



Security Council

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Letter dated 3 December 2010 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Federated States of Micronesia submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ertuğrul **Apakan**

Chair

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

**Letter dated 19 October 2010 from the Permanent Representative
of the Federated States of Micronesia to the United Nations
addressed to the Chair of the Counter-Terrorism Committee**

The Permanent Representative of the Federated States of Micronesia to the United Nations presents his compliments to the Committee and has the honour to submit the Federated States of Micronesia's initial report on the implementation of Security Council resolution 1624 (2005) (see enclosure).

(Signed) Masao **Nakayama**
Permanent Representative of the Federated
States of Micronesia to the United Nations

Enclosure

Responses regarding the Federated States of Micronesia's implementation of Security Council resolution 1624 (2005)

Compliance with paragraph 1

Paragraph 1 of Security Council resolution 1624 (2005) reads as follows:

“1. *Calls upon* all States to adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law to:

- (a) Prohibit by law incitement to commit a terrorist act or acts;
- (b) Prevent such conduct;
- (c) Deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct.”

As evidenced by the fact that the Federated States of Micronesia has not had any terrorist incidents or been a conduit for terrorist activities, the Federated States of Micronesia has adopted such measures as is presently appropriate and necessary. These measures include:

- Compliance with the Amended Compact of Free Association between the Federated States of Micronesia and the United States of America; specifically, Title Three.
- Agreements between the Federated States of Micronesia and the United States of America regarding the Military Use and Operating Rights of the Government of the United States in the Federated States of Micronesia.
- The Federated States of Micronesia National Criminal Code provides that it is a crime to: injure, oppress, threaten, intimidate another in the exercise of their constitutional rights. 11 FSMC 701
- Treason, insurrection and inciting insurrection are national crimes in the Federated States of Micronesia. 11 FSMC 401-403
- The Federated States of Micronesia also has laws in place to prevent money-laundering. 11 FSMC 901 et seq.
- The Federated States of Micronesia also has laws in place with regard to firearms, forgery and aviation security. 11 FSM 1023
- In regard to all the above national laws, there are also laws making it illegal to solicit or conspire in such activity. 11 FSMC 202, 203
- In addition, the individual States have laws prohibiting crimes against persons that would likely be associated with terrorist acts. Yap Penal Code, chapters 2, 4 and 9, Kosrae Penal Code, chapter 3, Chuuk Penal Code, chapter 4.

Compliance with paragraph 2

Paragraph 2 of Security Council resolution 1624 (2005) reads as follows:

“2. *Calls upon* all States to cooperate, inter alia, to strengthen the security of their international borders, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures with a view to preventing those guilty of the conduct in paragraph 1 (a) from entering their territory.”

Again, as is evidenced by the fact that the Federated States of Micronesia has not been a conduit for terrorist activity, the Federated States of Micronesia has adopted such measures as is presently appropriate and necessary in the light of its border requirement. The Federated States of Micronesia protects its borders as follows:

- The only flights in and out of the Federated States of Micronesia are via Continental Airlines. The two ports of entry and exit to the Federated States of Micronesia are via United States airspace, i.e.: Kwajalein and Guam. These ports are a United States territory (Guam) and a United States military base (Kwajalein), and it is the understanding of the Federated States of Micronesia that the United States complies with border security requirements of Security Council resolution 1624 (2005).
- In addition, there are laws in place to protect aviation security, including laws against the forging or misuse of identification documents, as well as laws prohibiting firearms on airplanes. 11 FSMC 1023.
- The Federated States of Micronesia is involved in regional organizations such as the United Nations, the Pacific Islands Forum Secretariat and the Secretariat of the Pacific Community, in part to maintain vigilance regarding issues of border management.
- The Federated States of Micronesia is also actively involved in the management of its maritime border. While the Federated States of Micronesia is a country of only 110,000 people, it has six patrol boats dedicated to protecting its maritime borders, and various regional agreements with Australia, the United States and other Pacific island countries.
- The Federated States of Micronesia is also involved in regional associations concerned with border security such as the Pacific Islands Forum Fisheries Agency and the Parties to the Nauru Agreement.

Compliance with paragraph 3

Paragraph 3 of Security Council resolution 1624 (2005) reads as follows:

“3. *Calls upon* all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and to take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural and religious institutions by terrorists and their supporters”.

With only 110,000 people, the Federated States of Micronesia is a country born from Spanish colonialists, German colonialists, Japanese colonialists and United States colonialists. The Federated States of Micronesia consists of over 600 islands, and has at least nine distinct languages. The Federated States of Micronesia is by definition a civilization with a broad understanding and tolerance of diverse cultures. This tolerance is enshrined by the Federated States of Micronesia Constitution in the protections it provides to citizens through article IV. However, tolerance in the Federated States of Micronesia is not without limits.

- The Federated States of Micronesia Criminal Code provides that it is a crime to: injure, oppress, threaten, intimidate another in the exercise of their constitutional rights. 11 FSMC 701.
- It is also true that treason, insurrection and inciting insurrection are national crimes in the Federated States of Micronesia. 11 FSMC 401-403.
- The Federated States of Micronesia also has laws in place to prevent money-laundering. 11 FSMC 901 et seq.
- The Federated States of Micronesia also has laws in place with regard to firearms, forgery and aviation security. 11 FSM 1023.
- In regard to all the above national laws there are also laws making it illegal to solicit or conspire in such activity. 11 FSMC 202, 203.
- On a State level basic Constitutional rights protected in the Federated States of Micronesia Constitution are reiterated. Chuuk Constitution article III, Kosrae Constitution, article II, Pohnpei Constitution, article IV and the Yap Constitution, article II.
- Again, these constitutional protections are not without limits and each State has laws prohibiting crimes against persons that would likely be associated with terrorist acts. Yap Penal Code, chapters 2, 4 and 9; Kosrae Penal Code, chapter 3; Chuuk Penal Code, chapter 4.

Compliance with paragraph 4

Paragraph 4 of Security Council resolution 1624 (2005) reads as follows:

“4. *Stresses* that States must ensure that any measures taken to implement paragraphs 1, 2 and 3 of this resolution comply with all of their obligations under international law, in particular international human rights law, refugee law and humanitarian law.”

To date there is no evidence of systemic human rights violations or a notable influx of refugees in the Federated States of Micronesia.

And it is noted that, while it is impossible to foresee all hurdles and obligations that legally face a nation, the Federated States of Micronesia’s fundamental and sound legal provisions pose a sufficient basis pursuant from which the Federated States of Micronesia can meet its burdens under human rights, humanitarian and refugee law. Particularly, the Federated States of Micronesia has laws in place to prohibit terrorism; it also protects human rights, and humanitarian and refugee law in that the Constitution protects all people with the fundamental human rights of freedom of religion, free speech, the right of assembly, the right to petition the government, equal protection of its citizens and due process of law.