

Agreement between the Government of the United States of America and the Government of the Federated States of Micronesia Regarding Aspects of the Marine Sovereignty and Jurisdiction of the Federated States of Micronesia

PREAMBLE

The Government of the United States and the Government of the Federated States of Micronesia:

Reaffirming that, in the exercise of its foreign affairs capacity, the Government of the Federated States of Micronesia shall conduct in its own name and right foreign affairs relating to the law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and non-living resources from the sea, seabed or subsoil to the full extent recognized under international law;

Noting the declared intention of the Government of the Federated States of Micronesia that it shall become a Contracting Party as soon as possible to the Convention resulting from the Third United Nations Conference on the Law of the Sea;

Recognizing the importance to the island nations of the Pacific and to other nations of the benefits and protections of the Convention resulting from the Third United Nations Conference on the Law of the Sea;

Acknowledging the importance to their countries and peoples of a uniform law of the sea in accordance with generally recognized international law; and

Acknowledging the capacity of the Government of the Federated States of Micronesia in its own name and right to become a Contracting Party to the Convention resulting from the Third United Nations Conference on the Law of the Sea;

NOW THEREFORE AGREE:

ARTICLE I

The Government of the Federated States of Micronesia by this treaty obligation limits the statement of marine territory and jurisdiction in Article I, Section 1, Sentence 2 of the Constitution of the Federated States of Micronesia by agreeing that Article I, Section 1, Sentence 2 shall not be effective to claim an archipelago or a regime of archipelagic waters, or to claim any other aspect of marine territory or jurisdiction not consistent with generally accepted international law.

ARTICLE II

The undertakings of Article I of this Agreement extend to all other States.

ARTICLE III

The Government of the United States recognizes that this Agreement, which shall have the full force and effect of an Executive Agreement of the United States, is a treaty obligation under international law.

ARTICLE IV

The Government of the Federated States of Micronesia recognizes that this Agreement contains “international treaty obligations” as those words are used in Article I, Section 1 of the Constitution of the Federated States of Micronesia and agrees to submit this Agreement for approval as a treaty pursuant to Article IX, Section 4, of the Constitution of the Federated States of Micronesia.

ARTICLE V

This Agreement shall come into effect simultaneously with the Compact of Free Association and shall remain in effect during the effective period of Title Three of the Compact of Free Association between the Governments of the United States and the Federated States of Micronesia.

ARTICLE VI

The provisions of this Agreement may be amended at any time by mutual agreement.

ARTICLE VII

Nothing in this Agreement shall prejudice any undertaking by either the Government of the Federated States of Micronesia or the Government of the United States toward the other in the Compact of Free Association between them.

ARTICLE VIII

Nothing in this Agreement is intended to or shall prejudice any treaty obligation assumed, or any rights, jurisdiction or authority gained or confirmed, by the Government of the Federated States of Micronesia or the Government of the United States in becoming a Contracting Party to the Convention resulting from the Third United Nations Conference on the Law of the Sea.

ARTICLE IX

Nothing in this Agreement affects or prejudices the rights, freedoms and obligations of the Government of the United States under international law with respect to high seas freedoms and the exercise of rights and jurisdiction over the waters or seabed and subsoil or any other matter related to the law of the sea.

IN WITNESS WHEREOF, the undersigned, duly authorized for the purpose, have signed the present agreement.

DONE at Honolulu, Hawaii, duplicate, this 1st day of October ONE THOUSAND, NINE HUNDRED EIGHTY-TWO.

FOR THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA: