

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

1 portion of an island having a barrier reef, fringing
2 reef, or other reef system is a line following the
3 contour of the seaward edge of the reef system, which
4 line connects those outermost elevations of the reef
5 which are above water at low-water drawn by reference to
6 lists of geographical coordinates expressed in terms of
7 the geodetic datum or as marked on large-scale charts
8 officially recognized by the government of the Federated
9 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 18 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
16 the Territorial Sea of each island or atoll is the
17 baseline as defined in Section 101 of this Title. The
18 outer boundary is a line, every point of which is 12 M
19 seaward of the nearest point of the baseline.

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

22 Section 3. Title 18 of the Code of the Federated States of
23 Micronesia (Annotated), is hereby amended by inserting new section
24 102A at the end of section 102 of chapter 1 to read as follows:

25 "Section 102A. Archipelagic water - Defined.

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

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

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

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

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

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

24 "Section 104. Exclusive economic zone - Defined.

25 There is hereby established an exclusive economic zone

1 contiguous to the Territorial Sea. The inner boundary of
2 the exclusive economic zone of each island or atoll is
3 the seaward boundary of the Territorial Sea, and the
4 outer boundary is a line, every point of which is not
5 more than 200 M seaward of the nearest point on the
6 baseline as defined in section 101 of this Title."

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

11 "Section 105A. Contiguous Zone.

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

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

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

1 exercise the control necessary to:

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

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

10 Section 7. Title 18 of the Code of the Federated States of
11 Micronesia (Annotated), is hereby amended by inserting new section
12 105B at the end of section 105A of chapter 1 to read as follows:

13 “Section 105B. Continental Shelf.

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

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

1 (a) the inner boundary of the Continental Shelf
2 is the seaward boundary of the Territorial Sea; and

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

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

11 Section 8. Title 18 of the Code of the Federated States of
12 Micronesia (Annotated), is hereby amended by inserting new section
13 105C at the end of section 105B of chapter 1 to read as follows:

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

19 Section 9. Title 18 of the Code of the Federated States of
20 Micronesia (Annotated), is hereby amended by inserting new section
21 105D at the end of section 105C of chapter 1 to read as follows:

22 "Section 105D. Rights and jurisdiction over the
23 Continental Shelf.
24 Within the Continental Shelf, the National Government of
25 the Federated States of Micronesia shall have:

- 1 (a) sovereign rights for the purpose of
2 exploring the continental shelf and exploiting its
3 natural resources,
4 (b) exclusive rights to authorize and regulate
5 drilling on the continental shelf for all purposes,
6 (c) exclusive rights to construct, authorize and
7 regulate the construction, operation and use of
8 artificial islands, installations and structures,
9 (d) jurisdiction with respect to protection and
10 preservation of the marine environment, and
11 (e) the right to regulate, authorize and conduct
12 marine scientific research."

13 Section 10. Section 106 of title 18 of the Code of the
14 Federated States of Micronesia (Annotated), is hereby amended to
15 read as follows:

16 "Section 106. Submerged reefs.
17 Traditionally recognized fishing rights in submerged
18 reef areas wherever located within the fishery zones of
19 Micronesia shall be preserve and respected."

20 Section 11. Section 107 of title 18 of the Code of the
21 Federated States of Micronesia ((Annotated), is hereby amended to
22 read as follows:

23 "Section 107. Regulations.
24 The President of the Federated States of Micronesia may
25 issue such regulations as are necessary to establish the

1 baselines, the boundaries of internal waters, the
2 archipelagic waters, the Territorial Sea, the exclusive
3 economic zone, the Contiguous Zone, and the Continental
4 Shelf."

5 Section 12. Title 18 of the Code of the Federated States of
6 Micronesia (Annotated), is hereby amended by inserting new section
7 107A at the end of section 107 of chapter 1 to read as follows:

8 "Section 107A. Production of charts.

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

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

17 "Section 108. Definitions.

18 As used in this Chapter:

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

25 (2) "Atoll" means a naturally formed reef system

1 which has one or more islands situated on the reef
2 system, including Ngulu, Ulithi, Sorol, Eauripik,
3 Woleai, Faraulep, Ifalik, Olimarao, Elato, Lamotrek,
4 West Fayu, Puluwat, Pulap, Pulusuk, Namonuito, Kuop,
5 Nomowin, Murilo, Losap, Namoluk, Satawan, Etal, Lukunor,
6 Minto Reef, Oroluk, Nukuoro, Kapingamarangi, Pakin, Ant,
7 Sapwuafik, Mwoakilloa, and Pingelap.

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

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

25 (5) "Geodetic datum" means the World Geodetic System

1 1984 (WGS84).

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

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

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

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

8 (10) "Straight line" means geodesic.

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

11 (12) "Zones" means the different maritime zones
12 recognized in the Convention, namely: the territorial
13 sea, the contiguous zone, the exclusive economic zone,
14 and the continental shelf."

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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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April 28 _____, 2017

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/s/ Peter M. Christian

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Peter M. Christian

President

Federated States of Micronesia

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