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THE SENATE
CONGRESS OF MICRONESIA
SAIPAN, MARIANA ISLANDS 96950

COMMITTEE on
RESOURCES and DEVELOPMENT

STANDING COMMITTEE REPORT NO. 6-180

FEBRUARY 25, 1976

Arnata Kabus, Chairman

RE: H.J.R. NO. 6-180

John Mangfel, Vice Chairman
Luzarus E. Sali
Ambilos Ichel
Tosiwo Nakayama
Pedro A. Tenorio

The Honorable Tosiwo Nakayama
President of the Senate
Sixth Congress of Micronesia
Second Regular Session, 1976

Dear Mr. President:

Your Committee on Resources and Development, to which was referred House Joint Resolution No. 6-180, entitled:

H.J.R. NO. 6-180, "A HOUSE JOINT RESOLUTION REAFFIRMING OWNERSHIP AND CONTROL OF RESOURCES WITHIN THE MARINE SPACE OF MICRONESIA."

begs leave to report as follows:

The intent and purpose of this House Joint Resolution is to reaffirm by expression of Congress certain basic principles with respect to the ownership and control of sea resource rights which have been advanced, first by the Joint Committee on the Law of the Sea, and later by the Micronesian Delegation to the United Nations Law of the Sea Conference.

The principles are:

That all land and sea resources within Micronesia are part of the national heritage of Micronesia, and that the elected representatives of the people of Micronesia have the sole authority to exercise and dispose of such resource rights;

That such resources and resource rights include those confirmed by or arising from any law of the sea convention to which Micronesia adheres;

That Micronesia be a signatory and contracting party in its own right and name to all law of the sea conventions;

STANDING COMMITTEE REPORT NO. 4-270

FEBRUARY 25, 1976

RE: H.J.R. NO. 6-180

That Micronesia, in its own right and name, have full access to all law of the sea dispute settlement procedures to vindicate its rights;

That Micronesia represent itself in all international negotiations respecting sea resource rights;

That Micronesia does not recognize and will not respect any agreements or treaties respecting sea resource rights which purport to bind Micronesia but which have not received the express approval of the Congress of Micronesia; and

That prior to the implementation of self-government, Micronesia shall act in all the foregoing respects through its elected representatives, the Congress of Micronesia.

During their four years of effort and struggle, the Joint Committee on the Law of the Sea and its successor, the Micronesian Delegation, have learned one thing if they have learned nothing else, that because of opposing domestic interests, the United States will not now and cannot be expected in the future to protect Micronesia's sea resource interests, despite the fact that the United States is obligated to protect all of our interests under the Trusteeship Agreement. Because of this the Joint Committee and Delegation early concluded that the only alternative for Micronesia is to acquire full control over all matters related to the law of the sea by the elected representatives of the people, the Congress of Micronesia.

There are many obstacles to acquiring control of our sea resources, primary among them is the foreign affairs power of the United States assumed under the Trusteeship Agreement and asserted in the political status negotiations. Assertion and enforcement of archipelagic status or of a 200 mile economic zone necessarily involves dealing with other nations, international organizations and agencies, international dispute settlement procedure and the negotiation and conclusion of treaties and other forms of international agreement. Under the Trusteeship the United States has conducted foreign relations for Micronesia and would like to continue to do so after termination of the Trusteeship. Whatever the merits of granting the United States foreign affairs powers with respect to military activities, consular affairs, commercial relations with other countries, and the like, the Micronesian representation to the Law of the Sea Conference has consistently argued that the United States should not represent Micronesia with respect to the law of

FEBRUARY 25, 1976

RE: H.J.R. NO. 6-180

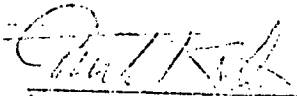
the sea because of a pattern of continuously ignoring our interests in favor of their own domestic interests.

The resolution would place the Congress on record as supporting the principles advanced by the Law of the Sea Delegation and would give the Delegation the necessary authority to continue to pursue them. The resolution also directs future status negotiators to reserve full authority over all matters related to the law of the sea to the government of Micronesia.

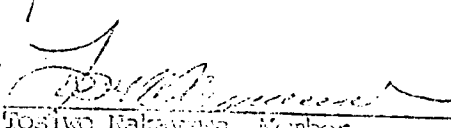
A footnote to this controversy between Micronesia and the United States recently arose via an editorial in the Pacific Daily News. The editorial stated that the United States and Taiwan had agreed in principle to an arrangement whereby Taiwanese fishermen would be permitted to fish in sea areas under United States jurisdiction including Micronesia. The Law of the Sea Delegation has not been informed of any such negotiations and is presently trying to verify the truth of the assertions in the editorial. If, in fact, the United States is contemplating a treaty with Taiwan disposing of Micronesia's fishing rights, early adoption of this resolution is extremely important to any effort by the Delegation to prevent such a treaty or to repudiate the treaty if it is found to be unfavorable to our interests.

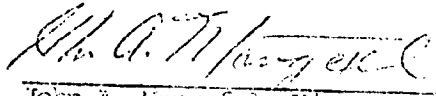
Your Committee is in accord with the intent and purpose of House Joint Resolution No. 6-180, and recommends its adoption.

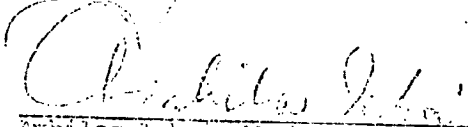
Respectfully submitted,

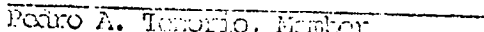

Ivata Kabua, Chairman


Lazarus E. Salii, Member


Tosiwo Nakayama, Member


John A. Mangefel, Vice-Chairman


Ambilos Lebsa, Member


Pedro A. Taborio, Member

RAD

[Date 2/17/76]

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SIXTH CONGRESS OF MICRONESIA
SECOND REGULAR SESSION, 1976

H. J. P. NO. 6-180

A HOUSE JOINT RESOLUTION

Respecting ownership and control of resources within the marine space of Micronesia.

1 WHEREAS, the sovereignty of Micronesia resides with its people;

2 and

3 WHEREAS, flowing from that proposition, the ownership and
4 control of all resources within the national territory and marine
5 space of Micronesia resides with its people, to be exercised by
6 their duly elected representatives; and

7 WHEREAS, the duly elected representatives of the people of
8 Micronesia acting in congress have established the Delegation of
9 Micronesia to represent the interests of the people of Micronesia
10 at the United Nations Law of the Sea Conference which Delegation
11 is a fully participating Observer Member of the Conference; and

12 WHEREAS, in furtherance of its responsibilities, the Delegation
13 has advanced certain basic principles regarding the ownership and
14 control of sea resources; and

15 WHEREAS, among these basic principles are the following:

16 That all land and sea resources within Micronesia are
17 part of the national heritage of Micronesia, and that the elected
18 representatives of the people of Micronesia have the sole authority
19 to exercise and dispose of such resource rights;

20 That such resources and resource rights include those
21 confirmed by or arising from any law of the sea convention to
22 which Micronesia adheres;

23 That Micronesia be a signatory and contracting party in
24 its own right and name to all law of the sea conventions;

25 That Micronesia, in its own right and name, have full

1 access to all law of the sea dispute settlement procedures to
2 vindicate its rights;

3 That Micronesia represent itself in all international
4 negotiations respecting sea resource rights;

5 That Micronesia does not recognize and will not respect
6 any agreements or treaties respecting sea resource rights which
7 purport to bind Micronesia but which have not received the express
8 approval of the Congress of Micronesia; and

9 That prior to the implementation of self-government,
10 Micronesia shall act in all the foregoing respects through its
11 elected representatives, the Congress of Micronesia; now, therefore,

12 BE IT RESOLVED by the House of Representatives of the Sixth
13 Congress of Micronesia, Second Regular Session, 1976, the Senate
14 concurring, that the Congress of Micronesia supports and directs
15 the continued advancement of the foregoing principles; and

16 BE IT FURTHER RESOLVED that the Congress of Micronesia
17 respectfully requests the United Nations, its member states, and
18 the world community generally to support the foregoing principles;
19 and

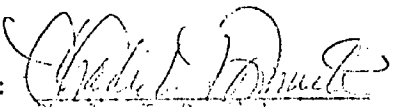
20 BE IT FURTHER RESOLVED that the Congress of Micronesia directs
21 the foregoing principles to be respected as fundamental principles
22 of any future relationship between the United States and Micronesia
23 and that full authority with respect to sea resource rights be
24 reserved to the future government of Micronesia; and

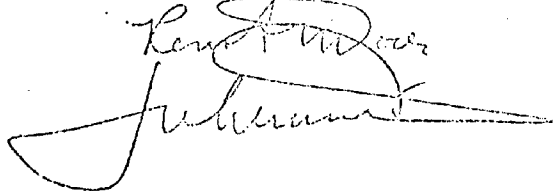
25 BE IT FURTHER RESOLVED that prior to the implementation of the

1 draft Constitution of the Federated States of Micronesia, the
2 President of the Senate or his designee, is hereby authorized to
3 sign, on behalf of Micronesia, any agreements or treaties
4 affecting sea resource rights, which agreements or treaties become
5 binding upon Micronesia upon ratification by the Congress of
6 Micronesia by joint resolution; and

7 BE IT FURTHER RESOLVED that certified copies of this House
8 Joint Resolution be transmitted to the Secretary General of the
9 United Nations, the Secretaries of the Departments of State and
10 Interior of the United States Government, and to the High Commissioner
11 of the Trust Territory of the Pacific Islands.

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13 Date: Feb. 13, 76

Introduced by: 
Charles I. Donnick



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COMMITTEE
WAYS AND MEANS

Resio Moses
Chairman

Isidoro Rudimch
Vice Chairman

Chiro Albert
Carmen Bisler
Herman Guerrero
John Hagelgam
Vacant

Congress of Micronesia

House of Representatives

Saipan, M. I.

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STAND. COM. REP. NO. 6-259

FEBRUARY 19, 1976

RE: H. J. R. NO. 6-180

The Honorable Bethwel Henry
Speaker, House of Representatives
Sixth Congress of Micronesia
Second Regular Session, 1976

Dear Mr. Speaker:

Your Committee on Ways and Means to which was referred H.J.R.
No. 6-180, entitled:

H.J.R. No. 6-180, "A HOUSE JOINT RESOLUTION RESPECTING
OWNERSHIP AND CONTROL OF RESOURCES
WITHIN THE MARINE SPACE OF MICRONESIA.",

begs leave to report as follows:

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by expression of Congress certain basic principles with respect to
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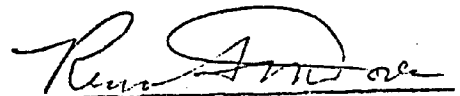
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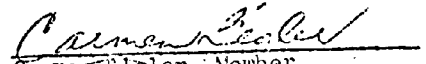
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Respectfully submitted,

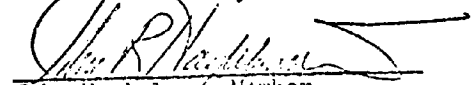

Resio Moses, Chairman

Isidoro Rudimch, Vice Chairman


Chiro Albert, Member


Carmon Bigler, Member

Herman Guerrero, Member


John Haglelgut, Member

RAD

[Date 2/17/76]

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SECOND REGULAR SESSION, 1976

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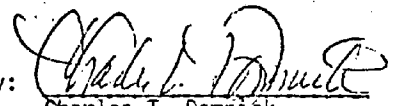
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11 of the Trust Territory of the Pacific Islands.

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Date: Feb. 17, 76

Introduced by: 
Charles T. Domnick

