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AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES
AND
THE GOVERNMENT OF THE MARSHALL ISLANDS
REGARDING THE RESETTLEMENT OF ENJEBI ISLAND

In
Compilation of Agreements Between the Government of the United States and the
Freely Associated State of the Republic of the Marshall Islands. (Washington: The
President's Personal Representative for Micronesian Status Negotiations, 1987)

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THE GOVERNMENT OF THE UNITED STATES
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Agreement Between
the Government of the United States
and
the Government of the Marshall Islands
Regarding the Resettlement of Enjebi Island

This Agreement is concluded in furtherance of United States
Public Law 99-239 and Section 5(10) of Marshall Islands Nitijela
Resolution No. 62.

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ARTICLE I
AGREEMENT REGARDING THE RESETTLEMENT OF ENJEBI ISLAND

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Article I

Agreement Regarding the Resettlement of Enjebi Island

The Government of the United States and the Government of the Marshall Islands agree as follows:

Section 1

As provided for in United States P.L. 99-239, Section 103(k), the Government of the Marshall Islands hereby requests that the Government of the United States transfer to it the Enjebi Community Trust Fund (the Fund) described therein, including such assets, if any, as the Government of the United States may from time to time provide to the Fund. The Government of the United States hereby acknowledges this request and shall comply as soon as procedurally practical.

Section 2

The Government of the Marshall Islands and the Enewetak Local Government Council, in consultation with the people of Enjebi, shall provide for the creation of the Enjebi Community Trust Fund and the employment of the manager of the Enewetak Fund established pursuant to the Section 177 Agreement as trustee and manager of the Enjebi Fund, or, should the manager of the Enewetak Fund not be acceptable to the people of Enjebi, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of 250 million dollars.

Section 3

Upon request of the Government of the Marshall Islands, the Government of the United States, in accordance with its laws, shall monitor the radiation and other conditions of Enjebi and within one year of receiving such a request shall report to the Government of the Marshall Islands as to when the people of Enjebi may resettle Enjebi under circumstances where the radioactive contamination at Enjebi, including the contamination derived from consumption of locally grown food products, can be reduced or otherwise controlled to meet whole body Federal radiation protection standards for the general population, including mean annual dose and mean 30-year cumulative dose standards. The request required to be made by the Government of the Marshall Islands pursuant to this section is hereby made by the Government of the Marshall Islands and acknowledged as received by the Government of the United States.

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Section 4

In the event that, pursuant to the procedures set forth in Section 3, the Government of the United States determines that the people of Enjebi can within 25 years of the date of the enactment of P.L. 99-239 resettle Enjebi under conditions set forth in Section 3, then upon such determination there shall be available to the people of Enjebi from the Fund such amounts as are necessary for the people of Enjebi to do the following, in accordance with the plan developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government's overall economic development plan:

(1) establish a community of Enjebi Island for the use of the people of Enjebi; and

(2) replant Enjebi with appropriate food-bearing and other vegetation.

Section 5

In the event that, pursuant to the procedures set forth in Section 3, the Government of the United States determines that within 25 years of the date of the enactment of P.L. 99-239 the people of Enjebi cannot resettle Enjebi without exceeding the radiation standards set forth in Section 3, then the fund manager shall be directed by the trust instrument to distribute the Fund to the people of Enjebi for their resettlement at some other location in accordance with a plan, developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government's overall economic development plan.

Section 6

Prior to and during the distribution of the corpus of the Fund pursuant to Sections 4 and 5 of this Agreement, the people of Enjebi may, if they so request, receive the interest earned by the Fund on no less frequent a basis than quarterly.

Section 7

Neither under the law of the Marshall Islands nor under the laws of the United States, shall the Government of the United States be liable for any loss or damage to person or property in respect to the resettlement of Enjebi by the people of Enjebi, pursuant to the provisions of this Agreement or otherwise.

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ARTICLE II

EFFECTIVE DATE AND AMENDMENT

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Article II

Effective Date and Amendment

Section 1

This Agreement shall come into effect in accordance with applicable laws and procedures of the Government of the United States and the Government of the Marshall Islands.

Section 2

This Agreement may be amended at any time by the mutual consent of the Government of the United States and the Government of the Marshall Islands.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Agreement.

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AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES
AND THE
GOVERNMENT OF THE MARSHALL ISLANDS
REGARDING THE RESETTLEMENT OF ENJEBI ISLAND

DONE AT Honolulu, Hawaii this 21st day of July,
one thousand, nine hundred eighty-six.

FOR THE GOVERNMENT

OF

THE UNITED STATES OF AMERICA



DONE AT Honolulu, Hawaii this 21st day of July,
one thousand, nine hundred eighty-six.

FOR THE GOVERNMENT

OF

THE MARSHALL ISLANDS

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