



Association of Pacific Island Legislatures

American Samoa
Commonwealth of the Northern Mariana Islands
FSM, State of Chuuk
FSM, State of Kosrae
FSM, State of Pohnpei
FSM, State of Yap
Island of Guam
Republic of Kiribati
Republic of the Marshall Islands
Republic of Nauru
Republic of Palau
State of Hawaii

A RESOLUTION

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
2 Guam on the 22nd day of December, 2008, the Legislature of Guam cleared the path for
3 the aboriginal indigenous people of Guam to receive aboriginal indigenous rights to
4 fishing and harvesting of resources as provided by law; and

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

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

15 **WHEREAS**, despite this historical discrimination, the aboriginal indigenous
16 Chamorros were able to maintain their fishing traditions and skills, and in 1977 the
17 people of the Island of Guam approved a draft constitution containing language to
18 provide “rights for Chamorros to off-shore fishing and harvesting of resources” as

1 provided by law, and the draft constitution was approved by both the Congress and the
2 President of the United States, but was eventually rejected by the people of Guam for
3 reasons not related to aboriginal indigenous fishing; and

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

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

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

19 **BE IT FURTHER RESOLVED** by the Association of Pacific Island
20 Legislatures, that the Association of Pacific Island Legislatures does hereby request that
21 the President of the United States include the Island of Guam with the Commonwealth of
22 the Northern Mariana Islands in ensuring “that sustenance, recreational, and traditional
23 indigenous fishing shall be managed as a sustainable activity consistent with other
24 applicable law”; and

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2 **BE IT FURTHER RESOLVED** that the President of the Association of Pacific
3 Island Legislatures shall certify, and the Secretary of the Association of Pacific Island
4 Legislatures shall attest to the adoption hereof; and that copies of the same shall be
5 thereafter transmitted to the President of the United States Barack Obama; to the United
6 States Secretary of Commerce Gary Locke and to the Presiding Legislative Officers and
7 Chief Executives of each of the APIL member jurisdictions.

DULY AND REGULARLY ADOPTED ON THE 11TH DAY OF JUNE, 2009.

J. Kalani English

J. KALANI ENGLISH
APIL PRESIDENT

Judith T. Won Pat

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

