



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

Resolution No. 55-BOD-11, CD1

A RESOLUTION

“Requesting that all member entities of the Association of Pacific Island Legislatures acknowledge and support the need for meaningful consultation with the people of Guam concerning the ‘Treaty Between the Government of the Federated States of Micronesia and the Government of the United States of America on the Delimitation of a Maritime Boundary’ before this treaty is ratified by both the FSM Congress and the US Congress.”

1 **WHEREAS**, on August 1, 2014 at the Pacific Islands Forum in Palau, the governments of the
2 FSM and the United States entered into a treaty on the delimitation of a Maritime boundary, to formally
3 redefine overlapping maritime boundary lines between Guam and the outlying islands of the FSM; and

4 **WHEREAS**, Guam, as an unincorporated territory of the United States, was not offered
5 membership in the Pacific Islands Forum, and Guam’s governor and U.S. congressional delegate were
6 merely invited to the meeting in Palau as observers; and

7 **WHEREAS**, The people of Guam were not included in negotiations concerning this treaty,
8 which according to reports from the Secretariat of the Pacific Community’s Applied Geoscience and
9 Technology Division (SOPAC), have been ongoing since 2002 through SOPAC’s “Regional Maritime
10 Boundaries Delimitation Project”; and

11 **WHEREAS**, the United States and the FSM could have provided a mechanism to secure
12 consultation with the people of Guam at some point within the past twelve years of negotiations, but did
13 not; and

14 **WHEREAS**, FSM Secretary of Foreign Affairs Lorin Robert signed the treaty on behalf of the
15 FSM and expressed that in creating a well-defined boundary between Guam and the FSM, the treaty,
16 “confirms and strengthens ... the Micronesian tradition that we are peoples of the seas; we take pride in
17 the stewardship and benefit from the bounties of the ocean”; and

1 **WHEREAS**, historically and culturally, as peoples of the seas, the people of the FSM islands
2 and the people of Guam would have consulted each other on issues concerning the ocean and its natural
3 resources; and

4 **WHEREAS**, the treaty appears to have included Challenger Deep – the deepest know point in
5 the Marianas Trench – in the FSM’s Exclusive Economic Zone (EEZ); and

6 **WHEREAS**, Guam is part of the Mariana Islands, which is the namesake of the Marianas
7 Trench; and

8 **WHEREAS**, the passage of this resolution does not advocate for the elimination of the National
9 Marine Monument in the Commonwealth of the Mariana Islands; and

10 **WHEREAS**, while there is some ambiguity as to the exact location of Challenger Deep, the
11 United States Geological Survey (USGS) released the publication “Marine Mineral Resources of Pacific
12 Islands – A Review of the Exclusive Economic Zones of Islands of U.S. Affiliation, Excluding the State
13 of Hawaii (2005),” which indicates, textually and topographically, that Challenger Deep falls on the
14 Guam side, and not the FSM side, of the maritime boundary identified in the treaty; and

15 **WHEREAS**, many in Guam have long assumed that Challenger Deep is located within Guam’s
16 EEZ, and thus, the United States had a duty to consult the people of Guam before formally executing a
17 maritime boundary delimitation that potentially removes Challenger Deep from Guam’s EEZ, especially
18 considering that the seabed and subsoil of Challenger Deep may contain valuable mineral deposits that a
19 future self-governing Guam could choose to use for economic gain; and

20 **WHEREAS**, the Charter of the United Nations dictates that in non-self-governing territories like
21 Guam, where the people have yet to attain a full measure of self-government, the states administering
22 them must, “recognize the principle that the interests of the inhabitants of these territories are
23 paramount”; and

24 **WHEREAS**, the UN General Assembly has repeatedly affirmed that self-determination includes
25 entitlement to natural resources within one’s territory as evidenced in its Resolution on Permanent
26 Sovereignty Over Natural Resources (Resolution 1803), which determines that the “violation of the rights

1 of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and
2 principles of the Charter of the United Nations”; and Resolution 3281, containing the Charter of
3 Economic Rights and Duties of States, which provides that “every State has and shall freely exercise full
4 and permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources
5 and economic activities”; and Resolution 1314, which clearly states that “the right of peoples and nations
6 to self-determination . . . includes ‘permanent sovereignty over their natural wealth and resources’”; and

7 **WHEREAS**, the UN General Assembly has expressly instructed the United States to work with
8 the Government of Guam, “... to take effective measures to safeguard and guarantee the inalienable right
9 of the people of Guam to own and dispose of the natural resources of the Territory, including marine
10 resources, and to establish and maintain control over the future development of those resources ...”; and

11 **WHEREAS**, if Challenger Deep does indeed fall within Guam’s EEZ, as the USGS itself has
12 represented, then the United States clearly had a duty to meaningfully consult with the people of Guam
13 before entering into the treaty, which potentially adversely impacts the people of Guam’s rights over their
14 marine resources; and

15 **WHEREAS**, APIL passed resolutions in both the 27th and 30th General Assemblies, encouraging
16 APIL member states to recognize, promote and support the decolonization of Guam and the Chamorro
17 right to self-determination; and

18 **WHEREAS**, since the treaty does not support the decolonization of Guam, its ratification should
19 be halted until the people of Guam are meaningfully consulted, as the ancestors of these Pacific Islands
20 would have done for generations; now, therefore,

21 **BE IT RESOLVED** by the Board of Directors of the Association of Pacific Island Legislatures
22 at the Fifty-Fifth Board of Directors Meeting in the FSM State of Yap, December 3-6, 2014, that the
23 APIL hereby requests and encourages all APIL member entities to acknowledge and support the need for
24 meaningful consultation with the people of Guam concerning the ‘Treaty Between the Government of the
25 Federated States of Micronesia and the Government of the United States of America on the Delimitation

1 of a Maritime Boundary' before this treaty is ratified by both the FSM Congress and the US Congress;
2 and
3 **BE IT FURTHER RESOLVED** that the APIL President shall certify, and the APIL Secretary
4 shall attest to the adoption hereof and copies of the same shall be transmitted to the Chief Executives and
5 Legislative Presiding Officers of each member jurisdiction of the Association of the Pacific Island
6 Legislatures

DULY AND REGULARLY ADOPTED ON THE 5TH DAY OF DECEMBER, 2014



JUDITH T. WON PAT, ED. D.
ACTING PRESIDENT



CHANG B. WILLIAM
SECRETARY

