

MICRONESIAN MARITIME AUTHORITY
P.O. BOX DE KOLONIA, PONAPE
EASTERN CAROLINE ISLANDS, 96941

FISHERY ZONES JURISDICTION

Of

THE FEDERATED STATES OF MICRONESIA

(Title 52 of the Trust Territory Code)

Including amendments to 52TTC passed by the Congress of the Federated States of Micronesia on June 13, 1979 as CB 1-50, and expected to be signed into law by the President of the Federated States of Micronesia by July 31, 1979.

TITLE 52
FISHERY ZONE JURISDICTION

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Chapter 1

GENERAL PROVISIONS

Sections

1. Statement of purpose.
2. Definitions.

Section 1. Statement of purpose. The living resources of the sea around Micronesia are a finite but renewable part of the physical heritage of the people of Micronesia. As Micronesia is nearly devoid of land-based resources, the sea provides the only feasible means for the development of economic viability necessary to provide the foundation for political stability. The resources of the sea around Micronesia are being heavily exploited by the citizens of other nations without benefit to the people of Micronesia. Catch statistics indicate that certain reef and highly migratory stocks of fish may be threatened with irreversible diminution by reckless and excessive exploitation, thus threatening the material advancement and ultimately the political viability and stability of Micronesia. The purpose of this Title is to promote economic development and to manage and conserve Micronesia's vital sea resources by means of the extension of the fishery jurisdiction of Micronesia out 200 miles from its shores.

"Section 2. Definitions. As used in this Title, unless the context otherwise requires, the term:

- (1) "Atoll" means a circular or oval coral reef forming a geographic and ecologic unity crowned by at least one island.
- (2) "Authority" means the Micronesian Maritime Authority established by Section 101 of this Title.
- (3) "Congress" means the Congress of the Federated States of Micronesia.
- (4) "Executive Director" means the Executive Director of the Micronesian Maritime Authority.
- (5) "State" means any of the states of the Federated States of Micronesia.
- (6) "Fish" means any living resource.
- (7) "Fishery" means:

(a) One or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(b) Any fishing for such stocks.

(8) "Fishing" means:

(a) The actual or attempted catching, taking or harvesting of fish;

(b) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or

(c) Any operations at sea in support of or in preparation for, any activity described in paragraphs (a) and (b) above.

(9) "Fishing Vessel" means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type that is normally used for:

(a) Fishing,

(b) Aiding or assisting one or more vessels at sea in the performance of any activity related to fishing, including but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

(10) "Foreign Fishing Agreement" means an agreement between the Authority on behalf of the Government of the Federated States of Micronesia and one or more foreign commercial fishing interests to permit foreign vessels to harvest fish within the Extended Fishery Zone of the Federated States of Micronesia. A 'foreign party' is a party to such an agreement other than the Authority. To take effect within the Extended Fishery Zone of the Federated States of Micronesia, such agreement shall require the approval of the Congress of the Federated States of Micronesia by resolution; PROVIDED, that such an agreement involving fewer than six vessels will not require the approval of the Congress of the Federated States of Micronesia; and PROVIDED, FURTHER, that the Committee on Resources and Development of the Congress of the Federated States of Micronesia shall approve such an agreement if the Congress is not in session.

(11) "Foreign fishing" means fishing by vessels:

- (a) Not registered in Micronesia, or
- (b) Not wholly owned by citizens of Micronesia, or
- (c) Not Wholly controlled by citizens of Micronesia, or
- (d) Of foreign registry chartered by citizens of Micronesia

(12) "Island" means a naturally formed area of land, surrounded by water, which is above water at high tide.

(13) "Living resource" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine birds.

(14) "Micronesia" or "Government of Micronesia" refers to the appropriate State Government, or the Government of the Federated States of Micronesia.

(15) "Person" means any individual, corporation, partnership, association, or other entity, the Government of Micronesia or any of its subdivisions or nay entity thereof, and any foreign government, subdivision of such government or entity thereof.

(16) "Reef fish" means any species of living resource which predominately inhabits reef areas or internal waters.

(17) "Stock of fish" means a species, subspecies, geographical grouping, or other category of fish capable of management as a unit.

(18) "Submerged reef" means a coral reef forming a geographic and ecologic unity which is wholly submerged at high tide.

Section 3. Application of this act. The provisions of this Title apply to the Federated States of Micronesia.

Chapter 3

FISHERY ZONES JURISDICTION ESTABLISHED

Sections

- 51. Baseline system defined.
- 52. Territorial Sea.
- 53. Exclusive Fishery Zone.
- 54. Extended Fishery Zone
- 55. Merged zones.
- 56. Submerged reefs.
- 57. Delimitation.

Section 51. Baseline system defined. A baseline is a continuous

line which encircles an island or atoll. The baseline from which the zones designated in this Chapter are to be measured is as follows:

(1) The baseline of an island or portion of an island lacking a barrier reef, fringing reef, or other reef system is the low water line of the island as marked on large scale charts officially recognized by the Government of Micronesia.

(2) The baseline of an atoll or portion of an island having a barrier reef, fringing reef, or other reef system is a line following the contour of the seaward edge of the reef system, which line connects those outermost elevations of the reef which are above water at low tide, and which line exists as marked on large scale charts officially recognized by the Government of Micronesia.

Section 52. Territorial Sea.

(1) There is hereby established a Territorial Sea of three nautical miles breadth. The inner boundary of the Territorial Sea of each island or atoll is the baseline as defined in Section 51 of this Title. The outer boundary is a line, every point of which is three nautical miles seaward of the nearest point of the baseline.

(2) Waters landward of the baseline, including the lagoons of atolls or islands, are internal waters.

(3) The sovereignty of the Government of Micronesia extends to its internal waters and Territorial Sea.

Section 53. Exclusive Fishery Zone

(1) There is hereby established an Exclusive Fishery Zone contiguous to the Territorial Sea. The inner boundary of the Exclusive Fishery Zone of each island or atoll is the seaward boundary of the Territorial Sea, and the outer boundary is a line, every point of which is twelve nautical miles seaward of the nearest point on the baseline as defined in Section 51 of this Title.

(2) The Government of Micronesia possesses and may exercise the same sovereign rights to living resources in the Exclusive Fishery Zone as it does in the Territorial Sea.

Section 54. Extended Fishery Zone. There is hereby established an Extended Fishery Zone contiguous to the Exclusive Fishery Zone. The inner

boundary of the Extended Fishery Zone of each island or atoll is the seaward boundary of the Exclusive Fishery Zone, and the outer boundary is a line, every point of which is two hundred nautical miles seaward of the nearest point on the baseline as defined in Section 51 of this Title. The Government of the Federated States of Micronesia shall have exclusive management, conservation, and regulatory authority over all living resources within the Extended Fishery Zone to the full extent recognized by international law.

Section 55. Merged Zones. Where the zone of one island overlaps a like zone of another island, they merge and become one, the outer boundary of which is the seaward most boundary of the merged zones.

Section 56. Submerged reefs. Traditionally recognized fishing rights in submerged reef areas wherever located within the fishery zones of Micronesia shall be preserved and respected.

Section 57. Delimitation.

(1) The Government of the Federated States of Micronesia and the United States Government shall cooperate in the delimitation of the Micronesian Extended Fishery Zone when it overlaps a zone of national jurisdiction of another nation.

(2) The boundary between the Extended Fishery Zone established herein and the fishery zones of Palau and the Marshall Islands shall be established by agreement between the Government of the Federated States of Micronesia and the Governments of Palau and the Marshall Islands.

Chapter 5

MANAGEMENT AUTHORITY

Sections

101 . Micronesian Maritime Authority.

Section 101. Micronesian Maritime Authority.

(1) There is hereby established a Micronesian Maritime Authority composed of four members appointed by the High Commissioner; four members from the Congress of the Federated States of Micronesia appointed by the Speaker of the Congress of the Federated States of Micronesia; and one member appointed jointly by the Speaker and the High Commissioner; PROVIDED,

HOWEVER, that present members of the Authority who were appointed jointly by the Presiding Officers of the former Congress of Micronesia, and who are also members of the Congress of the Federated States of Micronesia, as well as the appointees of the High Commissioner and the joint appointee of the High Commissioner and the Presiding Officers of the former Congress of Micronesia, shall serve until their terms of appointment expire. All appointments shall be for a term of two years. The term of office of each original member shall commence effective the date of the first meeting of the Authority. Vacancies shall be filled in the same manner as the original appointment for the remainder of the term of office of the vacancy. The Chairman shall be chosen by majority vote of the members of the Authority. The Authority shall meet at such times and places as may be designated by the Chairman or by the Authority. The Authority shall adopt its own rules of procedure and regulations by majority vote. Regulations adopted by the Authority shall have the full force and effect of law. The process for the adoption of regulations by the Authority is expressly exempt from the requirements of the Administrative Procedure Act set forth in Title 17 of the Trust Territory Code, but the Authority nevertheless shall publish its proposed regulations and afford the public a reasonable opportunity to present its views prior to the adoption of any regulation. The Chairman may promulgate interim regulations on his own authority which shall be effective for a period no longer than six months unless the Authority by majority vote revokes the interim regulations.

(2) The Authority shall have the following duties, functions and authority:

(a) To adopt regulations for the conservation, management, and exploitation of all living resources in the Extended Fishery Zone of the Federated States of Micronesia pursuant to Sections 52, 53, and 54 of this Title;

(b) To provide technical assistance in the delimitation of the Extended Fishery Zone in accordance with Section 57 of this Title;

(c) To negotiate and conclude foreign fishing agreements in accordance with Section 152 of this Title;

(d) To issue foreign fishing permits in accordance with procedures established by the Authority or regulations promulgated pursuant to Subsection 1 and Paragraph 2 (a) of this section;

(e) To require all foreign fishing vessels to possess a permit issued by a State before fishing in the Territorial Sea or Exclusive Fishery Zone of a State;

(f) To rebate according to regulation approved by the Authority all or a portion of a fee collected pursuant to Section 154 (7) of this Title from a joint fishing venture duly organized by law, if the rebate will promote fishery development;

(g) The Authority shall submit its budget and a report regarding the expenditure of its funds to the Congress each regular session for approval; and

(h) To perform such other duties and functions as may be necessary to carry out the purposes of this Title.

(3) The Authority shall employ a full-time Executive Director possessing such qualifications as may be established by the Authority. The Authority may employ such other staff as it may deem necessary.

(4) Members of the Authority, other than the member appointed jointly by the Presiding Officers of the former Congress and the High Commissioner, or appointed jointly by the Speaker of the Congress of the Federated States of Micronesia and the High Commissioner, shall be compensated at the rate of thirty-five dollars per day when actually on the business of the Authority. The joint appointee shall be compensated at a rate established by the Authority, but shall not participate in the decision of the Authority determining his compensation. Members of the Authority who are employees of state governments or the Government of the Federated States of Micronesia, or the Trust Territory of the Pacific Islands shall not be entitled to receive any compensation. All members of the Authority shall receive per diem and travel expenses at established Trust Territory Government rates while on the business of the Authority.

(5) The Chairman of the Authority shall report on its activities to the High Commissioner and to the Presiding Officer of the Congress of the Federated States of Micronesia and to each State Governor on an annual basis,

which report shall contain a detailed accounting of the expenditure of funds of the Authority,

Chapter 7

FOREIGN FISHING

Sections

- 151. Foreign Fishing Permitted,
- 152. Foreign fishing agreements,
- 153. International fishery agreements,
- 154. Fishing permits,

Section 151. Foreign Fishing Permitted. No foreign fishing regulated pursuant to the provisions of this act is permitted in the Extended Fishery Zone of Micronesia except by valid and applicable permit issued under authority conferred by Sections 101 and 154 of this Title. No foreign fishing is permitted in the Territorial Sea and Exclusive Fishery Zone of a State except by valid and applicable permit issued by the State.

Section 152. Foreign fishing agreements,

(1) Each foreign fishing agreement shall acknowledge the exclusive fishery management authority of the Government of Micronesia as set forth in this Title.

(2) In negotiating foreign fishing agreements, the Authority shall seek substantial agreement by the foreign parties to the following terms and conditions;

(a) The foreign party and the owner or operator of any fishing vessel fishing pursuant to such agreement will abide by all regulations issued under authority of Sections 101 and 102 of this Title.

(b) The foreign party and the owner or operator of any fishing vessel fishing pursuant to such foreign fishing agreements will abide by the agreement that:

(i) Any officer authorized to enforce the provisions of this Title shall be permitted to board and search or inspect any vessel at any time and make arrests and seizures provided for in Section 208 of this Title whenever such officer has reasonable cause to believe, as a result of such a search or inspection, that any such vessel or any person has committed an act prohibited by this Title;

(ii) Such officer shall also be permitted to examine and make notations on the permit issued pursuant to Section 154 or this

Title;

(iii) The permit issued for any such vessel pursuant to Section 154 of this Title shall be prominently displayed in the wheelhouse of such vessel;

(iv) Appropriate position-fixing and identification equipment shall be installed and maintained in working order on each such vessel;

(v) Duly authorized Micronesian observers shall be permitted on board any such vessel and that the Government of Micronesia shall be reimbursed for the cost of such observers; and

(vi) Agents shall be appointed and maintained within Micronesia who are authorized to receive and respond to any legal process issued in Micronesia with respect to such owner or operator.

(c) The foreign party and the owners or operators of all of the fishing vessels of such party shall not, in any year, exceed such party's allocation of the total allowable level of foreign fishing, in the event allocations are established by the Authority.

(d) Foreign parties will:

(i) Apply, pursuant to Section 154, for any required permits;

(ii) Deliver promptly to the owner or operator of the appropriate fishing vessel any permit which is issued under that Section for such vessel; and

(iii) Abide by the requirement that no foreign fishing will be permitted in the Extended Fishery Zone of Micronesia after June 30, 1979, without a valid and applicable permit, and that all conditions and restrictions of the permit are complied with.

(e) The foreign party and the owner or operator of any fishing vessel fishing pursuant to such agreement will abide by all other terms and conditions of the agreement.

(3) The total allowable level of foreign fishing, if any, with respect to any fishery subject to the provisions of this Title, shall be that portion of the maximum sustainable yield of such fishery which will not be

harvested by vessels of Micronesia.

(4) The Micronesian Maritime Authority may determine the allocation among foreign parties of the total allowable level of foreign fishing which is permitted with respect to any fishery subject to the provisions of this Title. In determining the allocation among parties, the Authority shall take into consideration:

(a) The extent to which vessels of such parties have traditionally fished the particular regulated species;

(b) Whether such parties or their national governments have cooperated with the Government of Micronesia in, and made substantial contributions to, fishery research and the identification of fishery resources;

(c) Whether such parties or their national governments have cooperated with the Government of the Federated States of Micronesia in enforcement of the provisions of this Title and the regulations issued under its authority; and

(d) Such other matters as it may deem appropriate.

Section 153. International fishery agreements. An international fishery agreement is an international agreement primarily affecting living resources within the fishery zones of Micronesia. Such agreements shall be negotiated and concluded in cooperation between the Administering Authority and the Government of the Federated States of Micronesia. Prior to the conclusion of such an agreement, the United States shall obtain the concurrence of the Congress of the Federated States of Micronesia by resolution to its terms and provisions to the extent such terms and provisions affect living resources within the fishery zones of Micronesia.

Section 154. Fishing permits.

(1) No foreign fishing vessel shall engage in fishing regulated pursuant to the provisions of this act in the Extended Fishery Zone of Micronesia unless such vessel has on board a valid permit issued under this Section for such vessel. No foreign fishing vessel shall engage in fishing in the Territorial Sea or the Exclusive Fishery Zone of a State unless such vessel has on board a valid permit issued by the State for such vessel.

(2) Fishing permits will only be issued in accordance with a foreign fishing agreement approved pursuant to 52 TFC 2 (10);

PROVIDED, that permits issued for fishing in accordance with Subsection 10 of this Section need not be pursuant to a foreign fishing agreement.

(3) Each foreign party entitled to permits in accordance with its foreign fishing agreement shall make application on forms prescribed by the Micronesian Maritime Authority specifying inter alia:

(a) The name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof;

(b) The tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other pertinent information with respect to characteristics of each such vessel as the Authority may require:

(c) The amount of fish or tonnage of catch contemplated for each such vessel during the time such permit is in force and as required by the foreign fishing agreements; and

(d) The ocean area in which, and the season or period during which, such fishing will be conducted as required by the foreign fishing agreement.

(4) Upon receipt of an application, including an application for rebate of a fee, the Executive Director may transmit copies to each member of the Authority and to the Chairman of the Committee on Resources and Development of the Congress of the Federated States of Micronesia; or if required to do so by the Chairman, the Executive Director shall transmit such copies of applications to the Committee on Resources and Development.

(5) The Authority shall review the application, and in its discretion may solicit views from appropriate persons in the states, hold public hearings when necessary and may approve the application on such terms and conditions and with such restrictions as the Authority deems appropriate.

(6) If the Authority does not approve the application submitted by the foreign party, the Chairman shall notify such foreign party of the disapproval and the reasons therefor. After taking into consideration the reasons for disapproval, the foreign party may submit a revised application.

(7) Fees and other forms of compensation for the right to exploit living resources within the Extended Fishery Zone of Micronesia shall be established in the agreement.

(8) Upon notification by the foreign party of acceptance of the terms, conditions, and restrictions on the application and permit, the Chairman shall issue the permit.

(9) If any foreign fishing vessel for which a permit has been issued pursuant to this Section has been used in the commission of any act prohibited by this Title or if any civil penalty or criminal fine imposed by this Title has not been paid and is overdue, the Authority shall:

(a) Revoke such permit with or without prejudice to the right of the foreign party involved to obtain a permit for such vessel in any subsequent year; or

(b) Suspend such permit for the period of time deemed appropriate; or

(c) Impose additional conditions and restrictions on the approved application of the foreign party involved and on any permit issued under such application.

(10) Notwithstanding any other provision of this Title, the Authority may provide for the issuance of permits, on reasonable conditions, to foreign vessels or parties for research, survey, recreational, or noncommercial fishing within the Extended Fishery Zone of Micronesia.

Section 155. Application of this Chapter to the Territorial Sea and Exclusive Fishery Zone. After the effective date of the Constitution of the Federated States of Micronesia, the provisions of this Chapter are not applicable in the internal waters, Territorial Sea and Exclusive Fishery Zone of any state which does not approve the appropriate Foreign Fishing Agreement or agreements.

Chapter 9

PENALTIES

Sections

201. Prohibited acts.
202. Civil penalties.
203. Criminal penalties.
204. Forfeitures.
205. Revenue from fines and forfeitures.

206. Fees.

207. Jurisdiction of courts.

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Section 201. Prohibited acts.

(1) It is unlawful for any person:

(a) To violate any provision of this Title or of any regulation or permit issued pursuant to this Title;

(b) To use any fishing vessel to engage in fishing after revocation, or during the period of suspension, of an applicable permit issued pursuant to this Title;

(c) To violate any provision of, or regulation under, an applicable foreign fishing agreement entered into pursuant to Sections 151 and 152 of this Title;

(d) To refuse to permit any officer authorized to enforce the provisions of this Title to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Title or any regulation, permit, or agreement referred to in Paragraphs (a) and (c) of this Section;

(e) To forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection described in Paragraph (d);

(f) To resist a lawful arrest for any act prohibited by this Section;

(g) To knowingly ship, transport, offer for sale, sell, purchase, import, export, or have custody, control or possession of any fish taken or retained in violation of this Title or any regulation, permit, or agreement referred to in Paragraph (a) and (c) of this Section; or

(h) To interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such person has committed any act prohibited by this Section.

(2) It is unlawful for any foreign fishing vessel, and for the crew, owner or operation of any foreign fishing vessel, to engage in fishing in the Extended Fishery Zone of Micronesia unless such fishing is authorized by and conducted in accordance with a valid and applicable fishing permit issued

pursuant to Section 154 of this Title. It is unlawful for any foreign fishing vessel, and for the crew, owner or operator of any foreign fishing vessel, to engage in fishing in the Territorial Sea or Exclusive Fishery Zone of a State unless such fishing is authorized by and conducted in accordance with a valid and applicable fishing permit issued by the State.

Section 202. Civil Penalties.

(1) Any person who is found by the national court of the Government of Micronesia in a civil proceeding to have committed an act prohibited by Section 201 of this Title shall be liable to the Government of Micronesia for a civil penalty. The amount of the civil penalty shall not exceed \$75,000 for each violation. Each day of a continuing violation shall constitute a separate offense. In determining the amount of such penalty, the national court of the Government of Micronesia shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) The Attorney General is authorized to initiate all proceedings under this section and to recover the amount assessed as a civil penalty. The proceeds of civil penalties shall be deposited with the Authority and expended in accordance with Section 205 of this Act.

Section 203. Criminal penalties

(1) A person is guilty of an offense if he commits any act prohibited by Section 201 of this Title.

(2) Any offense described as a prohibited act by Section 201 (1) (a), (b), (c), or (g), is punishable by a fine of not more than \$50,000.

(3) Any offense described as a prohibited act by Section 201 (1) (d), (e), (f), or (h), is punishable by a fine of not more than \$100,000, or imprisonment for not more than two years, or both; except that if in the commission of any such offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Title, or threatens any such officer with bodily injury, the offense is punishable by a fine of not more than \$250,000, or imprisonment for not more than ten years, or both.

(4) Any offense described as a prohibited act by

Section 201 (2), is punishable by a fine of not more than \$100,000. Each day of continuing violation shall be considered a separate offense.

Section 204. Forfeitures.

(1) Any fishing vessel including its fishing gear, furniture, appurtenances, stores, and cargo used, and any fish taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by Section 201 of this Title shall be subject to forfeiture to the Government of Micronesia. All or part of such vessel shall, and all such fish shall, be forfeited to the Government of Micronesia pursuant to a civil proceeding under this Section.

(2) The national court of the Government of Micronesia shall have jurisdiction, upon application by the Attorney General or the Director on behalf of the Government of Micronesia, to order any forfeiture authorized under Subsection (1) of this Section.

(3) If a judgment is entered for the Government of Micronesia in a civil forfeiture proceeding under this Section, the Attorney General shall seize any property or other interest declared forfeited to the Government of Micronesia, which has not previously been seized pursuant to this Title.

(4) The forfeited vessel, gear, furniture, appurtenances, stores, cargo, and fish may be sold and the proceeds deposited with the Authority for use in accordance with Section 205 of this Title, or may be retained for use by, or at the direction of, the Government of Micronesia.

(5) Pending completion of the civil forfeiture proceeding, the seized vessel, gear, furniture, appurtenances, stores, cargo, and fish, or any part thereof, may be discharged at the discretion of the court upon deposit with the court of a satisfactory bond or other security at least equal to the fair market value of the seized property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(6) Any fish seized pursuant to this Title may be sold,

subject to the approval and direction of the court. The proceeds of any such sale shall be deposited with such court pending the disposition of the civil forfeiture proceeding.

(7) For purposes of this Title, it shall be a rebuttable presumption that all fish found on board a fishing vessel which is seized in connection with an act prohibited by Section 201 of this Title were taken or retained in violation of this Title.

Section 205. Revenue from fines and forfeitures. All fines and the proceeds of sale of all forfeitures collected pursuant to the provisions of this Title shall be divided on a 50/50 basis between the state affected and the Authority. The Authority shall apply its share of said proceeds for use and the costs of enforcement of the provisions of this Title.

Section 206. Fees. Fees collected by the Authority pursuant to Section 154 (7) deposited in the General Fund of the Congress of the Federated States of Micronesia, or its successor; PROVIDED, HOWEVER, that in the case of fees collected from a joint fishing venture, and if its application for a fishing permit includes a request for rebate of fees which the Authority accepts pending its decision to rebate the fee, such fees shall be deposited in a separate trust account maintained by the Authority until rebated to the joint fishing venture or paid into the General Fund of the Congress of the Federated States of Micronesia, or its seccessor, if the rebate request is denied."

Section 207. Jurisdiction of courts. The High Court of the Trust Territory of the Pacific Islands shall have exclusive jurisdiction over any case or controversy arising under this Title until the establishment of the Supreme Court of the Federated States of Micronesia, when the Supreme Court of the Federated States of Micronesia shall have exclusive jurisdiction over any case or controversy arising under this Title. The Court may at any time enter restraining orders or prohibitions; issue warrants, process in rem, or other processes; prescribe and accept satisfactory bonds or other security; and take such other actions as are in the interests of justice.

Section 208. Enforcement.

(1) Primary responsibility for the enforcement of this Title shall be assumed by the Office of the Attorney General of the Trust Territory of the Pacific Islands, until the appointment of the Attorney General of the Federated States of Micronesia, when primary responsibility for the enforce-

ment of this Title shall be assumed by the latter official. The High Commissioner and the Government of the Federated States of Micronesia may, from time to time, seek enforcement assistance from the United States Government.

(2) Any officer who is authorized and appointed by the Attorney General to enforce the provisions of this Title, may:

(a) With or without a warrant or other process:

(i) Arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by Section 201 of this Title;

(ii) Board, and search or inspect any fishing vessel which is subject to the provisions of this Title;

(iii) Seize any fishing vessel used or employed in, or when it reasonably appears that such vessel was used or employed in, the violation of any provision of this Title;

(iv) Seize any fishing gear, furniture, appurtenances, stores, cargo, and fish in the possession of a fishing vessel seized pursuant to authority granted by Subparagraph (iii) of this Paragraph; and

(v) Seize any other evidence related to any violation of any provision of this Title.

(b) Execute any warrant or other process issued by any court of competent jurisdiction; and

(c) Exercise any other lawful authority.

(3) For purposes of this Chapter the terms "provisions of this Title" and "violation of any provisions of this Title" includes the provisions of any regulation or permit issued pursuant to this Title.

NOTES ON STATUTES AFFECTING 52 TTC

PUBLIC LAW NUMBER IC-3 (signed by High Commissioner 30 November 1978)

--Makes the effective date of Chapter 3, Section 54 of 53 TTC (the Extended Fishery Zone) January 1, 1979,

--Provides:

Notwithstanding any other provision of this Title, and in recognition of the fact that it may not be possible for all Foreign Fishing Agreements to be concluded and approved before January 1, 1979, the Authority by resolution may permit continued foreign fishing after January 1, 1979, within the Extended Fishery Zone upon a determination that the appropriate foreign parties intend to engage in good faith negotiations to conclude Foreign Fishing Agreements at the earliest possible date and upon the expressed acceptance by the parties involved of the principle that the compensation provisions of such agreements will be applied retroactive to January 1, 1979. Such resolution approving continued foreign fishing may be revoked by decision of the Authority at any time upon two-week notice to the foreign parties. (Section 22)

PUBLIC LAW NUMBER 7-71 (signed by High Commissioner 18 October 1977)

--Repeals the former Sections of Title 19 of the TTC concerning fisheries zone (Sections 251, 252, 253, 254)

--Amends Section 101 (3) of Title 19 of TTC to read:

"Territorial waters" means, for the purpose of this Chapter, the waters of the Territorial Sea as defined and described in Section 52 of Title 52 of the Trust Territory Code".

--Provides for the Act establishing Title 52 of the Trust Territory Code to automatically expire without further act by the Congress of Micronesia 180 days after the date of the termination of the Trusteeship for the Trust Territory of the Pacific Islands. Section 6 (2)

--Further provides:

Severability . If any provision of this act or amendments

or additions thereto, or the application thereof to any person, thing or circumstances is held invalid, the invalidity does not affect the provisions or application of this act or the amendments or additions that can be given effect without the invalid provisions or application, and to this end the provisions of this act and the amendments or additions thereto are severable. (Section 5).