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Drafted by: POLAD:JCDorrance:jcd

Drafting Date: 5/17/71

Phone No.:

Contents and Classification Approved By: POLAD:JCDorrance

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DEPARTMENT OF STATE

AIRGRAM

Original to be filed in _____ Decentralized File _____

R 573
Pol. 19 Fact
03
FILE DESIGNATION

UNCLASSIFIED (60 year)

HANDLING INDICATOR TO : Department of State (IO/UNP)

DEPT. PASS TO: Interior Dept. for Asst. secretary Lousen and Office of Territories.

FROM : HICONTERPACIS POLAD, SAIPAN DATE: May 17, 1971

SUBJECT : TTPI Territorial Limits

REF : Distad Truk Tel 1700204 May 71

- The referenced telegram reported revision of S.B. 10 to create a nine mile fisheries and natural resources zone contiguous with the TTPI's territorial waters. The original bill provided for extension of the TTPI's territorial limits from three to nine miles.
- The revised bill, together with the committee report on the bill, is enclosed.

DORRANCE

ad 24

Enclosure: one as stated above.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY JCD DATE FEB. 25 1987

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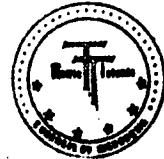
Enclosure
Saipan A-18

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COMMITTEE
JUDICIARY AND
GOVERNMENTAL RELATIONS

Congress of Micronesia
House of Representatives
Saipan, M. I.
96950

Otter Paul
Chairman
Ataji Balos
Hans Willander
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John Mangefel
Timothy Olkerill



STAND. COM. REP. NO. 66

May 17, 1971

RE: S.B. No. 16

The Honorable Bethwel Henry
Speaker, House of Representatives
Fourth Special Session, 1971
Congress of Micronesia

Dear Sir:

Your Committee on Judiciary and Governmental Relations to which was referred Senate Bill No. 16, ENTITLED:

S.B. No. 16, "A BILL FOR AN ACT AMENDING SUBSECTION (3) OF SECTION 101 OF TITLE 19, CHAPTER 3 OF THE TRUST TERRITORY CODE, TO PROVIDE FOR AN EXPANSION OF TERRITORIAL LIMITS,"

begs leave to report as follows:

The purpose of this bill is to extend the limit of the territorial waters of the Trust Territory from the present three miles to twelve miles. In extending the breath of the territorial waters, the bill intends to secure for the Trust Territory the fisheries and mineral rights that may be found in the sea and in the underlying seabed. Thus the bill is not merely an attempt to secure a greater boundary delineation for the Trust Territory.

In the public hearings on this bill both in Saipan in January and here in Truk District this session, your Committee was made to understand that many coastal nations have unilaterally declared their jurisdictions over waters to be well beyond the presently recognized, international standard of three miles. Disputes regarding these unilateral declarations have culminated in an intensive international effort to secure broad agreement on various ocean problems. Among these problems is the matter of unilateral extension of national jurisdiction by coastal nations and possible international disputes and conflict resulting therefrom. Several nations have now agreed to attend and participate in the 1973 Law of the Sea Conference which will deal with questions of

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STAND. COM. REP. NO. 66

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May 17, 1971

RE: S.B. No. 16

breadth of territorial seas, fisheries, and seabed boundaries and resources. Until this conference is concluded and international agreements reached with regard to territorial boundaries, any attempt for the Trust Territory to unilaterally extend its territorial waters from three to twelve miles will very likely not be recognized. Your Committee was made to understand that the United States Government, for one, would object to any such attempt. Attached to this report is the position of the United States as presented to your Committee.

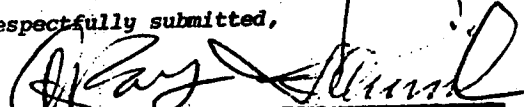
Your Committee, in reviewing S.B. No. 16, noted in the accompanying report from the Senate that the primary concern pertained to the matter of resources of the sea and potential mineral wealth in the underlying seabeds. Your Committee, therefore, considered it possible to extend jurisdiction over the marine resources and mineral rights and related matters up to twelve miles without claiming unlimited control of the sea, subjacent seabed, and superjacent airspace connoted by the term "territorial waters" or territorial sea. The United States Government has at least done so without being subjected to international dispute or criticism. (See 16 U.S.C.A. 1091, et. seq. and 43 U.S.C.A. 1301, et. seq.)


Based on the foregoing considerations, your Committee has decided to amend this bill by deleting Section 1 of the bill in its entirety replacing it with a new Chapter 4 of Title 19 with enumerated sections to accomplish the purpose that the bill initially tried to achieve. As amended, the bill would provide Section 120 in Title 19 of the Code and give definitions to the words "fisheries", and "natural resources."; Section 121 establishes the rights to fisheries and natural resources within a certain zone contiguous to the territorial waters; Section 122 describes boundary as being nine nautical miles from the outer boundary of the three mile territorial waters. Thus the breadth of the territorial waters and that of the fisheries and natural resources zone would combine to give the Trust Territory twelve miles, as the Senate bill attempted to do in its original form. Section 123 provides for penalties.

Your Committee is in full accord with the intent and purpose of this bill, as amended, and recommends its passage on First Reading and that it be placed on the calendar for Second Reading, as S.B. No. 16, H.D. 1.

Respectfully submitted,


Ataji Palos, Member


Olter Paul, Chairman


Timothy Okerill
Member


Hans Wiliander, Member


John Mangefey, Member

Herman Guerrero, Member

EXHIBIT "A"

Statement made to Judiciary and Governmental Relations Committee
by Mr. John Dorrance, Political Advisor to the High Commissioner.

1. S.B. 16 extending "territorial waters" as defined in TTC Sec 101 of Title 19, Chapter 3 from three to twelve miles cannot be accepted by U.S. Government. Following is background of basis of which U.S. Government hopes the Congress of Micronesia will understand U.S. Government position.
2. There is to be a Law of the Sea Conference in 1973 which will deal with, among other things, the breadth of the territorial sea. The United States has for two years been involved in attempting to secure international agreement to new treaty articles on setting the maximum permissible breadth of the territorial sea at 12 nautical miles, while assuring freedom of transit through and over international straits, and securing certain coastal state preferences with regard to high seas fisheries. We will participate in meetings of the United Nations Seabeds Committee (acting as a preparatory committee for the 1973 conference) in March and July/August 1971.
3. It will be our aim over the next two years to secure general international agreement to new treaties in this area. Meanwhile, we continue to oppose any unilateral extensions by any country of the territorial seas beyond 3 nautical miles.

A BILL FOR AN ACT

Amending Subsection (B) of Section 101 of Title 19, Chapter 3 of the Trust Territory Code, by adding new sections and Chapter 4 to establish a fisheries and natural resources zone of the Trust Territory and for other purposes. To provide for an expansion of territorial limits.

BE IT ENACTED BY THE CONGRESS OF MICRONESIA:

1 Section 1. Subsection (B) of Section 101 of Title 19, Chapter 3 of
2 the Trust Territory Code is amended to read as follows:

3 7(B) TERRITORIAL WATERS) MEAN FOR THE PURPOSE OF THIS CHAPTER
4 THAT PART OF THE SEA COMPREHENDED WITHIN THE ENVELOPE OF ALL AREAS HAVING
5 A RADIUS OF THREE TWELVE NAUTICAL MILES DRAWN FROM ALL POINTS OF THE
6 SHORELINE, ISLANDS, REEF, OR OTHER POINTS SURFACE OF THE TRUST TERRITORY
7 MEASURED FROM THE LOW WATER LINE, OR, IN ABSENCE OF SUCH A POINT SURFACE
8 THE DISTANCE TO BE MEASURED FROM THE LOW WATER LINE OF ANY ISLAND,
9 ISLET, ATOLL, REEF, OR ROCKS WITHIN THE JURISDICTION OF THE TRUST
10 TERRITORY/7

11 Section 1. There is hereby added a new Chapter to Title 19 of the
12 Trust Territory Code, to be designated as Chapter 4 and to have sections
13 and to read as follows:

14 "Chapter 4.

15 "Section 120. Definitions. As used in this Chapter, the
16 following terms shall have the meanings respectively ascribed to
17 them in this section:

18 a. "fisheries" means the taking, planting, or cultivation
19 of fish, mollusks, crustaceans, or other forms of marine animal
20 or plant life.

21 b. "natural resources" includes, without limiting the
22 generality thereof, oil, gas, and all other minerals on or
23 under the seabed and subsoil of the submarine areas adjacent to
24 the coast of any island, islet, atoll, reef, or rocks of the
25 Trust Territory but outside the area of the territorial sea, to

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1 a depth of 200 meters or, beyond that limit, to where the
2 depth of the superjacent waters admits of the exploitation
3 of the natural resources of said areas.

4 Section 121. Establishment of rights to fisheries and natural
5 resources. There is established a fisheries and natural resources zone
6 contiguous to the territorial waters, as defined in Subsection (3),
7 Section 101 of Title 19 of the Trust Territory Code. The Trust
8 Territory will exercise the same exclusive rights in respect to
9 fisheries and natural resources in the zone as it has in its
10 territorial waters except as expressly provided by an international
11 agreement to which the United States or the Trust Territory of
12 the Pacific Islands is a party.

13 Section 122. Description of boundaries. The fisheries and
14 natural resources zone has as its inner boundary the outer limits
15 of the territorial waters and as its seaward boundary a line drawn
16 so that each point on the line is nine nautical miles from the
17 nearest point in the inner boundary.

18 Section 123. Unlawful acts. It is unlawful, except as
19 provided in Section 121 of this Chapter, for any vessel, or for any
20 master or other person in charge of such a vessel, to engage in
21 fisheries or in the taking of natural resources within the fisheries
22 and natural resources zone which appertains to the Trust Territory;
23 provided, however, that this section shall not apply to any vessel
24 of the Trust Territory or of the United States. Any violation of
25 this section shall be subject to the penalties prescribed in

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H. B. NO. 17, H.D. 1

1 Section 107, Chapter 3 of this Title."

2 Section 2. This act shall take effect upon its approval by the High
3 Commissioner or upon its becoming law without such approval.

4
5 Date: _____ Introduced by: s/Olympio T. Borja
6 Olympio T. Borja

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8 s/Edward DLG. Pangelinan
9 Edward DLG. Pangelinan

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