
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, [~~Olimarae~~] 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."

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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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5 Date: 9/22/16

/s/ for Joseph J. Urusemal

Florencio S. Harper

(by request)

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