territorial waters or airspaces be used or be made available directly or indirectly for use by any third country for military purposes without the express consent of the Government of the United States.

(b) The Governments of Palau, the Marshall Islands, the Federated States of Micronesia and the United States agree that section 411(a) creates rights and obligations in rem, which shall remain unaffected by changes in sovereignty over the territory, territorial waters or airspace of Palau, the Marshall Islands or the Federated States of Micronesia, respectively.

Section 412:

The Government of the United States guarantees the territorial integrity of Palau, the Marshall Islands, and the Federated States of Micronesia, and guarantees that the territories, territorial waters or airspaces of Palau, the Marshall



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Islands and the Federated States of Micronesia shall not be used by any third country, for military purposes, without the express consent of the Government of Palau, the Marshall Islands, or the Federated States of Micronesia, respectively.

Section 413

The Government of the United States shall determine, after consultation with the Government of Palau, the Marshall Islands or the Federated States of Micronesia, what uses of the territory, territorial waters or airspace of Palau, the Marshall Islands or the Federated States of Micronesia, respectively, shall be deemed encompassed by sections 411(a) or 412."

D. Add a new section 218 that reads:

"Section 218

Approval of this Compact by the Government of the United States shall constitute a commitment and pledge of the full faith and credit of the United States for the payment, as well as an authorization for appropriation, of the full amounts of annual grant assistance specified in sections 211(a), 213 and 217. This commitment and pledge constitutes an obligation of the United States enforceable in the United States District Court for the District of Hawaii and the United States District Court for the District of Columbia."


E. Eliminate the explicit penalty for altering the political status from free association to independence by substituting the number "100" for the number "50" in section 453(b) so that levels of economic assistance specified in the initialled Compact would continue without diminution in the event the Marshall Islands should exercise its right of unilateral termination of the free association political status and choose a political status of independence. (It is understood that federal programs would not continue under such an eventuality.)



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We hope you will agree with our judgment that these proposed changes constitute a genuine net improvement in the Compact for the United States as well as for the Marshall Islands. Please give these proposals your urgent attention and work with our Washington counsel, Mr. Copaken, to resolve this matter promptly so that we can enjoy the strong support of our friends in the United States Senate that is essential if we are to succeed in our shared determination to end the Trusteeship as soon as possible in 1981.

Sincerely,


Amata Kabua
President

cc: Senator Henry M. Jackson
Senator J. Bennett Johnston
Senator James A. McClure
Senator Mark Hatfield
Richard D. Copaken, Esq.