



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

OFFICE OF THE SPEAKER	
Date:	5/25/95
Time:	4:15
Received By:	<i>WJ</i>
Print Name:	HANS TRIANTE

MAY 25 1995

The Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
424 West O'Brien Drive
Julale Center - Suite 222
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<i>SL</i>
Time:	12:00
Date:	5/26/95

Dear Speaker Parkinson:

Enclosed please find a copy of Bill No. 66 (LS), "AN ACT ADOPTING THE REGIME OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) WITH RESPECT TO GUAM'S EXCLUSIVE ECONOMIC ZONE (EEZ) AND OTHER RIGHTS AND RESPONSIBILITIES CONTAINED THEREIN, BY AMENDING SUBSECTION (a) OF 1 GCA §402, REPEALING AND REENACTING SUBSECTIONS (b) AND (c) OF 1 GCA §402, ADDING NEW SUBSECTIONS (d) and (e) TO 1 GCA §402, AND ADDING A NEW 5 GCA §9107.1", I have **signed** into law this date as **Public Law 23-17**.

Very truly yours,

Madeleine Z. Bordallo
Madeleine Z. Bordallo
Acting Governor of Guam

Attachment

230467

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 66 (LS), "AN ACT ADOPTING THE REGIME OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) WITH RESPECT TO GUAM'S EXCLUSIVE ECONOMIC ZONE (EEZ) AND OTHER RIGHTS AND RESPONSIBILITIES CONTAINED THEREIN, BY AMENDING SUBSECTION (a) OF 1 GCA §402, REPEALING AND REENACTING SUBSECTIONS (b) AND (c) OF 1 GCA §402, ADDING NEW SUBSECTIONS (d) AND (e) TO 1 GCA §402, AND ADDING A NEW 5 GCA §9107.1," was on the 13th day of May, 1995, duly and regularly passed.



DON PARKINSON
Speaker

Attested:

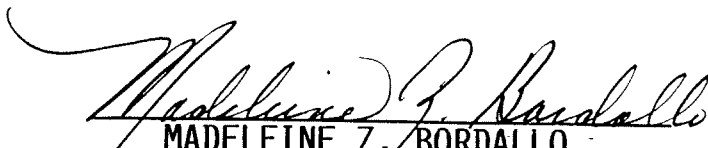

JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 13th day of May
1995, at 8:15 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:


MADELEINE Z. BORDALLO
Acting Governor of Guam

Date: 5/25/95

Public Law No. 23-17

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION

Bill No. 66 (LS)

Introduced by:

H. A. Cristobal
L. Leon Guerrero
D. Parkinson
T. C. Ada
J. P. Aguon
E. Barrett-Anderson
A. C. Blaz
J. S. Brown
F. P. Camacho
M. C. Charfauros
M. Forbes
A. C. Lamorena
C. Leon Guerrero
T. S. Nelson
S. L. Orsini
V. C. Pangelinan
J. T. San Agustin
A. L. G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

AN ACT ADOPTING THE REGIME OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) WITH RESPECT TO GUAM'S EXCLUSIVE ECONOMIC ZONE (EEZ) AND OTHER RIGHTS AND RESPONSIBILITIES CONTAINED THEREIN, BY AMENDING SUBSECTION (a) OF 1 GCA §402, REPEALING AND REENACTING SUBSECTIONS (b) AND (c) OF 1 GCA §402, ADDING NEW SUBSECTIONS (d) AND (e) TO 1 GCA §402, AND ADDING A NEW 5 GCA §9107.1.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1. Legislative Finding.** Guam is on the United Nation's List of
3 Non-Self-Governing Territories and remains an unincorporated territory
4 under the U.S. law; both statutes inherently are not self-governing. In this
5 regard, as a territory, Guam has a particular personality under international
6 law. Concomitant to this personality are certain rights, including the
7 protection of natural resources from external exploitation and the
8 development of natural resources for the benefit, well-being and
9 development of the people of the territory.

10 In 1981, through Guam Public Law 15-114, Guam claimed its right to
11 jurisdiction of the island's 200 mile Exclusive Economic Zone (hereinafter "the
12 EEZ"). Later, on March 10, 1983, by Proclamation 5030, Guam's
13 administering power, The United States, inappropriately attempted to lay a
14 claim to Guam's EEZ. However, on July 29, 1994, Guam's administering
15 power signed the United Nations Convention on the Law of the Sea
16 (hereinafter "the UNCLOS") without reservation. The UNCLOS governs all
17 aspects of ocean space, including delimitations on environmental control,
18 scientific research, economic and commercial activities, technology, and the
19 settlement of disputes relating to ocean matters.

20 With respect to territories that are not self-governing, the United
21 Nations Convention on the Law of the Sea declares that:

22 "In the case of a territory whose people have not
23 attained full independence or other self-governing
24 status recognized by the United Nations, or a territory
25 under colonial domination, provisions concerning
26 rights and interests under the Convention shall be

1 implemented for the benefit of the people of the
2 territory with a view to promoting their well-being
3 and development."

4 (Final Act of the UNCLOS, Annex I, Resolution III,
5 1(a), emphasis added.)

6 The Guam Legislature finds that the government of the people of Guam
7 is best suited, and is vested with the right, to implement the necessary ocean
8 policies which will promote the well-being and development of the people of
9 Guam.

10 **Section 2. Subsection (a) of §402 of Title 1, Guam Code Annotated, is**
11 **amended to read:**

12 "§402. Boundaries; Guam. **Exclusive Economic Zone**
13 **(EEZ).** (a) The boundaries of Guam run two hundred (200) nautical
14 miles seaward from the low-water line; provided, however, that
15 where there are islands or reefs along or adjacent to the shores of
16 Guam, the boundary line runs two hundred (200) nautical miles
17 seaward from the outermost of such islands or reefs; provided,
18 further, that in the case of all harbors and bays, the boundary line
19 runs two hundred (200) nautical miles seaward from a line drawn in
20 front of each harbor along the outermost works and installations
21 thereof and two hundred (200) nautical miles seaward from a line
22 drawn from headland to headland across the mouth of each bay."

23 **Section 3. Subsection (b) of §402 of Title 1, Guam Code Annotated, is**
24 **repealed and reenacted to read:**

25 "(b) The territory of Guam shall exercise exclusive
26 jurisdiction for the purpose of granting easements for undersea

1 cables and pipelines, exploring, conserving, and managing the
2 natural resources, whether living or non-living, of the waters
3 super-adjacent to the sea-bed and its subsoil, and with regard to
4 other activities for the economic exploration and exploitation of
5 the zone, including, but not limited to, all sources of energy and
6 prevention of pollution within the zone which poses a threat to the
7 zone."

8 **Section 4. Subsection (c) of §402 of Title 1, Guam Code Annotated, is**
9 **repealed and reenacted to read:**

10 "(c) The Governor of Guam is directed to represent the
11 interests of the people of the territory of Guam consistent with the
12 United Nations Convention on the Law of the Sea in all matters
13 pertaining to negotiations affecting Guam's ocean rights and
14 responsibilities with the administering power, other States and
15 non-State entities. The Governor is authorized to enter into
16 cooperative agreements for the management, exploration,
17 exploitation, and conservation of Guam's ocean resources which
18 represent the interest of the people of Guam; and further, may
19 enter into agreements with respect to the rights and responsibilities
20 of the United Nations Convention of the Law of the Sea which
21 promotes international communication and respects the
22 sovereignty of other States.

23 (i) Any agreement, entered into by the Governor or
24 any agency, purporting to commit the Territory of Guam
25 pursuant to authorization provided in Subsection (c) of this
26 §402, shall be subject to the Administrative Adjudication Law

1 and shall require the subsequent concurrence of the Guam
2 Legislature, as provided for in Article 3 of Chapter 9 of Title
3 5, Guam Code Annotated (Administrative Adjudication
4 Law)."

5 **Section 5. A new subsection (d) is added to §402 of Title 1, Guam Code**
6 **Annotated, to read:**

7 "(d) The Governor shall create an "EEZ" planning task force,
8 comprised of the Department of Agriculture, Department of
9 Commerce, Bureau of Planning, University of Guam, Guam
10 Environmental Protection Agency, and such other public agencies
11 and members of the public as are necessary to develop an EEZ
12 policy and implementation plan(s).

13 (i) This plan shall recommend policies for
14 management, use, protection, enforcement, research, and
15 implementation of activities in Guam's EEZ.

16 (ii) Such policy and implementation plan(s) shall be
17 submitted to the Governor and the Legislature as provided
18 for under the provisions of Public Law 20-147, which
19 established the process for comprehensive development
20 planning on Guam."

21 **Section 6. A new subsection (e) is added to §402 of Title 1, Guam Code**
22 **Annotated, to read:**

23 "(e) A "nautical mile" is defined as 1852 meters (6067.115
24 feet)."

25 **Section 7. A new §9107.1 is added to Title 5, Guam Code Annotated, to**
26 **read:**

1 "§9107.1. Rule: definition expanded to include Guam
2 Exclusive Economic Zone (EEZ) agreements. The term "rule", as
3 used in this Chapter, shall include any proposed cooperative
4 agreements and other agreements authorized pursuant to §402 of
5 Title 1, Guam Code Annotated."

6 **Section 8. Severability.** If any of the provisions of this Act, or the
7 application thereof to any person or circumstance, is held invalid, such
8 validity shall not affect any other provisions of application of the Act
9 which can be given effect without the invalid provision or application,
10 and to this end the provisions of this Act are severable.

TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

Date: 5/13/95

VOTING SHEET

Bill No. 66

Resolution No. _____

Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL 21 _____

PL 23-17



Senator Hope Alvarez Cristobal

Committee on Federal and Foreign Affairs
23RD GUAM LEGISLATURE

April 12, 1995

Speaker Don Parkinson
Twenty-Third Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker,

The Committee on Federal & Foreign Affairs which was referred Bill 66:

AN ACT ADOPTING THE REGIME OF THE UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA (UNCLOS) WITH
RESPECT TO GUAM'S EXCLUSIVE ECONOMIC ZONE (EEZ) AND
OTHER RIGHTS AND RESPONSIBILITIES CONTAINED THEREIN.

submits its Committee Report to the Legislature with the recommendation TO PASS.

The voting record is as follows:

To Pass	10
Not To Pass	0
To Abstain	1
To place in Inactive File	0
Not Available for Signature	1

Your immediate attention to this matter is greatly appreciated.

Si Yu'os ma'ase,

HOPE ALVAREZ CRISTOBAL
Senator

attachments/clq



Senator Hope Alvarez Cristobal

Committee on Federal and Foreign Affairs
23RD GUAM LEGISLATURE

April 12, 1995

MEMORANDUM

To: Senator Sonny Orsini, Chair
Committee on Rules

Fr: Senator Hope A. Cristobal, Chair
Committee on Federal & Foreign Affairs

Re: Request for placement of **Bill #66** on the session agenda.

Buenas Senadot Orsini!

Please be informed that the Committee on Federal & Foreign Affairs has completed the Committee Report for **Bill # 66** , submitted **April 12, 1995**.

As the Chair of the CF&FA, I would respectfully request that **Bill # 66** be placed on the next Legislative Session Agenda.

Your expeditious attention in this matter is greatly appreciated.

Si Yu'os ma'ase,

HOPE ALVAREZ CRISTOBAL
Senator

attachments/clq



Senator Hope Alvarez Cristobal

Committee on Federal and Foreign Affairs
23RD GUAM LEGISLATURE

April 12, 1995

MEMORANDUM

To: All Members
Fr: Senator Hope A. Cristobal, Chair
Re: Committee Report on Bill No. 66.

In reference to the Public Hearing conducted on February 28, 1995, the attached voting sheet is accompanied by the following supplements:

- 1) written testimonies submitted to the Committee,
- 2) the Committee Report (Overview, Findings & Recommendations), and
- 3) Bill #66, as amended by the Committee on Federal & Foreign Affairs.

Please contact my office if you should have any additional comments or concerns.

Si Yu'os ma'ase,

HOPE ALVAREZ CRISTOBAL
Senator

attachments/clq

Committee on Federal & Foreign Affairs

VOTING SHEET

BILL 66: An act adopting the regime of the United Nations Convention on the Law of the Sea (UNCLOS) with respect to Guam's Exclusive Economic Zone (EEZ) and other rights and responsibilities contained therein.

Committee Members	To PASS	NOT to PASS	To ABSTAIN	To Place in INACTIVE FILE	SIGNATURE
Sen. Hope A. CRISTOBAL Chairperson	✓				<i>Hope A. Cristobal</i>
Senator Angel SANTOS Vice-Chairperson	✓				<i>Angel Santos</i>
Senator Tom ADA Member	✓				<i>Tom ADA</i>
Senator J. WON PAT-BORJA Member	✓				<i>J. Won Pat-Borja</i>
Senator Mark CHARFAUROS Member	✓				<i>Mark C. Charfauros</i>
Senator L. LEON GUERRERO Member	✓				<i>L. Leon Guerrero</i>
Senator V. PANGELINAN Member	✓				<i>V. Pangelinan</i>
Senator Francis SANTOS Member	✓				<i>Francis Santos</i>
Sen. E. BARRETT-ANDERSON Member			✓		<i>E. Barrett-Anderson</i>
Senator Anthony BLAZ Member	✓				<i>Anthony Blaz</i>
Senator Mark FORBES Member	✓				<i>Mark Forbes</i>
Senator C. LEON GUERRERO Member	✓				<i>C. Leon Guerrero</i>

Committee on Federal & Foreign Affairs
Committee Report on Bill #66

OVERVIEW

The Committee on Federal & Foreign Affairs having purview over all United States treaties, compacts, and agreements affecting Guam, publicly heard Bill 66 on February 28, 1995.

Present at the hearing were: Senator Hope Cristobal, Senator San Agustin, Senator M. Charfauros, Senator L. Leon Guerrero, Senator V. Pangelinan, Senator C. Leon Guerrero, and Senator S. Orsini.

Bill 66 was introduced by Senator Hope A. Cristobal and co-sponsored by Senators D. Parkinson and L. Leon Guerrero.

Citizens presenting testimony before the Committee were: Mr. Manny Duenas, Mr. Richard McCord, Mr. Ron Rivera, Mr. Jesus Iwashita, Mr. Leland Bettis, and Mr. Rufo Lujan.

The intent of Bill 66, with its passage, is to adopt and assert our claim to the rights and responsibilities contained in the United Nations Convention on the Law of the Sea (UNCLOS) recognizing Guam's Exclusive Economic Zone (EEZ).

FINDINGS & RECOMMENDATIONS

This Committee finds that:

- 1) The UNCLOS states the basic dimensions with positions regarding the Organization for People with Indigenous Rights which includes the right to be self-governing, and that
- 2) The proposed legislation would facilitate in the development of comprehensive policies for management, protection, enforcement and exploitation of the resources contained within its EEZ. Therefore,

**THE COMMITTEE ON FEDERAL & FOREIGN AFFAIRS
SUBMITS THE ATTACHED BILL NO. 66 AND STRONGLY
SUPPORTS ITS PASSAGE.**

**TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION**

BILL NO. **66**
as amended by the author.

Introduced by:

H. A. Cristobal *H. A. Cristobal*
L. Leon Guerrero *L. Leon Guerrero*
D. Parkinson *D. Parkinson*
M. FORBES *M. FORBES*

**AN ACT ADOPTING THE REGIME OF THE UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA (UNCLOS) WITH
RESPECT TO GUAM'S EXCLUSIVE ECONOMIC ZONE (EEZ)
AND OTHER RIGHTS AND RESPONSIBILITIES CONTAINED
THEREIN.**

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1: Legislative Finding. Guam is on the United Nation's List of Non-Self-Governing Territories and remains an unincorporated territory under U.S. law; both statuses inherently are not self-governing. In this regard, as a territory, Guam has a particular personality under international law. Concomitant to this personality are certain rights, including the protection of natural resources from external exploitation and the development of natural resources for the benefit, well-being and development of the people of the territory.

In 1981, the Guam Public Law 15-114, Guam claimed its right to jurisdiction of the island's 200 mile Exclusive Economic Zone (hereinafter "the EEZ"). Later, on March 10, 1983, by Proclamation 5030, Guam's administering power, The United States, inappropriately attempted to lay a claim to Guam's EEZ. However, on July 29, 1994, Guam's administering power signed the United Nations Convention on the Law of the Sea (hereinafter "the UNCLOS") without reservation. The UNCLOS governs all aspects of ocean space from delimitations on environmental control, scientific research, economic and commercial activities, technology and the settlement of disputes relating to ocean matters.

21 With respect to territories that are not self-governing, the United Nations
22 Convention on the Law of the Sea declares that:

23
24 "In the case of a territory whose people have not attained full
25 independence or other self-governing status recognized by the United
26 Nations, or a territory under colonial domination, provisions
27 concerning rights and interests under the Convention shall be
28 implemented **for the benefit of the people of the territory with a view**
29 **to promoting** their well-being and development."

30 (Final Act of the UNCLOS, Annex I, Resolution III, 1(a).)

31
32 The Guam Legislature finds that the government of the people of Guam is
33 best suited, and is vested with the right, to implement the necessary ocean policies
34 which will promote the well-being and development of the people of Guam.

35
36 **Section 2. Subsection (a) of Title 1, Guam Code Annotated, Chapter 4, §402**
37 **is amended to read:**

38 "§402. Boundaries; Guam: **Exclusive Economic Zone (EEZ)** [Territorial **Sea**
39 **and Contiguous Zone**]. (a) The boundaries of Guam run two hundred, (200)
40 **nautical [geographical]** miles seaward from the lower **line [mark]**; provided,
41 however; that where there are islands or reefs along or adjacent to the shores
42 of Guam, the boundary line runs two hundred, (200) **nautical [geographical]**
43 miles seaward from the outermost of such islands or reefs; provided, further,
44 that in the case of all harbors and bays, the boundary line runs two hundred,
45 (200) **nautical [geographical]** miles seaward from a line drawn in front of
46 each harbor along the outermost works and installations thereof and two
47 hundred, (200) **nautical [geographical]** miles seaward from a line drawn from
48 headland to headland across the mouth of each bay."

49
50 **Section 3. Subsection (b) of Title 1, Guam Code Annotated, Chapter 4, §402**
51 **is repealed and reenacted to read:**

52 "(b) **The territory of Guam shall exercise exclusive jurisdiction for the**
53 **purpose of exploring, conserving, and managing the natural resources,**
54 **whether living or non-living, of the waters super-adjacent to the sea-bed and**
55 **of the sea-bed and its subsoil, and with regard to other activities for the**
56 **economic exploration and exploitation of the zone, including, but not limited**
57 **to, all sources of energy and prevention of pollution within the zone which**
58 **poses a threat to the zone** [~~rights to determine conditions and terms of all~~]

59 ~~scientific research, management, exploration and exploitation of all ocean~~
60 ~~resources and all sources of energy and prevention of pollution within the~~
61 ~~economic zone, including pollution from outside the zone which poses a~~
62 ~~threat within the zone] ."~~
63

64 **Section 4. Subsection (c) of Title 1, Guam Code Annotated, Chapter 4, § 402**
65 **is repealed and reenacted to read:**

66 "(c) The Governor of Guam is directed to represent the interests of the people
67 of the territory of Guam consistent with the United Nations Convention on
68 the Law of the Sea in all matters pertaining to negotiations affecting Guam's
69 ocean rights and responsibilities with the administering power, other States
70 and non-State entities. The Governor is authorized to enter into cooperative
71 agreements for the management, exploration, exploitation, and conservation
72 of Guam's ocean resources which represent the interest of the people of
73 Guam; and further, may enter into agreements with respect to the rights and
74 responsibilities of the United Nations Convention of the Law of the Sea
75 which promotes international communication and respects the sovereignty of
76 other States.
77

78 1. The execution of any agreement, by the Governor or
79 any agency, committing the Territory of Guam, pursuant
80 to authorization provided in Subsection (c) of this §402,
81 the proposed agreement shall require the subsequent
82 concurrence of the Guam Legislature, as provided for in
83 Article 3, et seq. of Title 5, Guam Code Annotated,
84 Chapter 9 (Administrative [Administration] Adjudication
85 Law), which shall henceforth be applicable."
86

87 **Section 5. A new section (d) is added to Title 1, Guam Code**
88 **Annotated, Chapter 4, §402 to read:**

89 "(d) The Governor shall create an "EEZ" planning task force, comprised of
90 the Department of Agriculture, Department of Commerce, Bureau of
91 Planning, University of Guam, Guam Environmental Protection Agency, and
92 such other public agencies and members of the public as are necessary to
93 develop an EEZ policy and implementation plan(s).
94
95
96

97 1. This plan shall recommend policies for management, use,
98 protection, enforcement, research, and implementation of activities in
99 Guam's EEZ.

100 2. Such policy and implementation plan(s) shall be submitted to the
101 Governor and the Legislature as provided for under Public Law 20-147
102 (5 GCA Section 1200), an act establishing the process for
103 comprehensive development planning on Guam."
104

105 **Section 6.** A new section (e) is added to Title 1, Guam Code Annotated,
106 Chapter 4, §402 to read:

107 "(e) A "nautical mile" is defined as 1852 meters (6067.115 feet)."
108

109
110 **Section 7.** A new §9300.1 is added to Title 5, Guam Code Annotated,
111 Chapter 9, Article 3 to read:

112 "§9300.1 . Rule: definition expanded to include Guam Exclusive Economic
113 Zone (EEZ). The word shall also mean any proposed cooperative agreements
114 and agreements authorized pursuant to Title 1, Guam Code Annotated,
115 Chapter 4, §402."
116

117 **Section 8. Severability.** If any of the provisions of this Act, or the
118 application thereof to any person or circumstance, is held invalid, such
119 validity shall not affect any other provisions or application of this Act which
120 can be given effect without the invalid provision or application, and to this
121 end the provisions of this Act are severable.
122

PUBLIC HEARING FEBRUARY 28, 1995

Bill No. 66
Summary of Testimony
(oral)

Senator Cristobal

Introduced Bill as giving the Governor of Guam guidance in establishing federal entities in respect to the Exclusive Economic Zone.

Manny Duenas

Stated that Fisherman's Coop. is in full support. However, he felt that the bill needed stricter policies for outside vessels that interfere in local waters which can wipe out our island's resources. He states that the bill "needs great big teeth to bite these people where it hurts."

Senator Cristobal

Congratulated Mr. Duenas for being a "watchdog" for all the island's local fishermen.

Richard McCord

Supports the bill. However, like Mr. Duenas, stated that the bill could use some beefing up. He suggested a surveillance clause that could be enforced by local authorities. This would help bring to justice any person or company who violates any "recognizable laws of the sea." He also stated that the Guam Fisherman's Coop. is at the island's disposal and offered any assistance in any way to benefit the people of Guam. "There are good resources out there, let local fishermen be a part of that."

Senator Cristobal

Recognized that certain aspects need to be improved and that we're headed in the right direction.

Ron Rivera

In full support of bill 66. Stated the basic dimensions with positions regarding the Organization for People with Indigenous Rights. This included fundamentally the right to be self-governing. He also stated that the U.N. clause legitimized P.L. 15-114 claim to EEZ and that the clause recognized our non self-governing status. We do not have full control of policies related to the U.N. clause and that the U.S. has an obligation to implement it to our best interest. He also pointed out that it is consistent on the larger issue of political status change and decolonization. "I believe it(Bill 66) is a significant step in advancing, not just our economic policies, but perhaps, one day, true decolonization."

Jesse Washita

In full support of Bill 66. Stated suggestions from a businessman/fisherman point of view. These suggestions include to issue permits to outside vessels to fish in our waters and fines for different violations including that of immigration. This money, in return, would benefit the Government of Guam. He also offered suggestions in looking into other policies in which would, in his opinion, benefit the bill. Some of these policies include the Admiralty Lawyer and The Lacy Act.

Rufo Lujan

In full support of Bill 66. Suggested some minor changes in the particular wording of the bill. He also stated that the resources found in the Exclusive Economic Zone around Guam belongs to the people of Guam and should be managed and conserved for their benefit.

Leland Bettis

Stated that the Committee on Self-Determination has not commented on the measure. He also commented that the bill is a cover for responsibilities and rights and that this is an important step for Guam in saying we know what is best for our well being and development. He also emphasized on how different departments in the U.S. have different views of Guam as an unself-governing territory and that we understand our rights and that the U.S. can't say one thing and then do another.

Senator Charfauros

Stated that he does not support the types of fishing associated with longliners or driftnet fishing and also the application of foreign vessels to fish in our waters. He believes that the resources belong to the local people and should not be taken away by these outsiders. He agrees with the idea of an "enforcement entity" and has suggested the Fish and Wildlife as this entity. Also inquired to Mr. Washita about certain data involving fishing techniques.



SETBISION MAMPLANEHA
Bureau of Planning
GOVERNMENT OF GUAM
AGANA, GUAM 96910

MAR 09 1995

Senator Hope Cristobal
Committee on Federal and Foreign Affairs
23rd Guam Legislature
155 Hesler St.
Agana, Guam 96910

Hafa Adai Senator Cristobal:

The Bureau of Planning has reviewed Bill No. 66, relative to adopting the regime of the United Nations Convention on the Law of the Sea, and offers the following comments.

1. On page 2, beginning with line 9: Guam does not currently have any ocean policies to implement, nor do we have any plans by which we could implement policies. The Bureau believes that it is important that Guam develop and adopt comprehensive policies for management, protection, enforcement and exploitation of our EEZ and develop master plans to carry out the policies. This has been done already in Hawaii, California, Oregon and Washington state

2. Section 2 of the bill, concerning boundaries, should be amended to address those boundary areas which meet the boundaries of other jurisdictions. Guam's EEZ to the North, for instance, does not extend 200 nautical miles, but something closer to 20 miles, as our boundary can only extend half the distance to Rota. To the South our boundary is shortened by the rights of the FSM.

The Bureau believes that if Guam wishes to exert authority in the EEZ, a right we agree exists, that it is incumbent upon us to demonstrate our abilities to do so through policy creation, ocean plan development. We believe that comprehensive ocean management should be designated to an agency of competence, with the necessary support such as budget and personnel.

If Guam is to take charge of its ocean resources in order to provide proper management and conservation, it is time we do more than simply claim that right. The hard questions such as enforcement capabilities must be addressed, permitting structures developed, structured programs adopted. If we do these things, the Bureau believes we can gain international support for greater autonomy in protecting our own seas.

3/14/95 R

12:05 pm



Commonwealth Now!

February 23, 1995

COPY

The Honorable Joe T. San Agustin
Chairman, Committee on Agriculture
and Economic Development
Twenty-Third Guam Legislature
Julale Shopping Center, Suite 218
Agana, Guam 96910

Dear Senator San Agustin:

I am in support of Bill No. 66, entitled "An act adopting the regime of the United Nations Convention on the Law of the Sea (UNCLOS) with respect to Guam's Exclusive Economic Zone (EEZ)...." Having reviewed the bill, I offer the following comments:

1. On Section 1, p. 2, line 7, since this is a direct quotation of paragraph 1.(A) of Final Act, Annex I, Resolution III, either add an ellipsis after the word benefit to indicate that words have been omitted; or, complete the verbatim quote.
2. There is a legal advantage to the establishment of a territorial sea and contiguous zone. I recommend that these be added to the bill (Articles 3 and 33, UNCLOS).
3. The bill does not designate the Government of Guam agency responsible for its implementation, regulatory authority and enforcement. I recommend that an agency be designated in the bill.
4. Under Section 4, p. 3, line 26, change Administration to Administrative.

In closing, let me again say that I support this bill. The resource found in the EEZ around Guam belongs to the people of Guam and should be managed, conserved and developed for their benefit.

Sincerely,

RUFO J. LUJAN
P.O. Box 4105
Agana, Guam 96910

RJLUJAN

cc: File
Division's Chrono
Originator's Copy

L-039-022395/nem:



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910

CARL T.C. GUTIERREZ
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JOSEPH E. RIVERA
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MADELEINE Z. BORDALLO
LT. GOVERNOR

FRANCES J. BALAJADIA
Deputy Director

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RE: WAIVER ON BILL 28 & FISCAL
NOTE FOR BILL 66

COMMENTS: _____



FISCAL NOTE
BEAU OF BUDGET AND MANAGEMENT RESEARCH

APR 05 1995

BMR-F

Bill No. 66
 Amendatory Bill YES NO

Date Received 4/5/95
 Date Reviewed 4/5/95

Department/Agency Affected: GOVERNMENT OF GUAM
 Department/Agency Head: CARL T.C. GUTIERREZ (EXECUTIVE BRANCH)
 Total FY Appropriation to Date: \$545,000,000

Bill Title (preamble): AN ACT ADOPTING THE REGIME OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) WITH RESPECT TO GUAM'S EXCLUSIVE ECONOMIC ZONE (EEZ) AND OTHER RIGHTS AND RESPONSIBILITIES CONTAINED THEREIN.

Change in Law: REPEALS/REENACTS SUBSECTIONS a, b, AND c OF SECTION 402 OF TITLE 1, GCA

Bill's Impact on Present Program Funding:
 ___ Increase ___ Decrease ___ Reallocation X No Change

Bill is for: ___ Operations ___ Capital Improvement X Other (EXCLUSIVE ECONOMIC ZONE)

FINANCIAL/PROGRAM IMPACT

PROGRAM CATEGORY	ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)		TOTAL
	GENERAL FUND	OTHER	
NATURAL RESOURCES, RECREATION & ARTS	SEE ATTACHED COMMENTS		

FUND	ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND						
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ N/A
 AGENCY/PERSON/DATE CONTACTED: BMR DATA LIBRARY / N/A / 4/5/95

FUND	ESTIMATED POTENTIAL MULTI-YEAR REVENUES					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND						
OTHER						
TOTAL						

ANALYST: Jess Rivera DATE: 4/5/95 DIRECTOR: Joseph E. Rivera DATE: APR 05 1995
 Acting

FOOTNOTES:

COMMENTS ON BILL 66:

THE BILL, WHILE ADMINISTRATIVE IN NATURE, WOULD EVENTUALLY RESULT IN A SIGNIFICANT AMOUNT OF PUBLIC FUNDS REQUIRED FOR THE ENFORCEMENT OF GUAM'S EXCLUSIVE ECONOMIC ZONE.

ALTHOUGH THE BILL DOES NOT INCLUDE ENFORCEMENT PROVISIONS, THIS PHASE IS AN EVENTUALITY IN AN ACT THAT PROPOSES AUTONOMY FROM AN EXISTING ADMINISTRATION, HOWEVER APPROPRIATE OR INAPPROPRIATE SUCH ADMINISTRATION MAY BE.

SINCE THE FISCAL IMPACT WOULD OCCUR IN THE ENFORCEMENT PHASE, SHOULD GUAM DECIDE TO SHOULDER THIS RESPONSIBILITY ON ITS OWN, VIS-A-VIS AN AGREEMENT WITH AN OUTSIDE COUNTRY, AN IMPACT AMOUNT CANNOT BE QUANTIFIED AT THIS TIME.

JAN 26 PM 2:47

TWENTY THIRD GUAM LEGISLATURE
First Regular Session (1995)

Bill No. 66

Introduced by:

H. A. Cristobal *H. A. Cristobal*
L. Leon Guerrero *L. Leon Guerrero*
D. Parkinson *D. Parkinson*

**AN ACT ADOPTING THE REGIME OF THE
UNITED NATIONS CONVENTION ON THE LAW OF
THE SEA (UNCLOS) WITH RESPECT TO GUAM'S
EXCLUSIVE ECONOMIC ZONE (EEZ) AND OTHER
RIGHTS AND RESPONSIBILITIES CONTAINED
THEREIN.**

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1. Legislative Finding.** Guam is on the United Nation's
3 list of Non-Self-Governing Territories and remains an unincorporated
4 territory under U.S. law; both statuses inherently which are not self-
5 governing. In this regard, as a territory, Guam has a particular personality
6 under international law. Concomitant to this personality are certain rights,
7 including the protection of natural resources from external exploitation and
8 the development of natural resources for the benefit, well-being and
9 development of the people of the territory.

10 In 1981, by Guam Public Law 15-114, Guam claimed its right to
11 jurisdiction of the island's 200 mile Exclusive Economic Zone (hereinafter
12 "the EEZ"). Later, on March 10, 1983, by Proclamation 5030 Guam's
13 administering power inappropriately attempted to lay a U.S. claim to Guam's
14 EEZ. However, on 29 July 1994, the Government of Guam's administering
15 power signed the United Nations Convention on the Law of the Sea
16 (hereinafter "the UNCLOS") without reservation. The UNCLOS governs all
17 aspects of ocean space from delimitation's on environmental control,
18 scientific research, economic and commercial activities technology and the
19 settlement of disputes relating to ocean matters.

1 With respect to territories that are not self-governing, the United
2 Nations Convention on the Law of the Sea declares that:

3 In the case of a territory whose people have not attained
4 full independence or other self-governing status recognized by
5 the United Nations, or a territory under colonial domination,
6 provisions concerning rights and interests under the Convention
7 shall be implemented for their well-being and development.
8 (Final Act of the UNCLOS, Annex I, Resolution III, 1.)

9 The Guam Legislature finds that the government of the people of Guam
10 is best suited, and is vested with the right, to implement the necessary
11 ocean policies which benefit the people and promote their well-being and
12 development.

13 **Section 2.** Subsection (a) of Title 1, Guam Code Annotated, Chapter
14 4, §402 is amended to read:

15 **"§402. Boundaries; Guam: Exclusive Economic Zone**
16 **[Territorial].** (a) The boundaries of Guam run two ~~[(200)]~~
17 hundred (200) nautical ~~[geographical]~~ miles seaward from the low-
18 water ~~[mark]~~ line; provided, however, that where there are islands or
19 reefs along or adjacent to the shores of Guam, the boundary line runs
20 two hundred (200) nautical ~~[geographical]~~ miles seaward from the
21 outermost of such islands or reefs; provided, further, that in the case
22 of all harbors and bays, the boundary line runs two hundred (200)
23 nautical ~~[geographical]~~ miles seaward from a line drawn in front of
24 each harbor along the outermost works and installations thereof and
25 two hundred (200) nautical ~~[geographical]~~ miles seaward from a line
26 drawn from headland to headland across the mouth of each bay."

27 **Section 3.** Subsection (b) of Title 1, Guam Code Annotated, Chapter
28 4, §402 is repealed and reenacted to read:

29 "(b) The territory of Guam shall exercise exclusive
30 jurisdiction for the purpose of exploring, conserving, and managing

1 the natural resources, whether living or non-living, of the waters
2 super-adjacent to the sea-bed and of the sea-bed and its subsoil, and
3 with regard to other activities for the economic exploration and
4 exploitation of the zone including but not limited to all sources of
5 energy and prevention of pollution within the zone and including
6 pollution form outside the zone which poses a threat to the zone."

7 **Section 4.** Subsection (c) of Title 1, Guam Code Annotated, Chapter
8 4, §402 is repealed and reenacted to read:

9 "(c) The Governor of Guam is directed to represent the
10 interests of the people of the territory of Guam consistent with the
11 United Nations Convention on the Law of the Sea in all matters
12 pertaining to negotiations affecting Guam's ocean rights and
13 responsibilities with the administering power, other States and non-
14 State entities. The Governor is authorized to enter into cooperative
15 agreements for the management, exploration, exploitation, and
16 conservation of Guam's ocean resources which represent the interest
17 of the people of Guam; and, further, may enter into agreements with
18 respect to the rights and responsibilities of the United Nations
19 Convention on the Law of the Sea which promotes international
20 communication and respects the sovereignty of other States.

21 i. The execution of any agreement, by the Governor or
22 any agency, committing the Territory of Guam, pursuant to
23 authorization provided for in Subsection (c) of this §402, the
24 proposed agreement shall require the subsequent concurrence
25 of the Legislature, as provided for in Article 3, *et seq.*, of Title
26 5, Guam Code Annotated, Chapter 9 (Administration
27 Adjudication Law), which shall henceforth be applicable."

28 **Section 5.** A new subsection (d) is added to Title 1, Guam Code
29 Annotated, Chapter 4, §402 to read:

30 "(d) A "nautical mile" is defined as 1852 meters (6067.115
31 feet)."

1 **Section 6.** A new §9300.1 is added to Title 5, Guam Code Annotated,
2 Chapter 9, Article 3 to read:
3 **"§9300.1. Rule; definition expanded to include Guam**
4 **Exclusive Economic Zone (EEZ).** The word rule shall also mean
5 any proposed cooperative agreements and agreements authorized
6 pursuant to Title 1, Guam Code Annotated, Chapter 4, §402."
7 **Section 7. Severability.** If any of the provisions of this Act, or
8 the application thereof to any person or circumstance, is held invalid,
9 such invalidity shall not affect any other provision or application of
10 this Act which can be given effect without the invalid provision or
11 application, and to this end the provisions of this Act are severable.

MAR 13 1995

**TWENTY THIRD GUAM LEGISLATURE
First Regular Session (1995)**

Bill No. 66 (LS)

Introduced by:

H. A. Cristobal *H. A. Cristobal*
L. Leon Guerrero *L. Leon Guerrero*
D. Parkinson *D. Parkinson*

**AN ACT ADOPTING THE REGIME OF THE
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