April 25, 2017

The Honorable Wesley W. Simina
Speaker
Nineteenth Congress of the Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear Speaker Simina:
I am transmitting the following congressional act, which I signed to become Public Law No. 19-172:


This act amends several sections of title 18 of the FSM Code, and as indicated on its title, it establishes additional maritime zones and baselines of FSM and extension of continental shelf.

I wish to extend our appreciation to the 19th Congress for the passage of this act. Thank you.

Sincerely,

[Signature]

Peter M. Christian
President

Enclosure:

xc: Chief Justice, FSM Supreme Court
April 10, 2017

His Excellency Peter M. Christian
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear President Christian:

I have the honor to transmit herewith Congressional Act No. 19-178, "AN ACT TO AMEND SECTIONS 101, 102, 103, 106, 107 AND 108 OF TITLE 18 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED) AND INSERTING NEW SECTIONS 102A, 105A, 105B, 105C AND 107A SECTIONS TO ESTABLISH ADDITIONAL MARITIME ZONES, EXTENSION OF CONTINENTAL SHELF AND BASELINES AS RECOGNIZED BY THE LAW OF THE SEA CONVENTION, TO BRING TITLE 18 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.", which was passed by the Nineteenth Congress of the Federated States of Micronesia, Eighth Special Session, 2017, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

Liviana Ramon Ioanis
Chief Clerk, Congress of the Federated States of Micronesia

Enclosures
An Act

TO AMEND SECTIONS 101, 102, 103, 106, 107 AND 108 OF TITLE 18 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED) AND INSERTING NEW SECTIONS 102A, 105A, 105B, 105C AND 107A SECTIONS TO ESTABLISH ADDITIONAL MARITIME ZONES, EXTENSION OF CONTINENTAL SHELF AND BASELINES AS RECOGNIZED BY THE LAW OF THE SEA CONVENTION, TO BRING TITLE 18 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.

INTRODUCED BY SENATOR: JOSEPH J. URUSEMAL FOR FLORENCIO S. HARPER
(BY REQUEST)

DATE: JANUARY 28, 2017

REFERRED TO: COMMITTEE ON RESOURCES AND DEVELOPMENT

FIRST READING: APRIL 04, 2017
SECOND READING: APRIL 05, 2017

Liwiana Ramon Ioams
Chief Clerk, FSM Congress
ACT NO. 19-178

(CONGRESSIONAL BILL NO. 19-257, C.D.1)

We hereby certify that on April 5 the foregoing act passed Second and Final Reading of the Nineteenth Congress of the Federated States of Micronesia, Eighth Special Session, 2017, by a two-thirds vote of all the State delegations as required under article IX, section 20, of the Constitution of the Federated States of Micronesia.

Wesley W. Simina
Speaker
Congress of the Federated States of Micronesia

Liwiana Ramon Ioanis
Chief Clerk
Congress of the Federated States of Micronesia
AN ACT

To amend sections 101, 102, 103, 106, 107 and 108 of title 18 of the code of the Federated States of Micronesia (Annotated) and inserting new sections 102A, 105A, 105B, 105C and 107A sections to establish additional maritime zones, extension of continental shelf and baselines as recognized by the Law of the Sea Convention, to bring title 18 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 18 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
7 zones designated in this Chapter are to be measured is
8 as follows:
9 (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 (b) The baseline of an atoll or island 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-water drawn by reference to
lists of geographical coordinates expressed in terms of
the geodetic datum or as marked on large-scale charts
officially recognized by the government of the Federated
States of Micronesia.

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

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

(3) The baselines from which the breadth of the
Territorial Sea, contiguous zone, exclusive economic
zone and continental shelf of the Federated States of
Micronesia are those defined and described in Schedule 1
and include points between which archipelagic baselines
or closing baselines are drawn. The President shall
officially declare the incorporation of Schedule 1 to
this section, and he may, from time to time, by
executive proclamation, provide update on any of the
contents of Schedule 1.

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

Section 2. Section 102 of title 18 of the Code of the
Federated States of Micronesia (Annotated), is hereby amended to
read as follows:

"Section 102. Territorial Sea and internal waters —
Defined.

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

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

Section 3. Title 18 of the Code of the Federated States of
Micronesia (Annotated), is hereby amended by inserting new section
102A at the end of section 102 of chapter 1 to read as follows:

"Section 102A. Archipelagic water — Defined.
(1) Waters, other than internal waters, landward of the archipelagic baselines declared under subsection (2) of this section are archipelagic waters.

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

Section 4. Section 103 of title 18 of the Code of the Federated States of Micronesia (Annotated), is hereby amended to read as follows:

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

The sovereignty of the Federated States of Micronesia extends to its internal waters, archipelagic waters, and Territorial Sea, including sovereign rights over the living and nonliving resources in the Territorial Sea and internal waters and in the airspace above the Territorial Sea, archipelagic waters, and internal waters as well as the seabed and subsoil."

Section 5. Section 104 of title 18 of the Code of the Federated States of Micronesia (Annotated), is hereby amended to read as follows:

"Section 104. Exclusive economic zone - Defined.

There is hereby established an exclusive economic zone
contiguous to the Territorial Sea. The inner boundary of the exclusive economic 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 not more than 200 M seaward of the nearest point on the baseline as defined in section 101 of this Title."

Section 6. Title 18 of the Code of the Federated States of Micronesia (Annotated), is hereby amended by inserting new section 105A at the end of section 105 of chapter 1 to read as follows:

"Section 105A. Contiguous Zone.

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

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

(3) Within the Contiguous Zone, the National Government of the Federated States of Micronesia may

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exercise the control necessary to:

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

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

Section 7. Title 18 of the Code of the Federated States of Micronesia (Annotated), is hereby amended by inserting new section 105B at the end of section 105A of chapter 1 to read as follows:

"Section 105B. Continental Shelf.

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

(2) Subject to subsection (3) of this section and any relevant international agreement to which the Federated States of Micronesia is a party:
(a) the inner boundary of the Continental Shelf is the seaward boundary of the Territorial Sea; and

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

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

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

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

Section 9. Title 18 of the Code of the Federated States of Micronesia (Annotated), is hereby amended by inserting new section 105D at the end of section 105C of chapter 1 to read as follows:

"Section 105D. Rights and jurisdiction over the Continental Shelf. Within the Continental Shelf, the National Government of the Federated States of Micronesia shall have:
(a) sovereign rights for the purpose of
exploring the continental shelf and exploiting its
natural resources,
(b) exclusive rights to authorize and regulate
drilling on the continental shelf for all purposes,
(c) exclusive rights to construct, authorize and
regulate the construction, operation and use of
artificial islands, installations and structures,
(d) jurisdiction with respect to protection and
preservation of the marine environment, and
(e) the right to regulate, authorize and conduct
marine scientific research."

Section 10. Section 106 of title 18 of the Code of the
Federated States of Micronesia (Annotated), is hereby amended to
read as follows:
"Section 106. Submerged reefs.
Traditionally recognized fishing rights in submerged
reef areas wherever located within the fishery zones of
Micronesia shall be preserve and respected."

Section 11. Section 107 of title 18 of the Code of the
Federated States of Micronesia ((Annotated), is hereby amended to
read as follows:
"Section 107. Regulations.
The President of the Federated States of Micronesia may
issue such regulations as are necessary to establish the
baselines, the boundaries of internal waters, the
archipelagic waters, the Territorial Sea, the exclusive
economic zone, the Contiguous Zone, and the Continental
Shelf."

Section 12. Title 18 of the Code of the Federated States of
Micronesia (Annotated), is hereby amended by inserting new section
107A at the end of section 107 of chapter 1 to read as follows:

"Section 107A. Production of charts.
The President may cause to be prepared such charts as he
deems fit showing the baselines or the zones, or any
matter relating thereto. Such charts when certified by
the President or his designee constitute a prima facie
evidence of any matter shown thereon."

Section 13. Section 108 of title 18 of the Code of the
Federated States of Micronesia (Annotated), is hereby amended to
read as follows:

"Section 108. Definitions.
As used in this Chapter:

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

(2) "Atoll" means a naturally formed reef system
which has one or more islands situated on the reef
system, including Ngulu, Ulithi, Sorol, Eauripik,
Woleai, Faraulep, Ifalik, Olimarao, Elato, Lamotrek,
West Fayu, Puluvat, Pulap, Pulusuk, Namonuito, Kuop,
Nomowin, Murilo, Losap, Namoluk, Satawan, Etal, Lukunor,
Minto Reef, Orolok, Nukuoro, Kapingamarangi, Pakin, Ant,
Sapwuafik, Mwoakilloa, and Pingelap.

(3) "Continental shelf" means the Continental Shelf
established under section 105B. It comprises the seabed
and subsoil of the submarine areas that extend beyond
the Territorial Sea throughout the natural prolongation
of land territory to the outer edge of the continental
margin, or to a distance of 200 M from the baselines
from which the breadth of the Territorial Sea is
measured where the outer edge of the continental margin
does not extend up to that distance. The Continental
Shelf may, in accordance with section 105C, extend
beyond the 200 M from the baselines in accordance with
the limits recognized by the Convention. For the
purpose of this section, the term "continental margin"
shall have the same interpretation as understood under
the Convention.

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

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

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

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

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

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

(10) "Straight line" means geodesic.

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

(12) "Zones" means the different maritime zones recognized in the Convention, namely: the territorial sea, the contiguous zone, the exclusive economic zone, and the continental shelf."
Section 14. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

4/28, 2017

[Signature]

Peter M. Christian
President
Federated States of Micronesia