

STANDING COMMITTEE REPORT NO. 19-113

RE: C.R. NO. 19-113/EX AFF

SUBJECT: RATIFYING THE AMENDMENT TO THE TREATY
REGARDING MARITIME BOUNDARIES WITH PAPUA
NEW GUINEA

FEBRUARY 10, 2016

The Honorable Wesley W. Simina
Speaker, Nineteenth Congress
Federated States of Micronesia
Third Regular Session, 2016

Dear Mr. Speaker:

Your Committee on External Affairs, to which was referred C.R. No. 19-113, entitled:

"A RESOLUTION RATIFYING THE AMENDMENT TO THE TREATY
BETWEEN THE FEDERATED STATES OF MICRONESIA AND THE
INDEPENDENT STATE OF PAPUA NEW GUINEA CONCERNING
MARITIME BOUNDARIES AND COOPERATION ON RELATED
MATTERS.",

begs leave to report as follows:

The intent and purpose of the resolution are expressed in its title.

Public Hearing

Your Committee conducted a public hearing on the C.R. No. 19-113 on February 9, 2016.

In attendance at the hearing were representatives from the Department of Foreign Affairs, the Department of Justice, and the Office of the President.

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Your Committee Chairman opened the hearing and welcomed the witnesses.

The representative from the Department of Justice provided background for the proposed resolution. The original treaty with Papua New Guinea (PNG) was signed on July 29, 1999. Nearly two decades later, due to the advent of new technology, it became clear that the original treaty had given too much area around Kapingamarangi Atoll to Papua New Guinea. Using the equidistant formula contained within the Law of the Sea, the FSM and PNG entered into further negotiations to amend the treaty to return the area to the FSM. The Department of Justice representative then presented your Committee with a clear, color-coded map (a copy of which is attached to this report) showing the substantial area around Kapingamarangi Atoll that would be returned to the FSM with the passage of this resolution.

During the question period, members of your Committee provided some additional background information about the reasons driving the original treaty, which related to the need to achieve an agreement to enable FFA to distribute treaty-related fishing fees. Your Committee also inquired whether there was any plan to approach PNG to gauge their receptivity to a claim for reimbursement from their use of FSM waters for so many years under the original treaty. The representative of the Office of the President advised that there are no plans to make such an approach given that an agreement has already been reached. He further advised that making such an approach at this point in the process would probably not be in the interests of the FSM.

Conclusion

Your Committee would like to offer the following technical amendments to C.B. No. 19-34:

1. Page 1, line 13: delete "Second" and insert "Third" in lieu thereof; and

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2. Page 1, line 13: delete "2015" and insert "2016" in lieu thereof.

Your Committee on External Affairs is in accord with the intent and purpose of C.R. No. 19-113 and recommends its adoption in the form attached hereto as C.R. No. 19-113, C.D.1.

Respectfully submitted,

/s/ Paliknoa K. Welly
Paliknoa K. Welly, Chairman

/s/ Robson U. Romolow
Robson Romolow, Vice Chairman

/s/ Isaac V. Figir
Isaac V. Figir, Member

/s/ Victor V. Gouland
Victor V. Gouland, Member

/s/ Berney Martin
Berney Martin, Member

/s/ Bonsiano F. Nethon
Bonsiano F. Nethon, Member

/s/ David W. Panuelo
David W. Panuelo, Member