

Congress of Micronesia

CAPITOL HILL

SAIPAN

MARIANA ISLANDS

96950

FEB 26 1976

01
7

Phone 9726/9743
Telex 724 5267

SENATE

PRESIDENT

Tosiwo Nakayama

February 13, 1976

MARIANAS DISTRICT

Candido T. Bona
Piero A. Antonio

MARSHALLS DISTRICT

Almeta Keoua
Wilfred L. Kendall

PALAU DISTRICT

Lazarus E. Sali
Roman Taituch

PONAPE DISTRICT

Bailey Oler
Amblios Iehi

TRUK DISTRICT

Tosiwo Nakayama
Nick Borsy

YAP DISTRICT

Petrus Tun
John A. Mangafel

HOUSE OF REPRESENTATIVES

SPEAKER

Bethwel Henry

MARIANAS DISTRICT

Herman T. Palacios

Herman Guerrero
Oscar Kaka

MARSHALLS DISTRICT

Ataji Balos
Charles Dornick
Carmen Bigler
Ekap Sirk

PALAU DISTRICT

Polydarp Basilus
Kunwo Nakamura
Isidoro Rujimen

PONAPE DISTRICT

Bethwel Henry
Resio Moses
Edgar Edwards
Jojo Sigah

TRUK DISTRICT

Chiro Albert
Sasaio Haruo
Kallisto Befonopai
Ray Setis
Lambert Martin

YAP DISTRICT

Luke M. Tman
John H. Hagan

The Honorable T. Vincent Learson
Special Representative of the President
for the Law of the Sea Conference
Department of State
Washington D.C. 20520

Dear Ambassador Learson:

Thank you for your letter of January 21, 1976, addressed to the President of our Senate, responding on behalf of your government to the letter of April 23, 1975, addressed to the United States Government through Ambassador Stevenson, and jointly signed by the Chairman of the Micronesian Delegation to the Law of the Sea Conference and the Chairman of the Joint Committee on Future Status of the Congress of Micronesia. Because the letter of April 23, 1975, concerned matters entrusted by the Congress of Micronesia to those two groups, it was jointly signed. You should know that the Congress of Micronesia, and the people of Micronesia acting through the Constitutional Convention as well as through the Congress, fully support the views expressed in that letter. We regret that the United States is unable for the present to agree to support the Micronesian effort to obtain full protection for our tuna resources, and to obtain equal rights for Micronesia itself to protect and advance Micronesian resource interests in the international arena. We very much hope that the United States will be able to support our views and efforts at a future time, as the international community supports them now.

Some of the things we said in our letter of April 23, 1975, should be clearly noted. We did not ask the United States Government to hand over to Micronesia

03-022612

Hon. T. Vincent Learson
February 13, 1976
Page 2.

any sea resource rights. We own those rights now - rights existing under international law or rights to be confirmed by international treaties now being shaped, or rights arising from our own legislation and customs. We own those rights now, just as we own our sovereignty now. Your government has many times acknowledged that sovereignty in Micronesia does not reside in the United States but in the Micronesian people. Whatever may be the proper degree of temporary suspension of the full exercise of that sovereignty under the United Nations Charter and the Trusteeship Agreement between the United Nations and the United States, nothing in those documents justifies the use of Micronesian sea resources by the Administering Authority for any purpose of its own opposed to the purposes and welfare of Micronesia.

The power of the Administering Authority in Micronesia is strictly limited to the necessary means to carry out the purposes of the Charter and the Trusteeship Agreement. We find nothing in those documents to justify the power of the United States to regulate the resources of Micronesia so as to hinder and defeat the economic advancement and self-sufficiency of its inhabitants. We are confident that the purposes of the Charter and the Trusteeship Agreement do not include the use of Micronesian sea resources or rights by the United States to benefit its contrary and adverse position on tuna or otherwise in the Law of the Sea negotiations, or in current or future international negotiations on sea rights or fisheries. Micronesia seeks the same basic rights in all fish within its waters as the United States seeks, and as the United States Congress has enacted for fish within its waters. Since the United States has little tuna in its waters, and instead fishes tuna in other countries' water, it has sought to declare a special regime for tuna, having the effect of depriving Micronesia of its rights to its own tuna. We cannot accept such unequal treatment.

Our views on these matters have been stated to your government on frequent occasions. There is no need to restate them here. We have reluctantly accepted the fact that the United States has inconsistent and

022613

Hon. T. Vincent Learson
February 13, 1976
Page 3.

adverse interests in these issues, and has consistently and with great energy taken positions wholly contrary and adverse to the interests and rights of Micronesia in its sea resources. Only after continued failure by the United States to take our views into account, only after the United States rejected a signed agreement between fully authorized governmental teams representing our two governments which sought and achieved a compromise position on tuna, and only after having the evidence of continued failure by the United States to take our views into account and to fulfill what we believe to be the United States treaty obligations under the Trusteeship Agreement to promote and advance Micronesian sea resource interests, did we become active in our own behalf. We believe that the record supporting these statements is very clear and available to you. We believe that international law and your own domestic law support what we say.

Since the start of the U.N. Conference on the Law of the Sea, the very large majority of states assembled there has adopted positions substantially identical to those of Micronesia with respect to tuna, and with respect to the rights of a trusteeship area to manage its own resources in the sea for its own benefit, including its full access to dispute settlement machinery. The only point not yet explicitly covered in the single negotiating text which form the basis for all future negotiations in the Conference is the right of Micronesia to be a signatory of the coming sea rights Convention in its own name. That right is necessary to assure full protection in all the many negotiations and activities to come in the years ahead which will put flesh and blood on the bones of the Convention, and to enable Micronesia to protect itself against the distant fishing nations fishing in its waters. Many examples and precedents exist to support the Micronesian position. The United States itself has sponsored signatories to international treaties, such as the Philippines in signing the United Nations Charter, even though they were not fully independent or sovereign States at that time. Now your letter tells us that you are opposed to the same treatment for Micronesia.

022614

Hon. T. Vincent Learson
February 13, 1976
Page 4.

Throughout our efforts of the last three years to preserve and protect the heritage and rights of the Micronesian people in their sea resources, we have sought the cooperation, aid, and protection of the United States. We continue to do so now. We hope for aid in the protection and enforcement of our existing and future sea rights, and we believe that your government has committed itself by solemn treaty to render that aid to us. We believe the better instincts of your people and government will prevail, and that the United States will ultimately render that aid to us. We remain hopeful that we shall in the end be able to persuade your government to our views, and that we shall have better luck in this effort than your own people had two hundred years ago in seeking to persuade its then great protector power. We believe your people were right and its cause just then. We believe ours is right and just now.

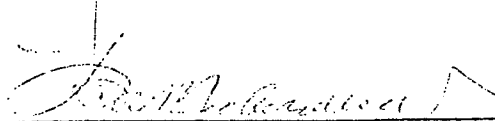
In response to your suggestion, we shall of course continue to seek to consult with you regarding our views in the law of the sea, as we have sought to do for the last three years. We gladly accept your suggestion to have our representatives meet with you before the coming session of the Conference to discuss more fully the matters in our letters. As arranged with Ms. Ridgway of your delegation, our representative will call on you in Washington, D.C., on February 18, 1976, or at another convenient time, and our Delegation looks forward to meeting with you in New York at the commencement of the Conference, and thereafter.

We seek your aid, your support and your protection. Even if we cannot have them however, we must meet our responsibilities. Our responsibilities are to our people and our future. We know that you will understand that those responsibilities may require us on occasion to disagree with the views of the United States Government.

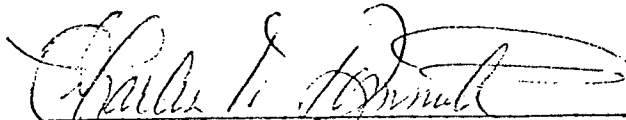
022615

Hon. T. Vincent Learson
February 13, 1976
Page 5.

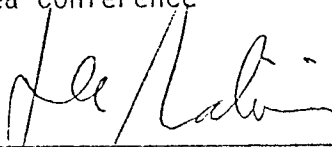
Sincerely,



Tosiwo Nakayama
President of the Senate



Charles T. Domnick, Chairman
Micronesjan Delegation to the Law of the
Sea Conference



Lazarus E. Salii, Chairman
Joint Committee on Future Status

022616