

Limits in the Seas

No. 152

Federated States of Micronesia: Maritime Claims and Boundaries

United States Department of State

*Bureau of Oceans and International
Environmental and Scientific Affairs*



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This study is one of a series issued by the Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs in the U.S. Department of State. The purpose of the series is to examine a coastal State's maritime claims and/or boundaries and assess their consistency with international law. This study represents the views of the United States Government only on the specific matters discussed therein and does not necessarily reflect an acceptance of the limits claimed.

This study, and earlier studies in this series, may be downloaded from www.state.gov/limits-in-the-seas/. Comments and questions should be emailed to LimitsInTheSeas@state.gov. This study was prepared by the Department of State's Office of Ocean and Polar Affairs and Office of the Legal Adviser. The principal analysts for this study are Kevin Baumert, Finn Dahl, Barry Eakins, and Erin Lefevre.

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Introduction

This study analyzes the maritime claims and maritime boundaries of the Federated States of Micronesia (FSM).

The Basis for Analysis section summarizes FSM's maritime claims and boundaries and discusses the relevant provisions of the international law of the sea. The Analysis section that follows examines FSM's maritime claims and boundaries from a geographic and legal perspective, including for consistency with the international law of the sea. The Conclusion briefly summarizes the results of this study's analysis of FSM's maritime claims.

Basis for Analysis

The basis for this study's analysis of FSM's maritime claims is the international law of the sea as reflected in the United Nations Convention on the Law of the Sea (Convention).¹ FSM ratified the Convention on April 29, 1991. The Convention is binding on FSM and other parties to the Convention as a matter of international treaty law. The United States considers the substantive provisions of the Convention cited in this section to reflect customary international law binding on all States, as do international courts and tribunals.²

Summary of FSM's Maritime Claims and Boundaries

Through its domestic legislation, FSM has established a territorial sea, contiguous zone, exclusive economic zone (EEZ), and continental shelf.³ Through its domestic regulations, FSM has established its territorial sea baselines as well as the outer limits of its territorial sea, contiguous zone, and EEZ.⁴ Selected provisions from FSM's laws and regulations are reproduced in Annexes to this study. FSM has concluded four maritime boundary agreements

¹ [United Nations Convention on the Law of the Sea](#), opened for signature Dec. 10, 1982, 1833 UNTS 397 (entered into force Nov. 16, 1994).

² See, e.g., J.A. Roach, "Today's Customary International Law of the Sea," 45 *Ocean Dev't & Int'l L.* 239 (2014).

³ *Chapter 1 of Title 18 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Law No. 19-172 on April 28, 2017* (hereinafter Title 18, reproduced in Annex 1 of this study), available from UN Division for Ocean Affairs and the Law of the Sea (DOALOS), at its website pertaining to [FSM's maritime claims](#). This 2017 enactment amended a previous version of Title 18 that defined FSM's maritime zones.

⁴ *Permanent Regulation on Maritime Boundaries and Maritime Zones of the Federated States of Micronesia Pursuant to 18 F.S.M.C. 101, 102, 104, 105A and 107, as Amended by Public Law No. 19-172 (with Annex)*, approved Mar. 14, 2019, available from DOALOS, *supra* note 3.

with neighboring States, and it appears that FSM has completed its maritime boundary delimitations with respect to maritime areas within 200 M of the territorial sea baselines.

Baselines

International law, as reflected in Part II of the Convention, sets forth rules governing the baselines from which the limits of maritime zones are measured. Part IV contains additional provisions pertaining to archipelagic States and archipelagic baselines.

Normal Baseline / Reefs

Article 5 of the Convention provides that the normal baseline “is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.” Article 6 pertains to cases of “islands situated on atolls or of islands having fringing reefs” and provides that, in such cases, “the baseline for measuring the breadth of the territorial sea is the seaward low-water line of the reef, as shown by the appropriate symbol on charts officially recognized by the coastal State.”

Additional related provisions are found in Articles 7 (straight baselines), 9 (mouths of rivers), 10 (bays), 11 (ports), 12 (roadsteads), and 13 (low-tide elevations). Waters on the landward side of the baseline are internal waters (Article 8), including the waters within closing lines related to reefs, mouths of rivers, bays, and ports (Articles 6, 9, 10, and 11).

Archipelagic Baselines

Article 47 of the Convention provides that an archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago, provided that certain criteria are met, including with respect to the length of baseline segments and the ratio of the area of the water to the area of the land enclosed by the archipelagic baselines.

Such baselines may only be established by an “archipelagic State,” which is “a State constituted wholly by one or more archipelagos and may include other islands” (Article 46, paragraph (a)). An “archipelago” is defined as “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” (Article 46, paragraph (b)).

Article 48 provides that the breadth of the territorial sea, contiguous zone, EEZ, and continental shelf shall be measured from archipelagic baselines drawn in accordance with Article 47.

Article 49 provides that the waters enclosed by archipelagic baselines drawn in accordance with

Article 47 are “archipelagic waters,” over which the sovereignty of an archipelagic State extends, subject to the provisions in Part IV of the Convention.

Maritime Zones

International law, as reflected in the Convention, contains rules governing a coastal State’s entitlement to maritime zones.

Part II of the Convention sets forth the rules governing the territorial sea, which may extend up to 12 nautical miles (M) from the baselines and in which the coastal State exercises sovereignty subject to the right of innocent passage and other rules of international law (Articles 2, 3, and 17-32). In addition, Part II describes a contiguous zone, which may not extend beyond 24 M from the baselines, within which a coastal State may exercise the control necessary to prevent and punish infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea (Article 33).

Part V of the Convention sets forth provisions related to the EEZ, which may extend up to 200 M from the baselines (Article 57). Within the EEZ, the coastal State has enumerated rights, notably, “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources” and “jurisdiction as provided for” in the Convention with regard to “the establishment and use of artificial islands, installations and structures,” as well as “marine scientific research” and “the protection and preservation of the marine environment” (Article 56). At the same time, subject to the relevant provisions of the Convention, all States enjoy the freedoms of navigation, overflight, laying and maintenance of submarine cables, and other internationally lawful uses of the sea related to these freedoms (Articles 58 and 87).

Part VI of the Convention sets forth provisions relating to the continental shelf, which extends to the outer edge of the continental margin or to a distance of 200 M from the baselines, as described in Article 76. The coastal State exercises sovereign rights for the purpose of exploring the continental shelf and exploiting its natural resources; these rights are “exclusive” and “do not depend on occupation, effective or notional, or on any express proclamation” (Article 77). Subject to certain provisions, however, all States are entitled to lay submarine cables and pipelines on the continental shelf (Article 79).

Maritime Boundaries

Maritime boundary delimitation issues arise when the maritime zones of neighboring States overlap. Articles 15, 74, and 83 of the Convention set forth provisions regarding the delimitation of maritime boundaries between opposite and adjacent coastal States. Article 15, concerning delimitation of the territorial sea, provides that “failing agreement . . . to the contrary,” one State is not entitled “to extend its territorial sea beyond the median line every

point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured.” However, this provision “does not apply . . . where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.”

With respect to the delimitation of the EEZ and continental shelf, Articles 74 and 83 provide, respectively, that the delimitation “shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.” Thus, the location of a maritime boundary is usually a matter for the coastal States with overlapping maritime zones to resolve by agreement, and international law provides considerable flexibility to States in delimiting maritime boundaries.

Analysis⁵

The Federated States of Micronesia is an island State located in the western Pacific Ocean that consists of more than 600 islands spread across an east-west extent of more than 1500 nautical miles (M). Many of these geographically distributed islands have fringing reefs or are situated on atolls. The islands are grouped into four states: Yap, Chuuk, Pohnpei, and Kosrae. FSM lies to the south of Guam (United States), east of Palau and the Philippines, north of Papua New Guinea, and west of the Marshall Islands and Nauru (Map 1). The continental landmass closest to FSM is Australia, which is approximately 1,000 M south of the nearest FSM islands. The total land area of FSM is approximately 700 square kilometers (km²),⁶ and the maritime areas under its sovereignty or jurisdiction exceed 3,000,000 km².

Baselines of FSM

Chapter 1 of Title 18 of the Code of the Federated States of Micronesia (Title 18) sets forth the baseline system for FSM.⁷ Consistent with Articles 5 and 6 of the Convention, FSM’s law provides that the baseline is the low-water line of either an island or the seaward edge of a reef system.⁸ *Title 18* provides that the baseline may be “drawn by reference to lists of geographical

⁵ Geographic analysis was completed using tools in Esri ArcGIS Pro 3.1.2 and Geocap Shelf 7.2.3. Baseline points were evaluated using satellite imagery from World Imagery ArcGIS Map Service, Google Earth Pro, and USGS’s Earth Explorer. The evaluation for Minto Reef also relied on NOAA’s [ENC Viewer](#). Geographic names used in this study are those officially approved by the U.S. Government. Annex 3 to this study provides the cartographic and projection details for the maps included in this study.

⁶ *CIA World Factbook*, Federated States of Micronesia, available on the [CIA World Factbook website](#).

⁷ *Title 18*, *supra* note 3 and Annex 1 of this study, sec. 101.

⁸ *Id.*, sec. 101(1)(a) and (b).

coordinates,” and authorizes the FSM’s President to issue regulations establishing the baseline.⁹

In 2019, the President of FSM issued the *Permanent Regulation on the Maritime Boundaries and Maritime Zones of the Federated States of Micronesia (2019 Regulations)* establishing the territorial sea baselines of FSM.¹⁰ These regulations specify 25,426 baseline points pertaining to 45 island groups within FSM. FSM has deposited these baseline points with the United Nations.¹¹

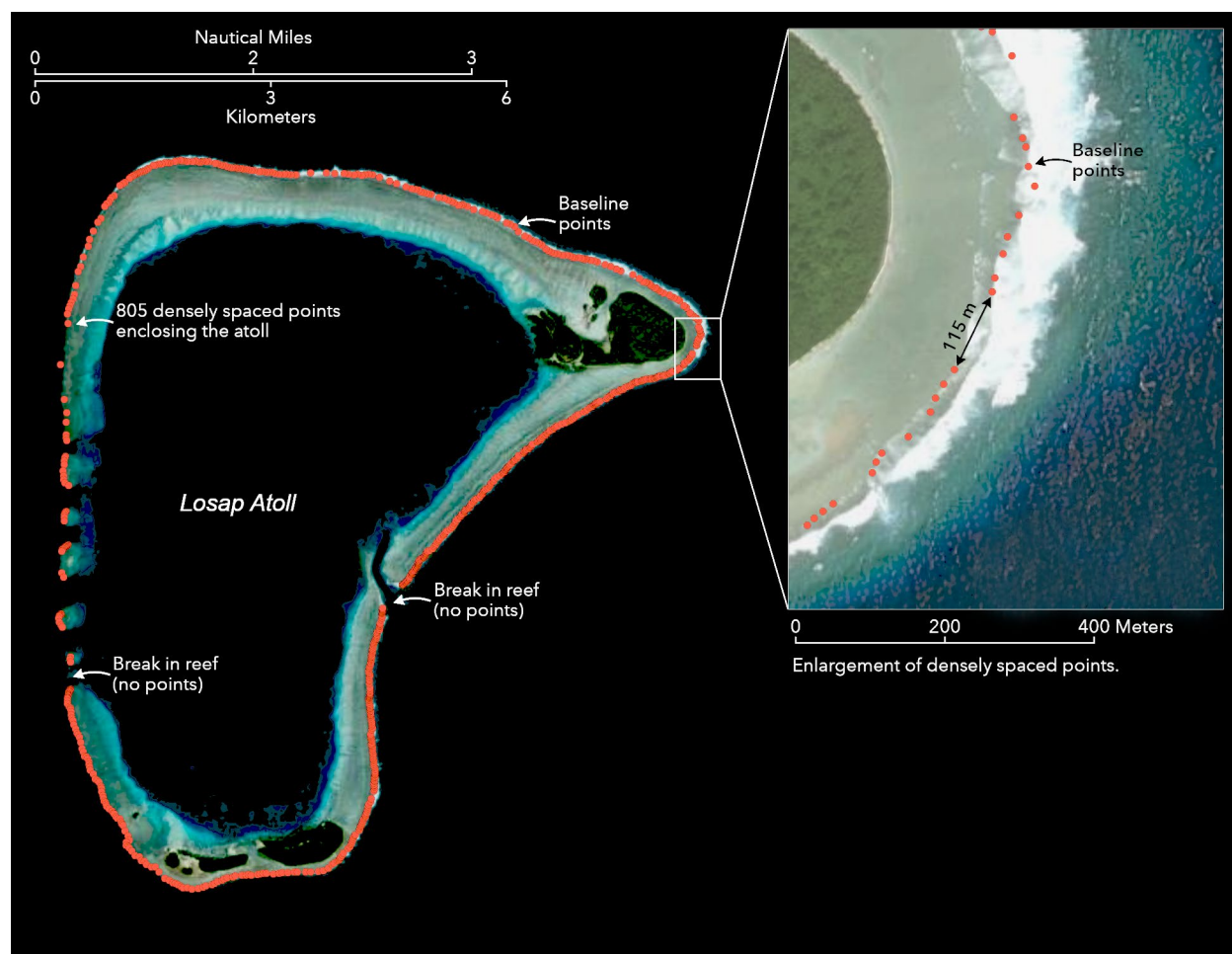


Map 1. Regional view of the Federated States of Micronesia and neighboring States. Land areas of FSM are shown in maroon. Scale, 1:35,000,000.

⁹ *Id.*, secs. 101(1)(a) and (b) and 107.

¹⁰ *2019 Regulations*, *supra* note 4 and Annex 2 of this study.

¹¹ *Maritime Zone Notification M.Z.N.151.2020.LOS* (2020) and associated lists of geographical coordinates of points and illustrative maps, available on the DOALOS website, *supra* note 3.

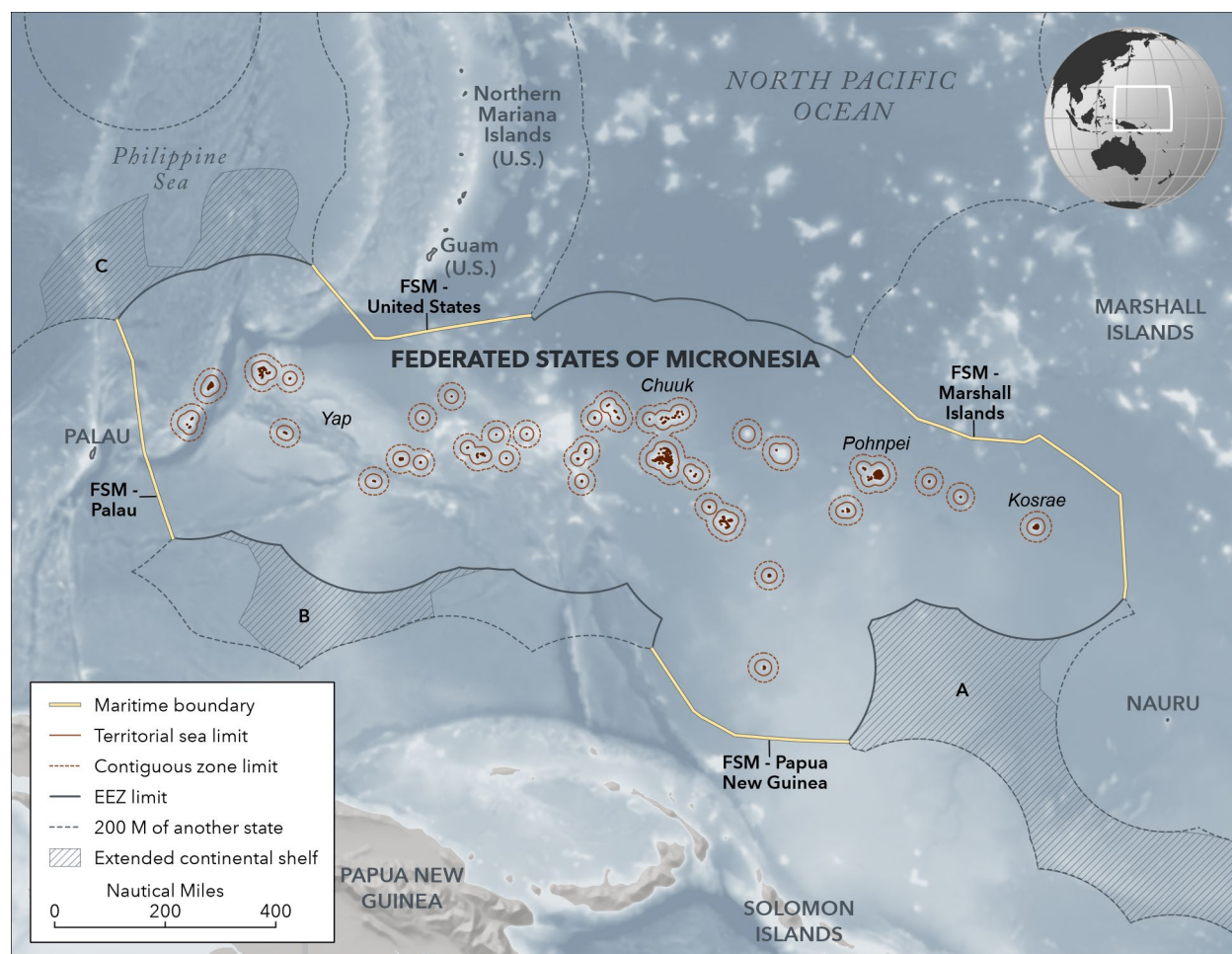


Map 2. Losap Atoll, with densely spaced baseline points located on the reef edge at or near the wave break. Scale, 1:95,000 in the primary map and 1:10,000 in the inset.

Most of FSM's baseline points are located at the edge of a fringing or barrier reef (either of an atoll, single island, or island group). Consistent with Articles 5 and 6 of the Convention, the points appear to be located on the low-water line. The points are typically located where breaking waves are visible in satellite imagery. Points are often closely spaced (e.g., as close as five meters), with a typical spacing of 40 to 200 meters. Map 2 shows an illustrative example of FSM's baseline points located on the low-water line of Losap Atoll.

Title 18 of FSM's domestic law also authorizes the President of FSM to establish archipelagic baselines.¹² To date, FSM has not established archipelagic baselines.

¹² *Title 18*, *supra* note 3 and Annex 1 of this study, secs. 101(2) and 107. Section 108(1) defines "Archipelago" in a manner consistent with Article 46 of the Convention.



Map 3. Maritime limits and boundaries of FSM. Land areas of FSM are shown in maroon, surrounded by territorial sea and contiguous zone limits. Extended continental shelf areas indicated by letters A to C are described in the text of this study. Maritime zone limits and boundaries depicted are described in the pages that follow. Maritime limits claimed by some neighboring States are also shown for context. Scale: 1:25,000,000.

Maritime Zones of FSM

Internal Waters

Title 18 of FSM's domestic law provides that the "[w]aters landward of the baseline, including the lagoons of atolls or islands, are internal waters" of FSM.¹³ This provision is consistent with Articles 6 and 8 of the Convention.¹⁴

¹³ *Id.*, sec. 102.

¹⁴ Regarding Article 6, see DOALOS, *Baselines: An Examination of the Relevant Provisions of the United Nations Convention on the Law of the Sea*, at 10–12 (1989) (noting that "it may be inferred [from Article 6] that the enclosed waters [within a lagoon] can be regarded as internal waters.").

The validity of FSM's internal waters claims depends upon the validity of its territorial sea baselines set forth in its *2019 Regulations*. As discussed above, the baseline points of FSM appear to be consistent with international law. Accordingly, FSM's internal waters claims appear to be valid, and its maritime zone limits are measured from its baseline, as set forth in its *2019 Regulations*.

Territorial Sea, Contiguous Zone, and Exclusive Economic Zone

Title 18 provides for a territorial sea with a breadth of 12 M, a contiguous zone extending 24 M from the baseline, and an EEZ extending 200 M from the baseline.¹⁵

FSM's *2019 Regulations* set forth geographical coordinates of fixed points delineating the outer limits of FSM's territorial sea, contiguous zone, and EEZ. Except where outer limits are formed by maritime boundaries with neighboring States, the outer limits are formed by geodesic lines connecting 6092, 5980, and 1004 points for the territorial sea, contiguous zone, and EEZ limit lines, respectively. Typical point-spacing along the outer limits lines is approximately 0.6 M for the territorial sea, 0.9 M for the contiguous zone, and 2.8 M for the EEZ. Consistent with the Convention, the outer limits of FSM's territorial sea, contiguous zone, and EEZ extend 12, 24, and 200 M, respectively, from the baselines (see Map 3). FSM has deposited these maritime zone limits with the United Nations.¹⁶

The provisions of *Title 18* pertaining to the territorial sea, contiguous zone, and EEZ appear to be consistent with Parts II and V of the Convention.¹⁷ These provisions specify, *inter alia*, the sovereign rights and jurisdiction of FSM in its EEZ pertaining to natural resources; artificial islands, installations and structures; protection and preservation of the marine environment; and marine scientific research.¹⁸

Continental Shelf

Title 18 describes the outer limits of FSM's continental shelf in a manner consistent with Article 76 of the Convention.¹⁹ Regarding the outer limits of its continental shelf beyond 200 M, FSM

¹⁵ *Title 18*, *supra* note 3 and Annex 1 of this study, secs. 102 to 105.

¹⁶ *Maritime Zone Notification* M.Z.N.151.2020.LOS, *supra* note 11.

¹⁷ *Title 18*, *supra* note 3 and Annex 1 of this study, secs. 103, 105, and 105A.

¹⁸ *Title 18*, *supra* note 3 and Annex 1 of this study, sec. 105.

¹⁹ *Title 18*, *supra* note 3 and Annex 1 of this study, secs. 105B (referring to the outer edge of the continental margin or 200 nautical miles), 105C, and 108(3).

has made three submissions to the Commission on the Limits of the Continental Shelf (Commission).²⁰

First, in May 2009, FSM, the Solomon Islands, and Papua New Guinea communicated a joint submission to the Commission concerning the Ontong Java Plateau.²¹ An addendum to this joint submission was filed in July 2014. The outer limits described in this addendum are shown in Map 3 (area A) of this study.²² In March 2017, the Commission issued recommendations with respect to this joint submission.²³ As of the date of this publication, outer limits have not been established, nor has a revised submission been filed with the Commission. Second, in August 2013, FSM made a submission to the Commission relating to the Eauripik Rise. The outer limits described in this submission are shown in Map 3 (area B).²⁴ Third, in April 2022, FSM made a submission to the Commission relating to the area north of Yap.²⁵ The outer limits described in this addendum are shown in Map 3 (area C). As of the date of this publication, the Commission has not issued recommendations pertaining to FSM's submissions relating to the Eauripik Rise or the area north of Yap.

Title 18 also describes the sovereign rights and jurisdiction of FSM over its continental shelf in a manner that appears to be consistent with the Convention.²⁶ These provisions specify, *inter alia*, the sovereign rights and jurisdiction of FSM within its continental shelf pertaining to

²⁰ Executive summaries of the three submissions can be accessed from the DOALOS website pertaining to [FSM's maritime claims](#). FSM has also filed preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles in the Mussau Ridge region.

²¹ *Joint Submission to the Commission on the Limits of the Continental Shelf concerning the Ontong Java Plateau by the Federated States of Micronesia, Papua New Guinea and the Solomon Islands*, Executive Summary, 2009, available on the DOALOS website pertaining to the [Ontong Java Plateau joint submission](#). (The geographic name for "Ontong Java Plateau" approved by the U.S. Board on Geographic Names is Ontong Java Rise.)

²² *Addendum to Executive Summary*, available from DOALOS, *supra* note 21.

²³ A summary of the recommendations can be found on the DOALOS website pertaining to the [Ontong Java Plateau joint submission](#).

²⁴ *Submission by the Federated States of Micronesia to the Commission on the Limits of the Continental Shelf concerning the Eauripik Rise*, Executive Summary, 2011, available on the DOALOS website pertaining to the [Eauripik Rise submission](#).

²⁵ *Partial Submission by the Federated States of Micronesia to the Commission on the Limits of the Continental Shelf concerning the Area North of Yap*, Executive Summary, 2021, available on the DOALOS website pertaining to the [Area North of Yap submission](#).

²⁶ *Title 18*, *supra* note 3 and Annex 1 of this study, sec. 105D.

natural resources; drilling; artificial islands, installations and structures; protection and preservation of the marine environment; and marine scientific research.²⁷

Sea-Level Rise

In connection with the 2019 deposit pertaining to its baselines and maritime zone limits, FSM communicated the following to the United Nations:

“... the Federated States of Micronesia notes that the applicable international law as reflected in [the United Nations Convention on the Law of the Sea (UNCLOS)] bestows maritime zones to coastal States, and many small island developing States, such as the Federated States of Micronesia, have planned their development in reliance on the sovereignty, sovereign rights, and jurisdiction generated by such maritime zones. Sea-level rise and climate change challenge this careful planning, including in terms of their effects on relevant geophysical features. The Federated States of Micronesia, a country made up of 607 islands, many of which are low-lying islands and atolls, is specially affected by such sea-level rise and climate change.

The Federated States of Micronesia states its understanding that it is not obliged to keep under review the maritime zones reflected in the present official deposit of lists of geographical coordinates of points and accompanying illustrative maps, delineated in accordance with UNCLOS, and that the Federated States of Micronesia intends to maintain these maritime zones in line with that understanding, notwithstanding climate change-induced sea-level rise.”²⁸

U.S. policy on this issue states that sea-level rise driven by human-induced climate change should not diminish the maritime zones on which island States and other coastal States rely, including for food and livelihoods, and that the United States will not challenge the baselines and maritime zone limits, such as those of FSM, that are established in accordance with international law and not subsequently updated despite sea-level rise caused by climate change.²⁹

²⁷ *Id.*

²⁸ For the full statement, see *Maritime Zone Notification* M.Z.N.151.2020.LOS, *supra* note 11.

²⁹ U.S. Policy on Sea-level Rise and Maritime Zones, available on the [Department of State website](#).

Navigation and Other Jurisdictional Issues

Title 18 recognizes the right of innocent passage of foreign vessels through the territorial sea of FSM.³⁰ The rights of other States within other maritime zones of FSM are described in the Convention. In particular, Article 58(2) of the Convention provides that “all States shall enjoy in the exclusive economic zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms.” Relevant provisions of international law relating to the laying of submarine cables and pipelines on the continental shelf are found in Part VI of the Convention, in particular Article 79.

Maritime Boundaries of FSM

FSM has concluded maritime boundary agreements with Papua New Guinea, the Republic of the Marshall Islands, Palau, and the United States (Guam). It appears that FSM has completed its maritime boundary delimitations with its neighbors with respect to maritime areas within 200 M of the territorial sea baselines. The maritime boundaries of FSM are shown on Map 3.

FSM-Papua New Guinea

FSM’s maritime boundary agreement with Papua New Guinea, concluded in 2015, establishes an EEZ and continental shelf boundary on the basis of equidistance that is composed of geodesic lines connecting 38 points.³¹ The boundary treaty also contains provisions related to cooperation with respect to living and non-living resources. The boundary separates the maritime zones generated by Kapingamarangi, which is the southernmost land feature of FSM, and those of several islands of Papua New Guinea. The length of the boundary is approximately 426 M.

FSM-Marshall Islands

FSM’s maritime boundary agreement with the Republic of the Marshall Islands (RMI), concluded in 2006, establishes an EEZ and continental shelf boundary on the basis of

³⁰ Title 18 of the Code of the Federated States of Micronesia, chapter 3, sec. 313, available on the website of the [Legal Information System](#) of the Federated States of Micronesia (“Nothing in this chapter shall be construed as limiting the right of innocent passage through the territorial waters . . .”).

³¹ *Amendment to the Treaty between the Federated States of Micronesia and the Independent State of Papua New Guinea concerning Maritime Boundaries between the Federated States of Micronesia and the Independent State of Papua New Guinea and co-operation on related matters (Annex I-A)*, Sept. 7, 2015, entered into force March 18, 2016, available on the DOALOS website, *supra* note 3.

equidistance that is composed of geodesic lines connecting 11 points.³² The boundary treaty also contains provisions related to cooperation with respect to living and non-living resources. The boundary separates the maritime zones generated by the easternmost the FSM islands and the westernmost of the RMI islands. The length of the boundary is approximately 753 M.

FSM-Palau

FSM's maritime boundary agreement with Palau, concluded in 2006, establishes an EEZ and continental shelf boundary on the basis of equidistance that is composed of geodesic lines connecting 51 points.³³ The boundary treaty also contains provisions related to cooperation with respect to living and non-living resources. The boundary separates the maritime zones generated by the westernmost islands of FSM (Ngulu and Yap) and the islands of Palau. The length of the boundary is approximately 404 M.

FSM-United States

FSM's maritime boundary agreement with the United States, concluded in 2014, establishes an EEZ and continental shelf boundary on the basis of equidistance that is composed of geodesic lines connecting 16 points.³⁴ The boundary separates the maritime zones generated by islands in the northwest part of FSM, including Fais, Faraulep, and Gaferut, and Guam (U.S). The length of the boundary is approximately 447 M.

Conclusion

The provisions of FSM's legislation pertaining to its maritime zones appear to be consistent with international law as reflected in the Convention. FSM's extensive baseline system also appears to be consistent with the Convention (Articles 5 and 6), as do the outer limits of FSM's maritime zones established in its regulations. FSM has deposited geographical coordinates describing its baselines and maritime zone limits with the United Nations and stated that these baselines and limits will be maintained, notwithstanding climate change-induced sea-level rise.

³² *Treaty between the Federated States of Micronesia and the Republic of the Marshall Islands concerning Maritime Boundaries and Cooperation on Related Matters*, July 5, 2006, entered into force July 24, 2015, available on the DOALOS website, *supra* note 3.

³³ *Treaty between the Federated States of Micronesia and the Republic of Palau Concerning Maritime Boundaries and Cooperation on Related Matters*, July 16, 2006, entered into force Feb. 16, 2016, available on the DOALOS website, *supra* note 3.

³⁴ *Treaty between the Government of the United States of America and the Government of the Federated States of Micronesia on the Delimitation of a Maritime Boundary*, Aug. 1, 2014, entered into force Sept. 27, 2019, available on the DOALOS website, *supra* note 3.

Annexes

Annex 1: Maritime Law of the FSM³⁵

Chapter 1 of Title 18 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Law No. 19-172 on April 28, 2017

Section 101. Baseline system defined

- (1) A baseline is a continuous line which encircles an island or an atoll. The baseline from which the zones designated in this Chapter are to be measured as follows:
 - (a) The baseline of an island or portion of an island lacking a barrier reef, fringing reef, or other reef system is the low-water line of the island 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.
 - (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.

³⁵ This Annex is reproduction of FSM's law, available from DOALOS, *supra* note 3, and cannot be adjusted to fully meet accessibility standards.

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 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 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 105. Exclusive economic zone - Regulation.

Within the exclusive economic zone, the National Government of the Federated States of Micronesia shall have:

- (1) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or nonliving, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone;
- (2) Jurisdiction with regard to the establishment and use of artificial islands, installations, and structures; marine scientific research; and the protection and preservation of the marine environment; and
- (3) Other rights and duties provided for in international law.

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 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 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 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 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 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 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 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 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, Puluwat, Pulap, Pulusuk, Namonuito, Kuop, Nomowin, Murilo, Losap, Namoluk, Satawan, Etal, Lukunor, Minto Reef, Oroluk, 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.

Annex 2: Maritime Zones Regulations of the FSM³⁶

Permanent Regulation on the Maritime Boundaries and Maritime Zones of the Federated States of Micronesia pursuant to 18 F.S.M.C. §§101, 102, 104, 105A, and 107, as amended by Public Law No. 19-172

1. This Permanent Regulation is issued pursuant to the authority vested upon the President of the Federated States of Micronesia in section 107 of title 18 of the FSM Code (Annotated), as amended by Public Law No. 19-172, which provides that the President of the Federated States of Micronesia may issue 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 of the Federated States of Micronesia.
2. This Permanent Regulation is comprised of the following attachments,³⁷ which are deemed parts and parcels of this regulation as if fully set forth and incorporated herein:
 - PART I, Annex I, FSM Maritime Boundaries Territorial Sea Baselines
 - PART II, Annex I, FSM Maritime Boundaries Territorial Seas Zone
 - PART III, Annex I, FSM Maritime Boundaries Contiguous Zone
 - PART IV, Annex I, FSM Maritime Boundaries Exclusive Economic Zone

3. This Permanent Regulation shall have the force and effect of law when promulgated.
4. The Secretary of Justice, or his designee or deputized agent, and every National Police officer and law enforcement officers duly designated or authorized by the Secretary of Justice, shall have legal duty to enforce this regulation and defend and protect the integrity of the maritime zones of the Federated States of Micronesia as defined or described in this regulation.

Approved as to legal sufficiency: [Signed]

Date: [February 27, 2019] Secretary Joses R. Gallen, Sr.

Department of Justice

Presidential approval: [Signed]

Date: [March 14, 2019] His Excellency Peter M. Christian

President, Federated States of Micronesia

³⁶ This Annex is reproduction of FSM'S regulation, available from DOALOS, *supra* note 3, and cannot be adjusted to fully meet accessibility standards.

³⁷ Attachments are omitted here and can be found on the DOALOS website, *supra* note 3.

Annex 3: Map Details

Software: Maps were created in ArcGIS Pro 3.1.2.

Map Parameters:

- **Projection:** Mercator
- **Datum:** WGS 1984

Data sources:³⁸

- Administrative boundaries: National Geospatial-Intelligence Agency
- Maritime limits & boundaries: National Geospatial-Intelligence Agency
- General Bathymetric Chart of the Oceans (GEBCO)
- ESRI, Maxar, Earthstar Geographics, and the GIS User Community
- Natural Earth: SRTM Plus Prisma SR-50

Map 1: Regional view of the Federated States of Micronesia and neighboring States.

- Map scale, 1:35,000,000

Map 2: Losap Atoll, with densely spaced baseline points located on the reef edge at or near the wave break.

- Map scale, 1:95,000
- Locator map scale, 1:10,000

Map 3: Maritime limits and boundaries of FSM.

- Map scale, 1:25,000,000

³⁸ Data sources listed do not include the maritime limits and boundaries of FSM, for which official sources are cited in the text of this study.