



UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distr.
LIMITED

T/COM.10/L.231
11 May 1978

ORIGINAL: ENGLISH

COMMUNICATION FROM THE SENATE, CONGRESS OF MICRONESIA,
CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS

(Circulated in accordance with rule 24 of the rules
of procedure of the Trusteeship Council)

THE SENATE
SEVENTH CONGRESS OF MICRONESIA
SECOND REGULAR SESSION, 1978

March 1978

The President
Trusteeship Council
United Nations
New York, 10017

Dear Sir:

I transmit herewith a certified copy of Senate joint resolution No. 7-65,
which was adopted by the Seventh Congress of Micronesia, second regular
session, 1978.

Respectfully,

(Signed) Nishima E. SIRON
Clerk of the Senate

Encl.

78-11066

/...

SEVENTH CONGRESS OF MICRONESIA

SECOND REGULAR SESSION, 1978

SENATE JOINT RESOLUTION NO. 7-65

A SENATE JOINT RESOLUTION

Expressing unequivocal support for and acceptance of the principle of coastal state sovereign jurisdiction over the conservation and management of the highly migratory species within Micronesia's 200-nautical mile extended fishery zone as established by Title 52 of the Trust Territory Code, section 54, and endorsing the proposed establishment of the South Pacific fishery agency.

WHEREAS, the South Pacific Forum countries, in their Suva Declaration of October 1976, pledged their common support for the principle of national coastal state sovereignty over the conservation and management of the highly migratory species that constitute the main fishery resource in the 200-nautical mile extended fishery zone of Micronesia; and

WHEREAS, the First Micronesian Convention on the Law of the Sea, in November 1976, supported and adopted the Suva Declaration; and

WHEREAS, the South Pacific Forum countries further declared in August 1977 at Port Moresby, that a South Pacific fishery agency should be established by countries accepting the principle of such coastal state authority over highly migratory species; and

WHEREAS, the general practice and law among coastal States who have migratory species in their 200-nautical mile exclusive economic zone or extended fishery zone is to assert such authority and that such States have in fact asserted such authority in the same manner as the South Pacific Forum countries; and

WHEREAS, the current domestic law of the Administering Authority does not permit the recognition by the Executive Branch of the Government of the United States of America of such generally recognized international practice and law with respect to the exercise of coastal state authority and jurisdiction over highly migratory species, but that Title 52 of the Trust Territory Code, - Fishery Zones Jurisdiction - does provide for jurisdiction by the Micronesian Maritime Authority over all species of fish as to which such jurisdiction is recognized by international law in a 200-nautical mile zone around the Micronesian islands; and

WHEREAS, the South Pacific Forum countries have pointed to the urgency of asserting conservation and management authority over the highly migratory species in the Micronesian extended fishery zone because of the rapidly increasing exploitation of such species by distant fishing fleets from other nations, and are moving rapidly to create a South Pacific fishery agency which would include the Micronesian islands; and

WHEREAS, it is of vital importance to Micronesia that the nature and function of such an agency reflect, to the maximum possible extent, the needs and circumstances of Micronesia; and

WHEREAS, the distant fishing interests of the Administering Authority and its domestic legislation, forbidding to the Executive Branch of the United States Government the exercise or recognition of coastal state sovereign authority over highly migratory species, make it impossible for the Administering Authority to exercise, advance or protect Micronesian coastal state jurisdiction over the highly migratory fish in Micronesia's 200-nautical mile extended fishery zone; and

WHEREAS, the Trusteeship Council of the United Nations has recognized that marine resource interests may not be consistent as between the Administering Authority and the Trust Territory of the Pacific Islands; and

WHEREAS, as a result of these differences of interest and policy, the Micronesian delegation on the law of the sea has represented the Trust Territory of the Pacific Islands as a separate observer delegation at the Third United Nations Conference on the Law of the Sea, and has there promoted those interests of Micronesia that were inconsistent with the position and interests of the Administering Authority; and

WHEREAS, the Congress of the United States has recognized these considerations and, at the request of the Congress of Micronesia and the Micronesian delegation on the law of the sea, has not applied to the Trust Territory of the Pacific Islands the United States Conservation and Management Act of 1976 which forbids jurisdiction over highly migratory species on a national basis; and

WHEREAS, that action by the United States Congress left no law applicable between 1976 and 1977 to the marine space of Micronesia beyond the 12-nautical mile exclusive fishery zone around the Micronesian islands; and

WHEREAS, the Congress of Micronesia, in August 1977, passed the Micronesia Fishery Zones Jurisdiction law which asserts complete fishery jurisdiction for 200 nautical miles around the Micronesian islands to the full extent recognized by international law and in the same manner as similar domestic laws of other nations, and the Administering Authority has recognized the competence of the Congress of Micronesia to pass such legislation, and has had it signed and approved as Public Law No. 7-71 (Title 52 of the Trust Territory Code); and

WHEREAS, Title 52 of the Trust Territory Code, Section 58, provides a procedure whereby district legislatures in Micronesia may succeed to that competence by appropriate legislation of their own; now, therefore,

BE IT RESOLVED by the Senate of the Seventh Congress of Micronesia, second regular session, 1978, the House of Representatives concurring, that:

1. It is the sense of the Congress to support the Declaration of Port Moresby of the South Pacific Forum of August 1977, and the principles set forth herein.

2. It is the sense of the Congress that co-operation between Micronesia and its Pacific neighbours in the protection of their respective coastal state rights, and of the resources in their respective marine spaces, should be carried forward so as to promote and protect Micronesian marine resource rights and authority to the maximum possible extent.

3. It is the sense of the Congress that the Micronesian delegation on the law of the sea should continue to represent the Trust Territory of the Pacific Islands and the Congress of Micronesia at the Third United Nations Conference on the Law of the Sea and at any regional conferences concerned with marine resources such as the conference or meeting of the South Pacific Fishery Agency, and should continue to give effect to House joint resolution No. 6-180, Sixth Congress of Micronesia, second regular session, 1976, and the Declaration of the First Micronesian Convention on the Law of the Sea of November 1976.

4. It is the sense of the Congress that the Micronesian delegation on the law of the sea should do so on a basis permitting the full and free presentation of Micronesian ideas and the full and free protection of Micronesian interests, especially where these may be inconsistent with those of the Administering Authority, and should in all respects promote co-operation with Micronesia's Pacific neighbours in protecting and advancing their respective marine resource rights and authority and, wherever their interests may be consistent, to co-operate also with the Administering Authority.

5. It is the sense of the Congress that the Micronesian law of the sea delegation should prepare forthwith and submit for congressional review further legislation to safeguard all other resource rights in Micronesian marine space, in the form of legislation conforming to international law and protecting Micronesia's rights to an exclusive economic zone.

6. It is the sense of the Congress that the Pacific neighbours of Micronesia as well as the Administering Authority, the Trusteeship Council of the United Nations, the Third United Nations Conference on the Law of the Sea and the nations of the world should be requested, and herewith are urged, to give full co-operation and assistance to Micronesia to achieve these aims and actions.

BE IT FURTHER RESOLVED that a certified copy of this joint resolution be transmitted to Secretary of the United States Department of the Interior; the Secretary of the United States Department of State; the Office of Micronesian Status Negotiations; the Trusteeship Council of the United Nations; the Third United Nations Conference on the Law of the Sea; signatories to the October 1976 Suva Declaration; signatories to Declaration of the South Pacific Forum of August 1977; the Chairman of Micronesian Law of the Sea delegation; and the High Commissioner of the Trust Territory of the Pacific Islands.

Adopted: 25 February 1978
