
A BILL FOR AN ACT

To amend title 18 of the code of the Federated States of Micronesia by amending existing sections thereof and inserting additional sections that 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 24 of the code of the
2 Federated States of Micronesia is hereby amended to read as
3 follows:

4 "Section 101. Baseline system defined.

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

16 ~~[(2)]~~ (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 [~~tide~~,] drawn by reference to lists of geographical coordinates expressed in terms of the geodetic datum or [and which line exists] 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,

1 provide update on any of the contents of Schedule 1.

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

7 Section 2. Section 102 of title 24 of the code of the
 8 Federated States of Micronesia is hereby amended to read as
 9 follows:

10 "Section 102. Territorial Sea and internal waters -
 11 Defined.

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

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

20 Section 3. Title 24 of the code of the Federated States of
 21 Micronesia is hereby amended by inserting new section 102A at
 22 the end of section 102 of chapter 1 to read as follows:

23 "Section 102A. Archipelagic water – Defined.

24 (1) Waters, other than internal waters, landward of the
 25 archipelagic baselines declared under subsection (2) of

1 this section are archipelagic waters.

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

6 Section 4. Section 103 of title 24 of the code of the
 7 Federated States of Micronesia is hereby amended to read as
 8 follows:

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

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

18 Section 5. Section 104 of title 24 of the code of the
 19 Federated States of Micronesia is hereby amended to read as
 20 follows:

21 "Section 104. Exclusive economic zone - Defined.

22 There is hereby established an exclusive economic zone
 23 contiguous to the Territorial Sea. The inner boundary of
 24 the exclusive economic zone of each island or atoll is the
 25 seaward boundary of the Territorial Sea, and the outer

1 boundary is a line, every point of which is not more than
 2 200 M [~~two hundred nautical miles~~] seaward of the nearest
 3 point on the baseline as defined in section 101 of this
 4 Title."

5 Section 6. Title 24 of the code of the Federated States of
 6 Micronesia is hereby amended by inserting new section 105A at
 7 the end of section 105 of chapter 1 to read as follows:

8 "Section 105A. Contiguous Zone.

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

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

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

23 (a) prevent infringement of its customs, fiscal,
 24 immigration or sanitary laws and regulations within the
 25 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 24 of the code of the Federated States of Micronesia 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

1 this title.

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

6 Section 8. Title 24 of the code of the Federated States of
 7 Micronesia is hereby amended by inserting new section 105C at
 8 the end of section 105B of chapter 1 to read as follows:

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

14 Section 9. Title 24 of the code of the Federated States of
 15 Micronesia is hereby amended by inserting new section 105D at
 16 the end of section 105C of chapter 1 to read as follows:

17 "Section 105D. Rights and jurisdiction over the
 18 Continental Shelf.
 19 Within the Continental Shelf, the National Government of
 20 the Federated States of Micronesia shall have:
 21 (a) sovereign rights for the purpose of exploring the
 22 continental shelf and exploiting its natural resources,
 23 (b) exclusive rights to authorize and regulate drilling on
 24 the continental shelf for all purposes,
 25 (c) exclusive rights to construct, authorize and regulate

1 the construction, operation and use of artificial islands,
 2 installations and structures,
 3 (d) jurisdiction with respect to protection and
 4 preservation of the marine environment, and
 5 (e) the right to regulate, authorize and conduct marine
 6 scientific research."

7 Section 10. Section 106 of title 24 of the code of the
 8 Federated States of Micronesia is hereby amended to read as
 9 follows:

10 "Section 106. Submerged reefs.
 11 Traditionally recognized fishing rights in submerged reef
 12 areas wherever located within the fishery zones [±]of
 13 Micronesia shall be preserve and respected."

14 Section 11. Section 107 of title 24 of the code of the
 15 Federated States of Micronesia is hereby amended to read as
 16 follows:

17 "Section 107. Regulations.
 18 The President of the Federated States of Micronesia may
 19 issue such regulations as are necessary to establish the
 20 baselines, the boundaries of internal waters, the
 21 archipelagic waters, the Territorial Sea, [and] the
 22 exclusive economic zone, the Contiguous Zone, and the
 23 Continental Shelf."

24 Section 12. Title 24 of the code of the Federated States
 25 of Micronesia is hereby amended by inserting new section 107A at

1 the end of section 107 of chapter 1 to read as follows:

2 "Section 107A. Production of charts.

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

8 Section 13. Section 108 of title 24 of the code of the
 9 Federated States of Micronesia is hereby amended to read as
 10 follows:

11 "Section 108. Definitions.

12 As used in this Chapter:

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

19 ~~(1)~~(2) "Atoll" means a naturally formed reef system which
 20 has one or more islands situated on the reef system,
 21 including Ngulu, Ulithi, Sorol, Eauripik, Woleai, Faraulep,
 22 Ifalik, ~~[Olimarao]~~ Olimarao, Elato, Lamotrek, West Fayu,
 23 Puluwat, Pulap, Pulusuk, Namonuito, Kuop, Nomowin, Murilo,
 24 Losap, Namoluk, Satawan, Etal, Lukunor, Minto Reef, Oroluk,
 25 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).

~~(2)~~ (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.

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

8 Section 14. This act shall become law upon approval by the
9 President of the Federated States of Micronesia or upon its becoming
10 law without such approval.

2 Date: 1/28/17 Introduced by: for Joseph J. Urusemal
 3 Florencio S. Harper
(by request)

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