

MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) REGULAR SESSION

Bill No. 327 (LS)
Introduced By:

J.P. Guthertz
R.J. Respicio

A NEW §63132 IS ADDED TO TITLE 5 GUAM
CODE ANNOTATED CHAPTER 63 RELATIVE TO
INDIGENOUS FISHING RIGHTS.

PM 3:20 2008 JUL -24 PM 3:20

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that
3 prior to the arrival of the Spanish, the Chamorro people subsisted primarily on
4 fishing, both within and outside the reef. The Spanish discriminated against the
5 Chamorro people by prohibiting fishing outside the reef as well as placing
6 various restrictions on off-shore fishing inside the reef, forcing the Chamorro
7 people to become farmers rather than fishermen.

8 The American Naval administration continued policies which hampered
9 the free exercise of traditional fishing practices of the Chamorro people. In spite
10 of this historical discrimination, Chamorros were able to maintain their traditions
11 and skills for off-shore fishing inside the reefs. Now, those traditions and skills
12 are in danger of being lost in the face of modern conservation restrictions and the
13 pressures of population growth caused by the influx of non-Chamorro peoples
14 into Guam that have increasingly made the indigenous Chamorros a minority in
15 their own homeland.

1 In 1977 the people of Guam elected representatives to a Constitutional
2 Convention which included special fishing rights for the Chamorro people in the
3 draft constitution of Guam that was approved on December 15, 1977.

4 The draft Guam Constitution contained the following section:

5 **“Article XI Chamorro Culture, Section 2 Economic Development.**

6 To redress past discrimination and provide equal opportunity for the
7 Chamorro people, special rights for Chamorros to off-shore fishing and
8 harvesting of resources may be provided by law.”

9 The draft Constitution of Guam, containing this provision, was approved
10 by the U.S. Congress.

11 It is therefore the intent of *I Liheslatura* to establish the special rights for
12 Chamorros to off-shore fishing and harvesting of resources as approved by the
13 U.S. Congress.

14 **Section 2. A new §63132 is added to Title 5 Guam Code Annotated**
15 **Chapter 63 to read:**

16 **“§63132 Indigenous Fishing Rights.**

17 The policy of the Government of Guam is that the Chamorro people
18 shall have special rights to off-shore fishing and harvesting of resources in
19 order to redress historical discriminatory policies. The Department of
20 Agriculture is hereby tasked to develop rules and regulations to put this
21 policy into effect and submit the draft rules and regulations, in accordance
22 with the Administrative Adjudication Act (AAA), Title 5 Guam Code

1 Annotated Chapter 9, to the Legislature for review and approval. Such
2 rules and regulations may be revisited annually for revision through the
3 AAA process.”

4 **Section 3. Submission and enactment.** The Department of Agriculture
5 shall submit draft rules and regulations for consideration by the AAA process
6 within ninety (90) days of enactment of this act into law.