

STANDING COMMITTEE REPORT NO. 19-100

RE: C.R. No. 19-10/R&D

SUBJECT: TO RATIFY THE MARITIME BOUNDARY
DELIMITATION TREATY BETWEEN FSM AND U.S.

FEBRUARY 05, 2016

The Honorable Wesley W. Simina
Speaker, Nineteenth Congress
Federated States of Micronesia
Third Regular Session, 2016

Dear Mr. Speaker:

Your Committee on Resources and Development, to which was
jointly referred C.R. No. 19-10, entitled:

“A RESOLUTION TO RATIFY THE TREATY BETWEEN THE
GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA
AND THE GOVERNMENT OF THE UNITED STATES OF
AMERICA ON THE DELIMITATION OF A MARITIME
BOUNDARY.”,

begs leave to report as follows:

The intent and purpose of the resolution are expressed in
its title.

Congressional Resolution No. 19-10 is a resolution to
ratify a Maritime Boundary Delimitation treaty between the
Government of the Federated States of Micronesia and the
Government of the United States. The two Nations signed
the Treaty on August 1, 2014 in Koror, Palau during the
Micronesian Presidents' Summit.

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Your Committees on Resources and Development and the External Affairs conducted a joint public hearing on the said resolution on February 1, 2016 at 8:30 a.m. at the Congressional Hearing Room. Witnesses appeared at the hearing included Mr. Lorin Robert, the Secretary of the Department of Foreign Affairs; Mr. Eugene Pangelinan, Executive Director of the National Oceanic Resource Management Authority (NORMA) along with two of his staff, Mr. Glenn Joseph and Mrs. Susan Lowe Gallen; Mr. Marion Henry, Secretary of the Department of Resources and Development; Mr. Jun Bacalando, Assistant Attorney General; and Mr. Pelsesar Petrus, Special Assistant to the President on Legislative Matters.

Chairman David W. Panuelo chaired the hearing and welcome the witnesses. He further acknowledged that Congressional Resolution No. 19-10 was transmitted by the President to Congress on May 18, 2015, and enclosed with the communication is the actual text of the Treaty.

Chairman Panuelo opened the discussion and allowed the witnesses to brief the members of the two committees on the Treaty. Mr. Pangelinan thanked the Chairman and members for the opportunity to appear in front of them and stated the FSM is required under international law to negotiate with our neighboring countries on our maritime boundaries. He further informed your two committees that SOPAC offered the technical work on the delimitation of the maritime boundaries between the Government of the Federated States of Micronesia and the Government of the United States of America. Mr. Bacalando also added that the work was very straight forward and both sides did not encountered special circumstance. On this delimitation effort, for Guam, there was only one base point used. For the FSM, there were four base points used and all of these are all done with software. The combination of base lines of territorial sea on the FSM side, we do not loose any boundaries. The delimitations are based on equidistant and both nations are satisfied with the simplification of the points being used.

At the hearing, your two committees were informed that the Treaty was signed by the Secretary of the Department of Foreign Affairs and one staff from the Secretary of State. In this regard, the question on

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whether the Secretary of the Department of Foreign Affairs has the authority to sign the treaty. Mr. Bacalando informed your two committees that the Secretary has the authority to sign the treaty on behalf of the FSM Government, and once the treaty is signed it concludes the negotiation between the two Parties. Mr. Bacalando also shared with the two committees that when they negotiated the Treaty with the United States, the Territory of Guam wanted more consultation with them. It was discussed that this is an internal issue with the United States and the Territory of Guam.

A question was raised in regards to the Bush's declaration that the Marianas Trench is an historical monument. Your two committees were informed that if this treaty is ratified, FSM can call its portion of the Marianas Trench as "Yap trench", and this can be properly referenced by the United Nation because the feature of the Marianas trench falls in two jurisdictions. According to Mr. Bacalando, a country cannot extend its boundaries. Furthermore, a country cannot extend its boundary by water column. The extension of boundary is by Article 76 formula of UNCLOS.

The ratification of this treaty will allow the FSM to finally lodge with the United Nations the Nation's official maritime boundary recognized pursuant to the Law of the Sea Convention.

Your Committee wishes to offer an amendment to the resolution as follows:

1. Page 2, line 5, delete "First", and insert "Third" in lieu thereof.
2. Page, line 5, delete "2015", and insert "2016" in lieu thereof.

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CONCLUSION

Your Committee on Resources and Development is in accord with the intent and purpose of C.R. No. 19-10, and recommends its adoption in the form attached hereto as C.R. No. 19-10,C.D.1.

Respectfully submitted,

/s/ David W. Panuelo
David W. Panuelo, chairman

/s/ Alik L. Alik
Alik L. Alik, vice chairman

/s/ Victor V. Gouland
Victor V. Gouland, member

/s/ Florencio S. Harper
Florencio S. Harper, member

/s/ Berney Martin
Berney Martin, member

/s/ Joseph J. Urusemal
Joseph J. Urusemal, member

/s/ Robson U. Romolow
Robson U. Romolow, member