

46



CONFIDENTIAL

Classification

Department of State

TELEGRAM

566  
POL 19 PAC TT  
XR POL 334 PAC TT  
XR POL 33-8  
XR POL 33.4 49  
B 10

INDICATE:  
 COLLECT  
 CHARGE TO

DISTRIBUTION

ACTION: Amembassy TOKYO

STATE

SUBJ: Micronesian Territorial Waters

Following was sent action HICOMTERPACIS SAIPAN (Info CINCPAC and CINCPAC REP GUAM) and is repeated to you. FYI. BEGIN MESSAGE.

1. Any Bill passed by Micronesian Congress purporting to extend territorial RPT territorial waters limits of Micronesia from 3 to 12 miles cannot be approved. US subscribes to 3 mile territorial sea limit.
2. As stated previous message of January 26, US is currently engaged in intensive international effort to secure broad agreement on outstanding oceans problems at 1973 Law of the Sea Conference. If agreement can be reached at this Conference it will help avoid unilateral extensions

83284

DEPARTMENT OF STATE A/CDC/MR

FEB. 25 1971

REVIEWED BY

EDS  or XDS  EXT. DATE

TS AUTH. REASON(S)

ENDORSE EXISTING MARKINGS

DECLASSIFIED/RELEASABLE

RELEASE DENIED

PA OF FOI EXEMPTIONS

4

DRAFTED BY: IO/UNP:FHodsoll:aww	DRAFTING DATE 5/13/71	TEL. EXT. 20573	APPROVED BY: John A. Armitage
------------------------------------	--------------------------	--------------------	----------------------------------

CLEARANCES:

IO - Herz UNP - McIntyre, Sutter DOD - Cmdr. Lynch DOD - Cmdr. Kuhn  
 L/OA - Pitman L/UNA - Stowe COA-S/FW - Britton (subst) and Blow  
 Commerce/NOAA - Wilson (info) EA/J - Hayashida (subst)  
 Interior - Loesch, Chapman

CONFIDENTIAL

Classification



~~CONFIDENTIAL~~  
~~UNCLASSIFIED~~

Classification

# Department of State TELEGRAM

INDICATE:

COLLECT

CHARGE TO

-2-

DISTRIBUTION

ACTION: ~~INFO ON DEPTACOS, OSAT, DEAN X~~ Amembassy TOKYO 7

of national jurisdiction by coastal states and possible international disputes and conflict resulting therefrom. LOS Conference will deal inter alia with question of breadth of territorial seas, fisheries, and seabed boundary and resources. We are attempting to reach international agreement on a 12 mile territorial sea at Conference provided freedom of transit through and over international straits is assured. As one of principal exponents of international agreement with respect to outstanding oceans problems, US cannot agree to area for which it responsible making unilateral claim. Further, Micronesians will benefit from successful conclusion 1973 LOS Conference, if 12 mile territorial sea agreed.

3. You have indicated that foreign fishing lies at root Micronesian Congress initiative. We therefore propose new Chapter 4 within Title 19 of Trust Territory Code along following lines so as to protect Micronesian

DRAFTED BY:

DRAFTING DATE

TEL. EXT.

APPROVED BY:

CLEARANCES:

~~UNCLASSIFIED~~

CONFIDENTIAL

Classification

DS-322

05-419871





~~CONFIDENTIAL~~  
~~XXXXXXXXXX~~

Classification

Department of State  
**TELEGRAM**

INDICATE:  
 COLLECT  
 CHARGE TO

-4-

DISTRIBUTION

ACTION: ~~XXXXXXXXXX~~ Amembassy TOKYO 7

Section 133. Description of Boundaries. The fisheries zone has as its inner boundary outer limits of territorial waters and as its seaward boundary a line drawn so that each point on the line is nine nautical miles from nearest point in inner boundary. Section 134. Unlawful Acts; Penalties for Violations. It shall be unlawful, except as provided in Section 131, for any ~~vessel~~ vessel the other than a vessel of/Trust Territory of Pacific Islands or of United States or under jurisdiction of United States to engage in fishing or fisheries in/contiguous zone. Violations of this section shall be subject to penalties prescribed in Section 107 of Chapter 3 of Title 19. END TEXT

4. Exclusive 9 mile contiguous fisheries zone, i.e., out to 12 miles from shore, is in our opinion in accord with customary international law. On that basis US

DRAFTED BY:

DRAFTING DATE

TEL. EXT.

APPROVED BY:

CLEARANCES:

~~XXXXXXXXXX~~

CONFIDENTIAL

Classification



CONFIDENTIAL

Classification

Department of State

TELEGRAM

INDICATE:

COLLECT

CHARGE TO

-5-

DISTRIBUTION

ACTION: Amembassy TOKYO

established such a zone in October 1966. US has since 1966 negotiated bilateral agreements with Canada, Mexico, Japan, Poland and USSR which involve matters related to traditional fisheries off US coasts. Traditional fishing has thus been recognized with respect to US 12 mile fishing zone. We cannot assure greater rights for Micronesians that we claim for ourselves by denying even possibility of recognizing any traditional fishing. (See 21 USC 1091 et seq.) While we realize that the concept of QTE traditional fishing UNQTE may be unpopular, it should be noted that recognition of QTE traditional fishing UNQTE is not automatic; rather it requires first claim with respect thereto and then negotiation. We would plan to consult with Micronesians on any negotiations in this respect affecting TTPI. You should inform us immediately if and when above Bill passes Micronesian Congress with any amendments noted. **LOESCH SENDS.** END MESSAGE

END

DRAFTED BY:

DRAFTING DATE

TEL. EXT.

APPROVED BY:

ROGERS

CLEARANCES:

CONFIDENTIAL