



*The President*  
Palikir, Pohnpei  
Federated States of Micronesia

**PRESIDENTIAL COMM. NO. 19-606**  
**FSM CONGRESS**

April 28, 2017

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

Dear Speaker Simina:

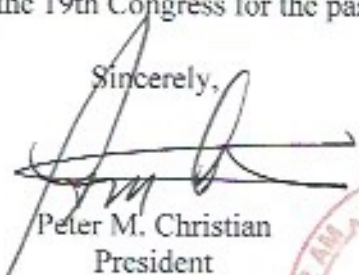
I am transmitting the following congressional act, which I signed to become Public Law No. 19-172:

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."

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,

  
Peter M. Christian  
President



Enclosure:

xc: Chief Justice, FSM Supreme Court



Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3

Palikir, Sokehs Pohnpei State, FM 96941

Tel: (691) 320-2324 / 2338 Fax: (691) 320-5122

PRESIDENTIAL COMM. NO. 19-606  
FSM CONGRESS

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,

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

Enclosures



Office of the Speaker

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3 Palikir, Sokehs

Pohnpei State, FM 96941

Tel: (691) 320-2324 / 2338

Fax: (691) 320-5122

PRESIDENTIAL COMM. NO. 19-606  
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.

A handwritten signature in black ink, appearing to read "Wesley W. Simina".

Wesley W. Simina

Speaker

Congress of the

Federated States of Micronesia

A handwritten signature in black ink, appearing to read "Liwiana Ramon Ioanis".

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

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

PUBLIC LAW No. 19- 172

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           Sapwuaifik, 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."

15

16

17

18

19

20

21

22

23

24

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.

4

5

6

7

4/28

, 2017

8

9

10

11



Peter M. Christian  
President  
Federated States of Micronesia

12

13

14

15

16

17

18

19

20

21

22

23

24

25

PUBLIC LAW No. 19- 172