Resolution No. 28-GA-06

"Expressing the support of the Association of Pacific Island Legislatures for the efforts of the Legislature of the Island of Guam to establish aboriginal indigenous fishing rights within the Island of Guam, and to request that the President of the United States include Guam with the Commonwealth of the Northern Mariana Islands relative to providing that subsistence and traditional aboriginal indigenous fishing shall be managed as a sustainable activity consistent with other applicable laws therein."

1. **WHEREAS**, pursuant to Public Law 29-127, which became law in the Island of Guam on the 22nd day of December, 2008, the Legislature of Guam cleared the path for the aboriginal indigenous people of Guam to receive aboriginal indigenous rights to fishing and harvesting of resources as provided by law; and

2. **WHEREAS**, the basic human right of aboriginal indigenous people to provide subsistence for their families through the proper and sustainable harvesting of natural resources should never be abridged; and

3. **WHEREAS**, historically, until the arrival of the Spanish, the aboriginal indigenous Chamorro people of the Marianas Islands, including Guam, were much like the aboriginal indigenous people throughout the Pacific islands, subsisting primarily on fishing; however, Guam’s European conquerors prohibited fishing outside Guam’s reefs and placed restrictions on fishing inside the reef, and similar policies were continued by the American Naval administration, forcing Chamorros to turn to farming as their primary source of subsistence; and

4. **WHEREAS**, despite this historical discrimination, the aboriginal indigenous Chamorros were able to maintain their fishing traditions and skills, and in 1977 the people of the Island of Guam approved a draft constitution containing language to provide “rights for Chamorros to off-shore fishing and harvesting of resources” as
provided by law, and the draft constitution was approved by both the Congress and the
President of the United States, but was eventually rejected by the people of Guam for
reasons not related to aboriginal indigenous fishing; and

WHEREAS, U.S. President George W. Bush expressed the support of the United
States Federal Government for indigenous fishing in his January 6, 2009 designation of
the Marianas Trench Marine National Monument, which provided that the U.S. Secretary
of Commerce “shall ensure that sustenance, recreational, and traditional indigenous
fishing shall be managed as a sustainable activity consistent with other applicable law
and after due consideration with respect to traditional indigenous fishing of any
determination by the Government of the Commonwealth of the Northern Mariana
Islands”; and

WHEREAS, the Association of Pacific Island Legislatures is in support of
ensuring that the right of subsistence traditional aboriginal indigenous fishing should also
be implemented and sustained in the Island of Guam; now, therefore,

BE IT RESOLVED by the Association of Pacific Island Legislatures, 28th
General Assembly, Pohnpei State, FSM, June 9-11, 2009, that the Association of Pacific
Island Legislatures does hereby express its support for the efforts of the Legislature of the
Island of Guam to establish aboriginal indigenous fishing rights within Guam; and

BE IT FURTHER RESOLVED by the Association of Pacific Island
Legislatures, that the Association of Pacific Island Legislatures does hereby request that
the President of the United States include the Island of Guam with the Commonwealth of
the Northern Mariana Islands in ensuring “that sustenance, recreational, and traditional
indigenous fishing shall be managed as a sustainable activity consistent with other
applicable law”; and
BE IT FURTHER RESOLVED that the President of the Association of Pacific Island Legislatures shall certify, and the Secretary of the Association of Pacific Island Legislatures shall attest to the adoption hereof; and that copies of the same shall be thereafter transmitted to the President of the United States Barack Obama; to the United States Secretary of Commerce Gary Locke and to the Presiding Legislative Officers and Chief Executives of each of the APIL member jurisdictions.


J. KALANI ENGLISH
APIL PRESIDENT

JUDITH T. WON PAT, ED.D.
APIL SECRETARY