

NINETEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIFTH REGULAR SESSION, 2016

C.B. NO. 19-219

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A BILL FOR AN ACT

To amend sections 101, 102, 103, 104, 106, 107 and 108 of title 24 of the Code of the Federated States of Micronesia (Annotated), and inserting new sections 102A, 105A, 105B, 105C, 105D and 107A that to establish additional maritime zones, an extension of the continental shelf and baselines as recognized by the Law of the Sea Convention, to bring title 24 in conformity with contemporary norms and practices under international law, to incorporate treaty obligations assumed by the Federated States of Micronesia, such as maritime boundary delimitation treaties with neighboring nations, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1       Section 1. Section 101 of title 24 of the code of the  
2 Federated States of Micronesia (Annotated), is hereby amended to  
3 read as follows:

4             "Section 101. Baseline system defined.

5             (1) A baseline is a continuous line which encircles  
6 an island or an atoll. The baseline from which the zones  
7 designated in this Chapter are to be measured is as  
8 follows:

9             (1) (a) The baseline of an island or portion of an  
10 island lacking a barrier reef, fringing reef, or other  
11 reef system is the low-water line of the island drawn by  
12 reference to lists of geographical coordinates expressed  
13 in terms of the geodetic datum or as marked on large-  
14 scale charts officially recognized by the government of  
15 the Federated States of Micronesia.

16             (2) (b) The baseline of an atoll or island or portion

1           of an island having a barrier reef, fringing reef, or  
2           other reef system is a line following the contour of the  
3           seaward edge of the reef system, which line connects  
4           those outermost elevations of the reef which are above  
5           water at low-water [~~tide,~~] drawn by reference to lists  
6           of geographical coordinates expressed in terms of the  
7           geodetic datum or [~~and which line exists~~] as marked on  
8           large-scale charts officially recognized by the  
9           government of the Federated States of Micronesia.

10                 (c) Where there are breaks in reefs, entrances  
11                 to lagoons, river mouths or bays, the President may make  
12                 regulations declaring the geographic coordinates of the  
13                 natural entrance points of low water between closing  
14                 lines are drawn.

15                 (2) Baselines may be comprised of straight  
16                 archipelagic baselines joining the outermost points of  
17                 the outermost islands and drying reefs of the  
18                 archipelago.

19                 (3) The baselines from which the breadth of the  
20                 Territorial Sea, contiguous zone, exclusive economic  
21                 zone and continental shelf of the Federated States of  
22                 Micronesia are those defined and described in Schedule 1  
23                 and include points between which archipelagic baselines  
24                 or closing baselines are drawn. The President shall  
25                 officially declare the incorporation of Schedule 1 to

1           this section, and he may, from time to time, by  
2           executive proclamation, provide update on any of the  
3           contents of Schedule 1.

4           (4) A baseline established or recognized under this  
5           title may be used to generate the zones of the Federated  
6           States of Micronesia and may be used to establish the  
7           outer limit of continental shelf or as a constraint line  
8           of any extension thereof.

9         Section 2. Section 102 of title 24 of the Code of the  
10 Federated States of Micronesia (Annotated), is hereby amended to  
11 read as follows:

12           "Section 102. Territorial Sea and internal waters -  
13           Defined.

14           (1) There is hereby established a Territorial Sea of  
15           12 nautical miles (M) breadth. The inner boundary of the  
16           Territorial Sea of each island or atoll is the baseline  
17           as defined in Section 101 of this Title. The outer  
18           boundary is a line, every point of which is 12 M  
19           [nautical miles] seaward of the nearest point of the  
20           baseline.

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

23         Section 3. Title 24 of the Code of the Federated States of  
24 Micronesia (Annotated), is hereby amended by inserting a new  
25 section 102A at the end of section 102 of chapter 1 to read as

1 follows:

2           "Section 102A. Archipelagic water – Defined.

3           (1) Waters, other than internal waters, landward of  
4           the archipelagic baselines declared under subsection (2)  
5           of this section are archipelagic waters.

6           (2) The President of the Federated States of  
7           Micronesia may from time to time declare, in accordance  
8           with international law, the geographic coordinates of  
9           points between which archipelagic baselines are to be  
10          drawn.

11         Section 4. Section 103 of title 24 of the Code of the  
12 Federated States of Micronesia (Annotated), is hereby amended to  
13 read as follows:

14         "Section 103. Territorial Sea, archipelagic waters, and  
15         internal waters - Sovereignty.

16         The sovereignty of the Federated States of Micronesia  
17         extends to its internal waters, archipelagic waters, and  
18         Territorial Sea, including sovereign rights over the  
19         living and nonliving resources in the Territorial Sea  
20         and internal waters and in the airspace above the  
21         Territorial Sea, archipelagic waters, and internal  
22         waters as well as [its] the seabed and subsoil."

23         Section 5. Section 104 of title 24 of the Code of the  
24 Federated States of Micronesia (Annotated), is hereby amended to  
25 read as follows:

1           "Section 104. Exclusive economic zone - Defined.

2           There is hereby established an exclusive economic zone  
3           contiguous to the Territorial Sea. The inner boundary  
4           of the exclusive economic zone of each island or atoll  
5           is the seaward boundary of the Territorial Sea, and the  
6           outer boundary is a line, every point of which is not  
7           more than 200 M [two hundred nautical miles] seaward of  
8           the nearest point on the baseline as defined in section  
9           101 of this Title."

10          Section 6. Title 24 of the Code of the Federated States of  
11 Micronesia (Annotated), is hereby amended by inserting a new  
12 section 105A at the end of section 105 of chapter 1 to read as  
13 follows:

14           "Section 105A. Contiguous Zone.

15           (1) There is hereby established a Contiguous Zone,  
16           comprising those areas of the sea that are beyond and  
17           adjacent to the Territorial Sea. The inner boundary of  
18           the contiguous zone is the seaward boundary of the  
19           Territorial Sea. The outer boundary of the Contiguous  
20           Zone is a line, every point of which is not more than 24  
21           M seaward of the nearest point of the baseline as  
22           defined in section 101 of this title.

23           (2) The President may, from time to time, by  
24           Proclamation, declare the limits of the whole or of any  
25           part of the contiguous zone of the Federated States of

1                   Micronesia.

2                   (3) Within the Contiguous Zone, the National  
3                   Government of the Federated States of Micronesia may  
4                   exercise the control necessary to:

5                   (a) prevent infringement of its customs, fiscal,  
6                   immigration or sanitary laws and regulations within the  
7                   territory of the Federated States of Micronesia or the  
8                   Territorial Sea; and

9                   (b) punish infringement of its customs, fiscal,  
10                  immigration or sanitary laws and regulations committed  
11                  within the territory of the Federated States of  
12                  Micronesia or the territorial sea."

13                 Section 7. Title 24 of the Code of the Federated States of  
14 Micronesia (Annotated), is hereby amended by inserting a new  
15 section 105B at the end of section 105A of chapter 1 to read as  
16 follows:

17                 "Section 105B. Continental Shelf.

18                 (1) There is hereby established a Continental Shelf  
19                 comprising of the seabed and subsoil of the submarine  
20                 areas that extend beyond the Territorial Sea throughout  
21                 the natural prolongation of the land territory to the  
22                 outer edge of the continental margin, or to a distance  
23                 of 200 M from the baselines from which the breadth of  
24                 the Territorial Sea is measured where the outer edge of  
25                 the continental margin does not extend up to that

1                   distance.

2                   (2) Subject to subsection (3) of this section and  
3                   any relevant international agreement to which the  
4                   Federated States of Micronesia is a party:

5                   (a) the inner boundary of the Continental Shelf  
6                   is the seaward boundary of the Territorial Sea; and

7                   (b) the outer boundary of the Continental Shelf  
8                   is a line, every point of which is not more than 200 M  
9                   seaward of the nearest point on the baseline as defined  
10                  in section 101 of this title.

11                  (3) Where the continental shelf is beyond 200 M,  
12                  it shall not extend more than 350 M from any of the  
13                  baselines recognized under Schedule 1 from which the  
14                  breadth of the Territorial Sea is measured."

15                  Section 8. Title 24 of the Code of the Federated States of  
16 Micronesia (Annotated), is hereby amended by inserting a new  
17 section 105C at the end of section 105B of chapter 1 to read as  
18 follows:

19                  "Section 105C. Extension of Continental Shelf.  
20                  Whenever the continental margin extends beyond 200 M  
21                  from the baselines as defined in section 101, the outer  
22                  limits of the continental shelf are to be established  
23                  in accordance with Article 76 of the Convention."

24                  Section 9. Title 24 of the Code of the Federated States of  
25 Micronesia (Annotated), is hereby amended by inserting a new

1 section 105D at the end of section 105C of chapter 1 to read as  
2 follows:

3           "Section 105D. Rights and jurisdiction over the  
4           Continental Shelf.

5           Within the Continental Shelf, the National Government  
6           of the Federated States of Micronesia shall have:

7           (a) sovereign rights for the purpose of exploring  
8           the continental shelf and exploiting its natural  
9           resources,

10          (b) exclusive rights to authorize and regulate  
11          drilling on the continental shelf for all purposes,

12          (c) exclusive rights to construct, authorize and  
13          regulate the construction, operation and use of  
14          artificial islands, installations and structures,

15          (d) jurisdiction with respect to protection and  
16          preservation of the marine environment, and

17          (e) the right to regulate, authorize and conduct  
18          marine scientific research."

19          Section 10. Section 106 of title 24 of the Code of the  
20          Federated States of Micronesia (Annotated), is hereby amended to  
21          read as follows:

22          "Section 106. Submerged reefs.

23          Traditionally recognized fishing rights in submerged  
24          reef areas wherever located within the fishery zones  
25          [+]of Micronesia shall be preserve and respected."

1           Section 11. Section 107 of title 24 of the Code of the  
2 Federated States of Micronesia (Annotated), is hereby amended to  
3 read as follows:

4           "Section 107. Regulations.

5           The President of the Federated States of Micronesia may  
6 issue such regulations as are necessary to establish  
7 the baselines, the boundaries of internal waters, the  
8 archipelagic waters, the Territorial Sea, and the  
9 exclusive economic zone, the Contiguous Zone, and the  
10 Continental Shelf."

11          Section 12. Title 24 of the Code of the Federated States  
12 of Micronesia (Annotated), is hereby amended by inserting a new  
13 section 107A at the end of section 107 of chapter 1 to read as  
14 follows:

15          "Section 107A. Production of charts.

16          The President may cause to be prepared such charts as  
17 he deems fit showing the baselines or the zones, or any  
18 matter relating thereto. Such charts when certified by  
19 the President or his designee constitute a prima facie  
20 evidence of any matter shown thereon."

21          Section 13. Section 108 of title 24 of the Code of the  
22 Federated States of Micronesia is hereby amended to read as  
23 follows:

24          "Section 108. Definitions.

25          As used in this Chapter:

1                   (1) "Archipelago" means a group of islands,  
2                   including parts of islands, interconnecting waters and  
3                   other natural features which are so closely  
4                   interrelated that such islands, waters and other  
5                   natural features form an intrinsic geographical,  
6                   economic and political entity, or which historically  
7                   have been regarded as such.

8                   [+1)](2) "Atoll" means a naturally formed reef  
9                   system which has one or more islands situated on the  
10                  reef system, including Ngulu, Ulithi, Sorol, Eauripik,  
11                  Woleai, Faraulep, Ifalik, [Olaimarao] Olimarao, Elato,  
12                  Lamotrek, West Fayu, Puluwat, Pulap, Pulusuk,  
13                  Namonuito, Kuop, Nomowin, Murilo, Losap, Namoluk,  
14                  Satawan, Etal, Lukunor, Minto Reef, Oroluk, Nukuoro,  
15                  Kapingamarangi, Pakin, Ant, Sapwuafik, Mwoakilloa, and  
16                  Pingelap.

17                  (3) "Continental shelf" means the Continental Shelf  
18                  established under section 105B. It comprises the  
19                  seabed and subsoil of the submarine areas that extend  
20                  beyond the Territorial Sea throughout the natural  
21                  prolongation of land territory to the outer edge of the  
22                  continental margin, or to a distance of 200 M from the  
23                  baselines from which the breadth of the Territorial Sea  
24                  is measured where the outer edge of the continental  
25                  margin does not extend up to that distance. The

1           Continental Shelf may, in accordance with section 105C,  
2           extend beyond the 200 M from the baselines in  
3           accordance with the limits recognized by the  
4           Convention. For the purpose of this section, the term  
5           "continental margin" shall have the same interpretation  
6           as understood under the Convention.

7           (4) "Convention" means the United Nations Convention  
8           on the Law of the Sea.

9           (5) "Geodetic datum" means the World Geodetic System  
10           1984 (WGS84).

11           (2) (6) "Island" means a naturally formed area of  
12           land, surrounded by water, which is above water at high  
13           tide.

14           (7) "Low-water" means the Lowest Astronomical Tide.

15           (8) "Low-tide" has a corresponding meaning.

16           (9) "Mile" or "M" means the international nautical  
17           mile, equivalent to 1,852 meters.

18           (10) "Straight line" means geodesic.

19           (11) "Territorial Sea" means the territorial sea of  
20           the Federated States of Micronesia.

21           (11) "Zones" means the different maritime zones  
22           recognized in the Convention, namely: the territorial  
23           sea, the contiguous zone, the exclusive economic zone,  
24           and the continental shelf."

25

1       Section 14. This act shall become law upon approval by the  
2 President of the Federated States of Micronesia or upon its becoming  
3 law without such approval.

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5 Date: 9/22/16

/s/ for Joseph J. Urusemal  
Florencio S. Harper  
(by request)

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