



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Memorandum

February 26, 1980

To: Acting Assistant Secretary, Territorial and International Affairs

From: George R. Milner

Subject: Meetings with Representatives of the Northern Mariana Islands on Fisheries - Honolulu, February 21 and 22, 1980

The meetings were a consequence of actions resulting from the application of U. S. fishing and vessel documentation laws to the Northern Mariana Islands as of January 9, 1978, and a suit against the United States filed by the Northern Mariana Islands. The meetings to discuss a variety of fishing-related concerns were requested by Governor Camacho and agreed to by Secretary Andrus on behalf of himself and the Secretaries of Commerce and State.

Attached is a list of the attendees. Manny A. Sablan headed the NMI delegation; I chaired the meeting on behalf of the Federal agencies. Also attached is an agenda proposed by the NMI which formed the basis of the meetings.

In opening the meetings I pointed out that there were three purposes served by the meetings:

- a forum to discuss points of view and the interpretation of various applicable laws;
- to update both sides on recent developments;
- to assure the NMI again of Federal interest in NMI development of the fisheries.

I pointed out that the basic problem was the documentation of fishing vessels and that a proclamation suspending the application of pertinent parts of the documentation laws was on the President's desk. This is a short-term solution and I pointed out that the Administration is supporting a legislative permanent solution (the Won Pat bill, H.R. 5681) and urged the NMI to join us in such support.

The proclamation and legislative support are consistent with the President's policy statement emphasizing economic development and the just ended Pacific Basin Development Conference.

In reply, Mr. Sablan stated that fisheries are a very controversial issue in the Northern Mariana Islands; that the NMI wants to contribute to the economy and not be dependent on hand-outs; and that the NMI wants to be a part of the American political family.

Other NMI delegates discussed at length various issues of concern to the NMI. Greatly summarized, they are:

- (1) ownership of marine resources (mineral and living resources in general based on traditional claims and more specifically the tuna resources within 200 miles);
- (2) right to the revenues from the resource (NMI sees other Micronesian entities issuing permits for tuna fishing and receiving the revenues);
- (3) need for on-shore infrastructure to support a fishing industry; and
- (4) participation in regional organizations or international conferences (e.g. Law of the Seas).

Attached is a position paper on fisheries prepared by the NMI. Although labelled "preliminary," it was described as "final."

Fundamental to the discussion is the interpretation of the Fishery Conservation and Management Act -- on which we agreed to disagree. The NMI holds that the FCMA does not apply and the Federal agencies that it does apply. The question of vessel documentation is a separate issue, although it has been confused with the FCMA. One of the sticking points with respect to the FCMA is that the NMI is excluded from membership on the Western Pacific Fishery Council.

Legislation to add the NMI to the Council (supported by Commerce and State) has reportedly been complicated by an Interior proposal to add representation from the Fish and Wildlife Service. I do not know the justification for adding FWS to the Council (it is, apparently, not done elsewhere) but the FCMA should be amended so as to seat the NMI on the Council. It is patently unjust and inequitable to take the position that the FCMA applies to the NMI, but that the NMI cannot participate in decisions and action affecting the management of its fisheries.

During the afternoon session of February 21, I was able to announce that the Presidential Proclamation was signed. Copies were distributed (having been cabled from Washington) the next morning. The NMI delegation had some concerns about whether fish could be landed on Guam, whether U. S. citizens would be excluded from registering foreign-built vessels, and whether foreign investors could be induced to participate in joint ventures without risk of suit if the Won Pat legislation is not enacted before termination of the trusteeship. Mr. Brennan of Commerce made a particularly strong statement urging NMI to take advantage of the opportunity afforded by the proclamation to develop the fishery and, also to join in supporting the Won Pat bill.

At the February 22 session it was agreed that NMI will write to Interior concerning questions on the proclamation (fish landing and U. S. citizen participation); that NMI will write to State concerning, particularly, Law of the Sea Conference participation; and that Interior will examine further the marine resource ownership question.

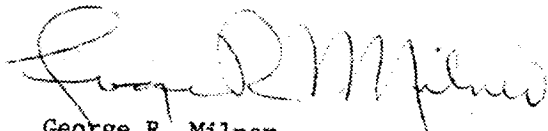
The NMI was asked to join with the U. S. in a motion to withdraw the lawsuit on the grounds that the proclamation renders the case moot. The NMI said it would consider the proposal.

The NMI delegation will put together an economic package on the fisheries and submit it within a month with possibly some additional specific questions.

The NMI position was summed up as:

- a voice in the control and management of the resources;
- the use of the revenues from the resources;
- ownership of the resources.

Mr. Sablan asked that a further meeting be held on Saipan within a month. I said we want to continue the dialogue but that, because of reorganization, a meeting within a month would be difficult. When the Governor is in Washington in early April for appropriation hearings, I suggested we could then decide when a further meeting would be desirable and useful. Mr. Sablan agreed.


George R. Milner