

JMWilson:7-10-74:kkc

POSSIBLE QUESTIONS ON FOREIGN AFFAIRS

Section 201

(1) JCFS version eliminates the "full responsibility for and authority over" foreign affairs given the U.S. under agreed compact and substitutes simple "responsibility for and authority over" foreign affairs. It leaves unchanged Section 102 in which the GOM is given "full responsibility for and authority over" internal affairs.

- Is the intention to reduce the degree of U.S. authority and responsibility? Is it to be shared?
- If so, has the JCFS considered how as a practical matter authority over foreign affairs can be divided?
 - Can Micronesia expect to speak with two voices internationally?
 - What happens in the event of conflict between those voices?
 - If consultation fails, who prevails?

(2) If the JCFS intends that internal considerations shall take precedence over foreign affairs, how would following cases be handled:

- U.S. agrees on its own behalf and on that of Micronesia, with GOM concurrence on twelve mile limit to territorial sea; GOM later passes legislation claiming 200 mile limit to territorial sea.
 - What is U.S. expected to do in exercise of its responsibility?
 - Would U.S. be expected to enforce new legislation?
 - What happens if U.S. declines to do so?
- U.S. on own behalf and that of Micronesia enters into agreement within ICAD on new safety standards and devices for all airfields used by international air carriers; GOM passes legislation forbidding installation of certain devices.

- What is U.S. expected to do vis-a-vis other parties to ICAD agreement?

- Why should U.S. be obliged to persuade other countries to compel its aircraft to come to Micronesia without these safeguards? To accept Micronesian aircraft on their airfields?

- U.S. on its own behalf and that of Micronesia enters into new international agreement allocating radio broadcast frequencies; GOM passes legislation assigning domestic frequencies contrary to internationally agreed allocations and complains of interference with its radio transmissions.

- Is U.S. expected to protest?

- What happens in event of retaliatory action aimed at jamming Micronesian frequencies?

- U.S. under the GATT agrees to eliminate tariffs on certain categories of medicines; GOM passes legislation imposing duties.

- Is this interference in internal affairs of Micronesia?

- Must GOM consent be obtained in advance?

(3) Why is it necessary to "delegate" authority to U.S. when we have previously agreed that all authorities will be derived from Compact itself.

(4) What is significance of "for the duration of this Compact" in the light of the fact that all elements of the Compact are clearly limited to its duration?

Section 202

(1) Is there a significant difference between "pertinent" in JCFS version and "appropriate" in agreed version in describing treaties or agreements to be made applicable to Micronesia?

- Are "relevant" and "pertinent" similar in this context?

- How does this relate to U.S. responsibilities under new Vienna Convention?

(2) What is the purpose of "advise and consent" in place of "consent" in view of consultation obligation in 201(b)?

Section 204

(1) List in Annex A has been worked out (and expanded) in light of language in agreed draft of Title II; if Title II language to be changed why should'nt Annex A list now be rexamined as well?

(2) Is GOM still prepared to see that Annex A activities do not conflict with U.S. foreign policy and security interests or must an actual conflict arise before anything is done under Annex A, IV?