

Native and Indigenous Rights: Advisory Panel Meeting

21 April 1997
92nd Council Meeting
Garden Lanai Room
Ala Moana Hotel
Honolulu, Hawaii

Isaac Harp, Chair

The Native and Indigenous Rights Advisory Panel met on the 21st of April from 4:00 to 5:30 p.m., on the 22nd of April from 8:00 to 9:00 a.m., and 1:00 to 2:30 p.m., and on the 23rd of April from 9:00 to 10:00 a.m. After discussing a wide range of issues pertaining to indigenous fishing rights in the western Pacific region, the panel's recommendations are as follows:

- 1) The Council recommend that the indigenous people of the U.S. Pacific islands be allowed to harvest sea turtles for home consumption and cultural (non-commercial) purposes, provided that this harvest is consistent with the long-term conservation and protection of the resource. The panel also encourages the Council to support an in-depth investigation of the cultural importance of sea turtles in all of the U.S. Pacific islands.
- 2) The Council recommend that the indigenous people of the U.S. Pacific islands be allowed to enter state, territorial, commonwealth and federal marine conservation areas or sanctuaries in the western Pacific for the purpose of harvesting marine life for home consumption and cultural (non-commercial) purposes, provided that this harvest is consistent with the overall resource protection objectives of the marine conservation area or sanctuary concerned.
- 3) The Council recommend that only the indigenous people of American Samoa and permanent residents who are currently active participants in the local commercial fishery be allowed to fish commercially within 50 nautical miles of the islands of the Territory of American Samoa. The panel also encourages the Council to limit the size of the fishing vessels allowed to fish within 50 nautical miles to 10 gross tons or less.
- 4) The Council require all foreign vessels fishing within the EEZ of any U.S. Pacific island carry onboard a Council-endorsed vessel monitoring system.
- 5) The Council recommend that the indigenous people of the U.S. Pacific islands be allowed access to all shoreline areas currently used by the U.S. military for recreational purposes and to other federally controlled shoreline or aquatic areas where access has been unfairly denied.
- 6) The Council investigate the possibility of imposing a fee or tax on shark fins sold in the U.S. Pacific islands. Monies generated by these fees or taxes would be deposited into a fund to be used to develop markets for products derived from the entire shark in order to prevent the waste associated with the present practice of finning. These products should include culturally significant items such as shark teeth and skin.
- 7) The Council explore ways to immediately reduce bycatch and economic discards in all fisheries managed by the Council.
- 8) The Council obtain all topographic and marine resource assessment surveys conducted in the EEZs of the U.S. Pacific islands that are relevant to the Council's

FMPs. The surveys should be kept on file in the Council office and be made available to any U.S. Pacific island agency or Council body for fishery management purposes.

9) The Council sponsor a meeting of the Native and Indigenous Rights Advisory Panel prior to the next Council meeting in order to address issues that the panel did not have time to complete. To prepare panel members for the next scheduled meeting, portions of the Council's FMPs pertinent to indigenous fishing rights should be distributed to all panel members.

10) The Council recommend that a percentage of funds derived from any PIAFA access fees and from foreign fishing violation fines and penalties be made available for Western Pacific Demonstration Projects.

The panel understands that some of these recommendations may fall outside the Council's normal sphere of concern, but it is hoped that the Council will take these recommendations under consideration