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CONGRESS OF MICRONESIA
SAIPAN, MARIANA ISLANDS 96950



August 29, 1974

**JOINT COMMITTEE ON
THE LAW OF THE SEA**

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Mr. John R. Stevenson
Chairman
United States Law of the Sea Delegation
Department of State
Washington, D.C.

Dear Ambassador Stevenson:

I have the honor to inform you of the decision of the Joint Committee on behalf of the Congress of Micronesia to request the cooperation of the United States in securing observer status for Micronesia in the next session of the Conference on the Law of the Sea in March of 1975.

Pursuant to our discussions, we did not make any formal request for such status in our statement of August 26, 1974, to the Plenary, and we requested the sponsors of the proposals that were acted upon by the Conference on August 29, 1974, not to include Micronesia by name in the list of less than fully independent territories to be invited to attend as observers. However, we have reasonable assurance that there would be wide support for our attendance as observers. We therefore believe that - especially with United States cooperation - the formal actions in the United Nations that may be required would be easily accomplished in the coming months.

The reasons, briefly summarized, why we believe it necessary and appropriate to attend the next session of the Conference as observers are as follows:

1. The action of the Conference of August 29, in recommending the invitation, as observers, of Papua New Guinea (the other remaining United Nations trust territory), the Cook Islands, Surinam, the Netherlands Antilles, and the West Indies Associated States.

In the opinion of the Committee and, we believe, in the opinion of the sponsors and supporters of the Conference action, Micronesia has not only a degree of self-government substantially equivalent to that of some of these countries, but also an equal, if not greater, interest in protecting its rights in law of the sea matters.

2. The action of the Conference in inviting as observers a number of so-called national liberation movements, which in the opinion of the Committee have less self-government than Micronesia, and in some cases a far less pressing need and interest in being represented at the Law of the Sea Conference.

It would, in our view, be impossible to make comprehensible to the people of Micronesia why our ocean state, utterly dependent on the sea, should not be considered as having the need and right to be represented to at least the same degree as the so-called liberation movements.

3. The special interests of Micronesia in the law of the sea, referred to by the Trusteeship Council in its 1973 Report, and the experience we have had at this session of this Conference in Caracas. It seems to us fair to say that despite great efforts and goodwill, it is in the nature of things difficult, if not impossible, for the United States, in those issues where United States interests and views are in conflict or inconsistent with those of Micronesia, to speak effectively on behalf of Micronesia. And it appears to us equally difficult, if not impossible, for Micronesian representatives to be effectively engaged on behalf of Micronesian interests and views inconsistent with those of the United States "within" the United States delegation as "advisors."

We therefore believe that, from both the United States and the Micronesian views, some potential or actual problems in presenting our respective views on such issues of disagreement would be eased by a separate observer status for Micronesia. In this respect, we believe that there is ample reason for the United States to follow the example of the United Kingdom, New Zealand, the Netherlands, and Australia, in doing for their trusteeships or dependent territories exactly what we request for Micronesia. In view of the remarks by the United Kingdom and New Zealand, as well as some other sponsors or supporters of this Conference action, we would anticipate no difficulty in adding our name to the list.

Needless to say, we would expect to have close consultation, and wherever possible, cooperation, with the United States, bearing in mind its status as our Administering Authority and the terms of the Charter and the Trusteeship Agreement.

With respect to the matter of status negotiation, we take the view that our observer status at the Conference would be entirely without implications one way or the other for that negotiation. We believe that observer status would be entirely proper for us, in view of the action of the Conference discussed above for other dependent areas, under our current status.

Without intruding upon that separate subject, it is, in the view of the Committee, a matter of commonsense observation that opposition by the United States to our having observer status - an opposition which we do not anticipate - would undoubtedly be viewed by many in Micronesia as an extremely bad omen for the manner in which the United States would expect to conduct "foreign relations" for Micronesia, as proposed in the current draft compact.

With respect to timing, I would very much appreciate the soonest possible response from the United States to this request, and in no case later than the opening of the United Nations General Assembly Session in New York on September 17, 1974.

Allowing for the difficulties of your schedule, we would nevertheless hope to have a response by that time, so that there will be adequate time to complete whatever formal United Nations action may be necessary.

With respect to the Committee's report to the Congress of Micronesia, the Congress will meet in January of 1975. The Committee hopes at that time to be able to report on the completed United Nations action on our observer status.

We would much appreciate hearing from you as to how we might best continue to consult regarding respective U.S./Micronesian positions on the various issues of interest to Micronesia, listed both in our previous correspondence and in our Statement to the Plenary of August 26, 1974, especially during the intersessional period.

Last, but not at all least, let me take this opportunity on behalf of all of my colleagues to thank you personally, Mr. Ambassador, for your fair-minded consideration of our views at all of the meetings we have had with you, and to express our admiration for the manner in which you have discharged your difficult responsibilities.

We believe that your personal participation in our relationship has eased many otherwise most difficult situations. We have had many comments to the same effect from other delegations, which I am happy to be able to pass on to you in this manner.

Yours respectfully,

Andon Amaraich
Chairman of the Joint Committee on
the Law of the Sea