

A RESOLUTION

Approving the Foreign Fishing Agreement (the "Agreement") entered into July 24, 2009 between the Federated States of Micronesia thru the National Oceanic Resource Management Authority (NORMA) and the Japan Tuna Fisheries Co-Operative Association (NIKKASUKYO), National Offshore Tuna Fisheries Association of Japan (KINKATSUKYO), and Japan Far Seas Purse Seine Fishing Association (KAIMAKI) for a period of ten (10) years.

1 WHEREAS, pursuant to section 105, title 24 of the code of the
2 Federated States of Micronesia, as amended by Public Law No. 12-
3 34, NORMA is authorized to negotiate and enter into an access
4 agreement on behalf of the Government of the Federated States of
5 Micronesia subject to approval of Congress; and

6 WHEREAS, NORMA on behalf of the Federated States of
7 Micronesia negotiated for a fishing access agreement with Japan
8 Tuna Fisheries Co-Operative Association (NIKKASUKYO), National
9 Offshore Tuna Fisheries Association of Japan (KINKATSUKYO), and
10 Japan Far Seas Purse Seine Fishing Association (KAIMAKI); and

11 WHEREAS, after series of negotiations and consultations, a
12 fishing access agreement was finally signed on July 24, 2009
13 providing for fishing access for a period of 10 years to take
14 effect upon approval by FSM Congress or October 1, 2009, whichever
15 is later; and

16 WHEREAS, the Agreement consists of agreed access fees
17 applicable to various gear-types, namely, longline vessels, purse
18 seine vessels and pole and line vessels; and

1 WHEREAS, enclosed with the Agreement are memoranda of
2 understanding (MOUs) addressing further essential terms of the
3 agreement, namely, (i) Goods and Services Program, (ii) Fisheries
4 Observer on Authorized Purse Seine Vessels, (iii) Fisheries
5 Observer on Authorized Longline Vessels, (iv) Fisheries Observer
6 on Authorized Pole and Line Vessels, (v) Outstanding Goods and
7 Services, and (vi) Vessel Day Scheme, which [~~MOUs for purposes of~~
8 ~~this resolution approving the Agreement~~] are deemed to be part and
9 [~~part of~~] partial of the Agreement and are to be construed and
10 interpreted as terms and conditions by which the Agreement is
11 approved by Congress; and

12 WHEREAS, Congress has the authority to approve access
13 agreement pursuant to section 405, title 24 of the code of the
14 Federated States of Micronesia, as amended by Public Law No. 14-
15 55; now, therefore,

16 BE IT RESOLVED [~~by~~] that the 16th Congress of the Federated
17 States of [~~Micronesia~~] hereby [~~to~~] approve the Agreement between the
18 Federated States of Micronesia and Japan Tuna Fisheries Co-
19 Operative Association (NIKKASUKYO), National Offshore Tuna
20 Fisheries Association of Japan (KINKATSUKYO), and Japan Far Seas
21 Purse Seine Fishing Association (KAIMAKI); and

22 BE IT FURTHER RESOLVED that all the terms, provisions,
23 restrictions, requirements, conditions and covenants set forth
24 under the various MOUs enclosed with the Agreement are deemed
25 incorporated in the Agreement and are to be construed as

1 essential, binding and enforceable terms and conditions of the
2 Agreement as hereby approved; and

3 BE IT FINALLY RESOLVED that certified copies of this
4 Resolution be transmitted to the President of the Federated States
5 of Micronesia, the Executive Director of NORMA, and the Japan Tuna
6 Fisheries Co-Operative Association (NIKKASUKYO), National Offshore
7 Tuna Fisheries Association of Japan (KINKATSUKYO), and Japan Far
8 Seas Purse Seine Fishing Association (KAIMAKI).

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10 Date: 9/25/09

Introduced by: /s/ Joe N. Suka

Joe N. Suka
(by request)

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