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.

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

WHEREAS, NORMA on behalf of the Federated States of Micronesia negotiated for a fishing access agreement with Japan Tuna Fisheries Co-Operative Association (NIKkasukyo), National Offshore Tuna Fisheries Association of Japan (Kinkatsukyo), and Japan Far Seas Purse Seine Fishing Association (Kaimaki); and

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

WHEREAS, the Agreement consists of agreed access fees applicable to various gear-types, namely, longline vessels, purse seine vessels and pole and line vessels; and
WHEREAS, enclosed with the Agreement are memoranda of understanding (MOUs) addressing further essential terms of the agreement, namely, (i) Goods and Services Program, (ii) Fisheries Observer on Authorized Purse Seine Vessels, (iii) Fisheries Observer on Authorized Longline Vessels, (iv) Fisheries Observer on Authorized Pole and Line Vessels, (v) Outstanding Goods and Services, and (vi) Vessel Day Scheme, which [MOUs for purposes of this resolution approving the Agreement] are deemed to be part and parcel of the Agreement and are to be construed and interpreted as terms and conditions by which the Agreement is approved by Congress; and

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

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

BE IT FURTHER RESOLVED that all the terms, provisions, restrictions, requirements, conditions and covenants set forth under the various MOUs enclosed with the Agreement are deemed 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 (NIKKAUSUKYO), National Offshore
7 Tuna Fisheries Association of Japan (KINKATSUKYO), and Japan Far
8 Seas Purse Seine Fishing Association (KAIMAKI).
9
Date: 9/25/09                            Introduced by: /s/ Joe N. Suka
10 Joe N. Suka
11 (by request)