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DEPARTMENT OF STATE
• AMBASSADOR AT LARGE
WASHINGTON

January 21, 1976

Honorable Tosiwo Nakayama
President
Senate of the Congress of Micronesia
Saipan, Mariana Islands
Trust Territory of the Pacific Islands

MISC. COM. NO. 6-174
(Senate)

Dear Mr. President:

At the Geneva session of the Third United Nations Conference on the Law of the Sea, the Congress of Micronesia Joint Committee on Law of the Sea asked Ambassador John R. Stevenson a series of questions regarding the position of the United States Government with respect to the marine and mineral resources in the waters off Micronesia. We have carefully reviewed the questions asked by the Congress of Micronesia delegation in light of the Single Negotiating Text which emanated from the 1975 session of the Law of the Sea Conference, the intersessional law of the sea consultations, and the United States law of the sea positions and negotiating posture. Many of the issues raised with respect to the foreign affairs responsibilities appear to be the proper subject of the future status negotiations and would be more appropriately taken up in that forum.

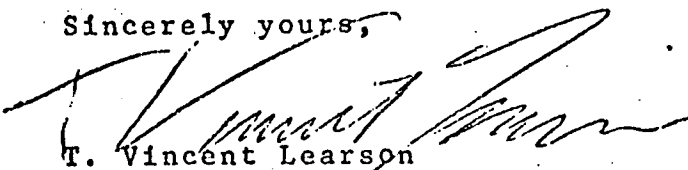
The Government of the United States understands the desire of the Micronesian leadership that the resources of the Trust Territory be preserved for Micronesia's heritage, and is strongly aware of the responsibilities of the United States to the peoples of the Trust Territory in this important matter. Nevertheless, the United States Government cannot support the Trust Territory becoming a signatory to the Law of the Sea Convention. It does not find it feasible to allocate all responsibility for the protection of Micronesia's resource interest to the Congress of Micronesia and cannot guarantee its support for direct access for Micronesia to the dispute settlement mechanism that may be established by the Law of the Sea Convention.

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Under the terms of the Trusteeship Agreement which remains in effect, and the United Nations Charter, the United States is charged with the responsibility to protect and regulate the use of the natural resources of the Trust Territory. The seriousness with which the United States takes its responsibility ensures that we will continue to consult extensively and to consider Micronesian views fully. At the same time, however, given its legal responsibilities under the Trusteeship Agreement, the United States does not consider it appropriate to delegate to the Congress of Micronesia complete authority over the resources which will accrue to States under the Law of the Sea Convention, or to allow the Congress of Micronesia to exercise full authority over the Trust Territory's resources in international fora. While the United States supports the concept of a comprehensive dispute settlement mechanism under a Law of the Sea Convention, the question of whether access will be direct or through a State party to the Convention is under negotiation at the Conference. Finally, it has been the consistent United States position that only States may become signatories to the Convention.

The Government of the United States will remain receptive to requests from Micronesia to approach other governments on Micronesia's behalf regarding law of the sea matters. We are prepared to meet with you or your representatives at a mutually convenient time prior to the commencement of the next session of the Law of the Sea Conference to discuss the matters in this letter in greater detail. We are mindful of our responsibilities under the Trusteeship Agreement and will work with the Congress of Micronesia to protect and promote the economic development of resource that accrue to the Trust Territory under the Law of the Sea Convention.

Sincerely yours,



T. Vincent Learson
Special Representative
of the President for the
Law of the Sea Conference