

THE TREATIES WITH THE REPUBLIC OF KIRIBATI
AND THE GOVERNMENT OF THE FEDERATED
STATES OF MICRONESIA ON THE DELIMITATION
OF MARITIME BOUNDARIES

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF KIRIBATI ON THE DELIMITATION OF MARITIME BOUNDARIES, SIGNED AT MAJURO ON SEPTEMBER 6, 2013, AND THE 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, SIGNED AT KOROR ON AUGUST 1, 2014



DECEMBER 9, 2016.—Treaty was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PUBLISHING OFFICE

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *December 9, 2016.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to their ratification, two bilateral maritime boundary treaties: the Treaty between the Government of the United States of America and the Government of the Republic of Kiribati on the Delimitation of Maritime Boundaries, signed at Majuro on September 6, 2013; and the 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, signed at Koror on August 1, 2014. I also transmit, for the information of the Senate, the report of the Department of State with respect to the treaties.

The purpose of the treaties is to establish our maritime boundaries in the South Pacific Ocean with two neighboring countries. The treaty with Kiribati establishes three maritime boundaries totaling approximately 1,260 nautical miles in length between Kiribati and the United States islands of Palmyra Atoll, Kingman Reef, Jarvis Island, and Baker Island. The treaty with the Federated States of Micronesia establishes a single maritime boundary of approximately 447 nautical miles in length between the Micronesian islands and the United States territory of Guam. The boundaries define the limit within which each country may exercise maritime jurisdiction with respect to its exclusive economic zone and continental shelf.

I believe these treaties to be fully in the interest of the United States. They reflect the tradition of cooperation and close ties with Kiribati and with the Federated States of Micronesia in this region. These boundaries have never been disputed, and the delimitation in the treaties conforms closely to the limits the United States has long asserted for our exclusive economic zone in the relevant areas.

I recommend that the Senate give early and favorable consideration to the treaties, and give its advice and consent to ratification.

BARACK OBAMA.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, DC, October 28, 2016.

The PRESIDENT,
THE WHITE HOUSE.

THE PRESIDENT: I have the honor to submit to you, with a view to the transmittal to the Senate for its advice and consent to ratification, two bilateral treaties delimiting the maritime boundaries between the United States and two Pacific island neighbors, Kiribati and the Federated States of Micronesia (FSM). The Treaty between the Government of the United States of America and the Government of the Republic of Kiribati on the Delimitation of Maritime Boundaries was signed at Majuro on September 6, 2013; and the 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 was signed at Koror on August 1, 2014. For the purpose of illustration only, the boundaries are depicted on maps attached to the treaties.

The treaty with Kiribati establishes three maritime boundaries in the Pacific with respect to the exclusive economic zone (EEZ) and continental shelf generated by various Kiribati islands and by each of the U.S. islands of Palmyra Atoll, Kingman Reef, Jarvis Island, and Baker Island. The treaty with FSM establishes a single maritime boundary between Guam and several FSM islands.

Consistent with similar maritime boundary treaties between the United States and other countries, these two maritime boundary treaties define the limits within which each Party may exercise EEZ and continental shelf jurisdiction off the coasts of their respective islands. The three boundaries with Kiribati, taken together, are approximately 1,260 nautical miles in length; the boundary with FSM is approximately 447 nautical miles in length. The boundary lines are established on the basis of equidistance (every point on an equidistance line is equal in distance from the nearest point on the coastline of each country). Accordingly, with appropriate technical adjustments, each treaty formalizes boundaries that have been informally adhered to by the Parties, and that are very similar to the existing limit lines of the EEZ asserted by the United States for decades and published in the Federal Register. Because of improved calculation methodologies and minor coastline changes, the four new maritime boundaries in these two treaties will result in a small net gain, primarily with respect to the Kiribati boundaries, of United States EEZ and continental shelf area relative to the existing limit lines of our EEZ.

The form and content of the two treaties are very similar to each other, and to previous maritime boundary treaties between the

United States and other Pacific island countries that have entered into force after receiving the Senate's advice and consent. Each of the two treaties consists of seven articles. Article I states that the purpose of each treaty is to establish the maritime boundary between the two countries. The treaty with Kiribati identifies the relevant United States territory as Palmyra Atoll, Kingman Reef, Jarvis Island, and Baker Island; the treaty with FSM identifies the relevant United States territory as Guam.

Article II of each treaty sets out its technical parameters, stating that for the purpose of the treaty the North American Datum 1983 and the World Geodetic Datum 1984 ("WGS 84") are considered identical. Further, the article states that, for the purpose of illustration only, the boundary lines have been drawn on maps annexed to the treaties.

Article III lists the turning and terminal points of defining the maritime boundaries. In the treaty with Kiribati, this article defines three distinct boundary lines: for the boundary line between the United States' Baker Island and the Kiribati Phoenix Islands group, six points are connected by geodesic lines that measure 332 nautical miles in total; for the boundary line between the United States' Jarvis Island and the Kiribati Line Islands group, ten points are connected by geodesic lines that measure 548 nautical miles in total; and for the boundary line between the U.S. islands of Palmyra Atoll and Kingman Reef and the Kiribati Line Islands group, five points are connected by geodesic lines that measure 383 nautical miles in total. In the treaty with FSM, this article defines the single maritime boundary of approximately 447 nautical miles with 16 turning and terminal points.

As has become standard in these agreements, Article IV sets forth the agreement of the Parties that, on the opposite side of each maritime boundary, each Party will not "claim or exercise for any purpose sovereignty, sovereign rights, or jurisdiction with respect to the waters or seabed or subsoil."

Article V provides that the establishment of the boundaries will not affect or prejudice either side's position "with respect to the rules of international law relating to the law of the sea, including those concerned with the exercise of sovereignty, sovereign rights, or jurisdiction with respect to the waters or seabed or subsoil."

Article VI sets forth the agreement of the Parties that any dispute arising from the interpretation or application of the treaty will be resolved by negotiation or other peaceful means agreed upon by the Parties. Finally, Article VII provides that each treaty will enter into force after the Parties have exchanged notes indicating that each has completed its internal procedures to bring the treaty into force.

The treaties are self-executing. They do not require implementing legislation.

I recommend that the two treaties establishing maritime boundaries between the United States and Kiribati, and between the United States and FSM, be transmitted to the Senate as soon as possible for its advice and consent to ratification.

Respectfully submitted.

JOHN F. KERRY.

Enclosures: As stated.

**Treaty between
the Government of the United States of America
and
the Government of the Republic of Kiribati
on the
Delimitation of Maritime Boundaries**

The Government of the United States of America and the Government of the Republic of Kiribati (hereinafter the "Parties");

Desiring to strengthen the bonds of friendship between the two Parties;

Recalling the tradition of co-operative relations and close ties between the people of the United States of America and the people of the Republic of Kiribati;

Recalling further the Treaty of Friendship between the United States of America and the Republic of Kiribati, signed at Tarawa, September 20, 1979;

Noting the Fishery Conservation and Management Act of 1976 and the Presidential Proclamation No. 5030 of March 10, 1983, establishing an exclusive economic zone for the United States of America;

Noting that the Republic of Kiribati has established an exclusive economic zone in accordance with its national laws;

Desirous of establishing the maritime boundaries between the United States of America and the Republic of Kiribati, on the basis of equidistance;

Have agreed as follows:

Article I

The purpose of this Treaty is to establish, in accordance with international law, the maritime boundaries between the United States of America (Palmyra Atoll, Kingman Reef, Jarvis Island and Baker Island) and the Republic of Kiribati (Kanton, McKean, Nikumaroro, Taraina, Tabuaeran, Kiritimati, Malden and Starbuck).

Article II

The geodetic and computational bases used to determine the boundaries are the North American Datum 1983 and the World Geodetic Datum 1984 ("WGS 84") which, for the purpose of this Treaty, are considered identical. For the purpose of illustration only, the boundary lines have been drawn on maps annexed to this Treaty.

Article III

The three maritime boundaries between the United States of America and the Republic of Kiribati are formed by the geodesic lines connecting the following coordinates, which are referenced in the WGS 84 horizontal datum:

1. Between Baker Island (United States) and Kanton, McKean, Nikumaroro (Kiribati):

Point	Latitude	Longitude
1	3° 01' 15.0" S	177° 28' 06.9" W
2	3° 00' 53.4" S	177° 27' 10.7" W
3	2° 56' 48.9" S	177° 17' 04.6" W
4	0° 43' 47.1" S	173° 45' 17.4" W
5	0° 15' 54.9" N	173° 08' 34.7" W
6	0° 16' 46.3" N	173° 08' 03.0" W

2. Between Palmyra Atoll, Kingman Reef (United States) and Teraina, Tabuaeran (Kiribati):

Point	Latitude	Longitude
1	2° 39' 34.8" N	163° 03' 53.0" W
2	3° 56' 06.0" N	162° 11' 14.4" W
3	5° 52' 03.0" N	160° 47' 48.1" W
4	7° 46' 18.5" N	159° 25' 30.9" W
5	7° 52' 44.6" N	159° 19' 52.9" W

3. Between Jarvis Island (United States) and Teraina, Tabuaeran, Kiritimati, Malden, Starbuck (Kiribati):

Point	Latitude	Longitude
1	1° 58' 59.8" N	162° 22' 43.6" W
2	2° 02' 31.6" N	161° 38' 46.0" W
3	1° 43' 16.3" N	159° 39' 22.2" W
4	0° 45' 21.7" N	158° 46' 44.3" W
5	0° 16' 35.9" N	158° 20' 58.3" W
6	0° 01' 30.1" S	158° 05' 53.7" W
7	1° 30' 55.4" S	156° 59' 50.8" W
8	3° 10' 47.0" S	158° 11' 08.6" W
9	3° 16' 18.3" S	158° 18' 14.3" W
10	3° 16' 55.3" S	158° 19' 01.7" W

Article IV

On the side of each maritime boundary adjacent to the United States of America, the Government of the Republic of Kiribati shall not, and on the side of each maritime boundary adjacent to the Republic of Kiribati, the Government of the United States of America shall not, claim or exercise for any purpose sovereignty, sovereign rights, or jurisdiction with respect to the waters or seabed or subsoil.

Article V

The maritime boundaries established by this Treaty shall not affect or prejudice in any manner either Party's position with respect to the rules of international law relating to the law of the sea, including those concerned with the exercise of sovereignty, sovereign rights, or jurisdiction with respect to the waters or seabed or subsoil.

Article VI

Any dispute concerning the interpretation or application of this Treaty shall be resolved by negotiation or other peaceful means as may be agreed upon by the Parties.

Article VII

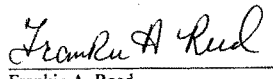
Each Party shall notify the other of the completion of its internal procedures to bring this Treaty into force. The Treaty shall enter into force on the later of those notifications.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

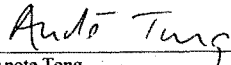
Done at Majuro, this 6th day of September, 2013, in duplicate,
in the English language

For the Government of the United States
of America:

For the Government of the Republic of
Kiribati:



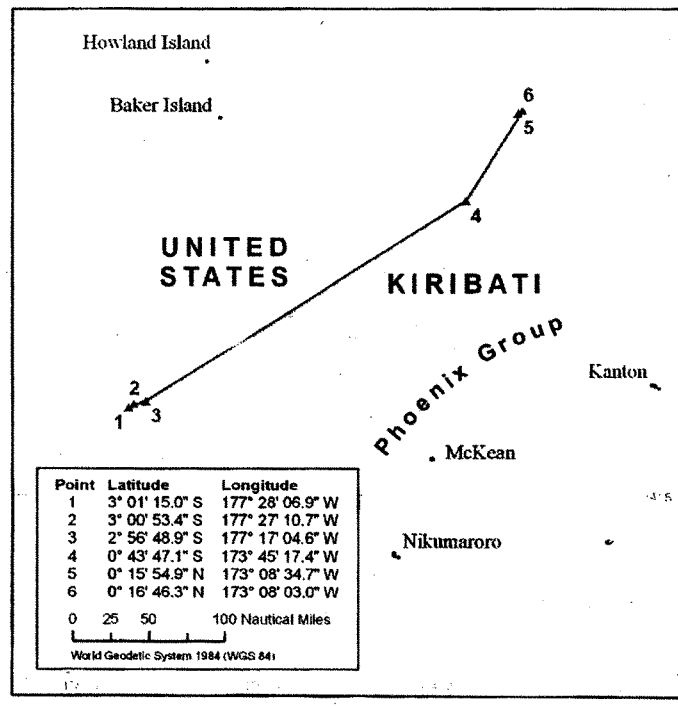
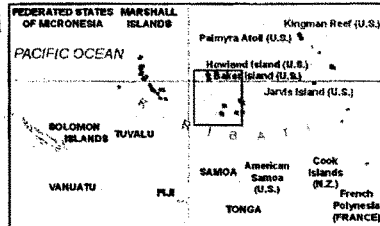
Frankie A. Reed
U.S. Ambassador to Kiribati



HE Anote Tong
President

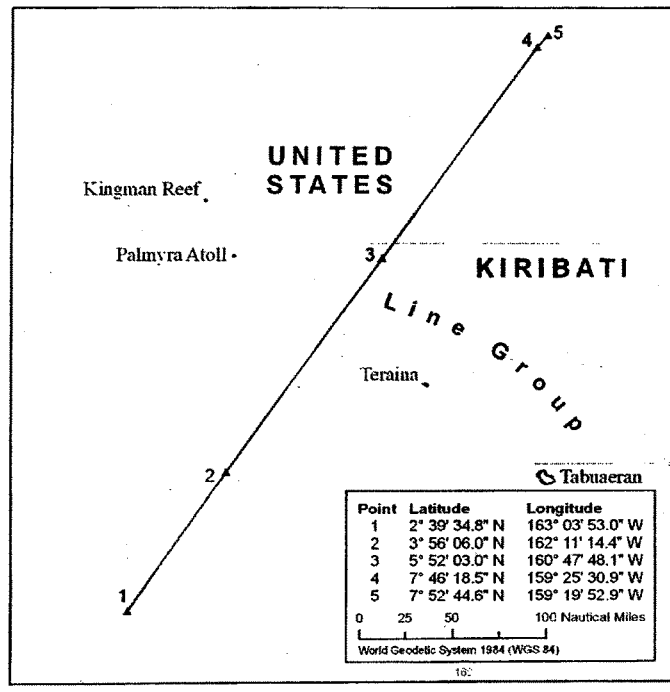
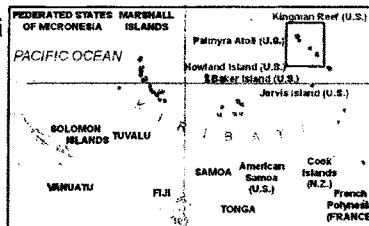
United States - Kiribati Maritime Boundary

Map 1 annexed to the Treaty
between the Government of the
United States of America and
the Government of the Republic
of Kiribati on the Delimitation
of Maritime Boundaries



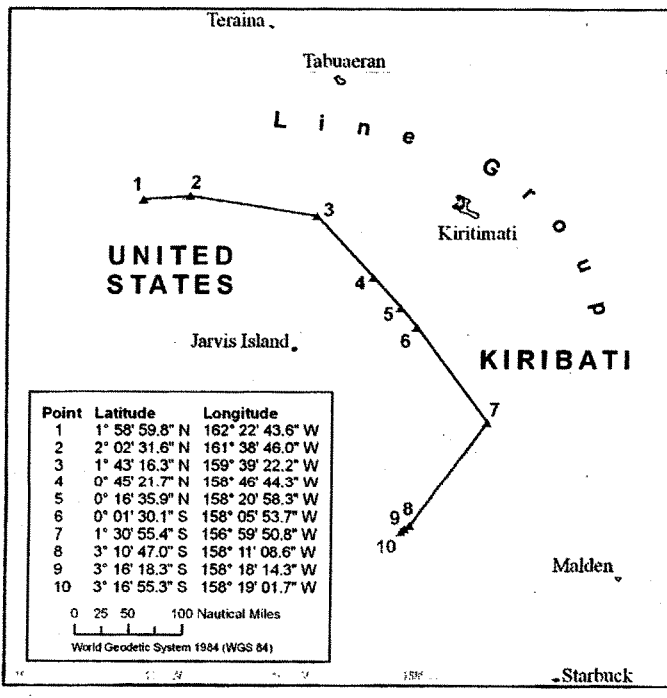
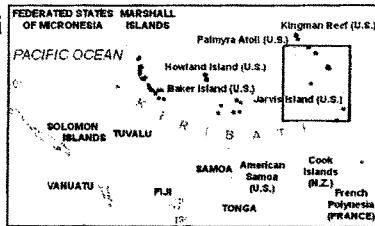
United States - Kiribati Maritime Boundary

Map 2 annexed to the Treaty between the Government of the United States of America and the Government of the Republic of Kiribati on the Delimitation of Maritime Boundaries



United States - Kiribati Maritime Boundary

Map 3 annexed to the Treaty
between the Government of the
United States of America and
the Government of the Republic
of Kiribati on the Delimitation
of Maritime Boundaries



**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**

The Government of the United States of America and the Government of the Federated States of Micronesia (hereinafter the "Parties");

Desiring to strengthen the bonds of friendship between the two Parties;

Recalling the tradition of co-operative relations and close ties between the people of the United States of America and the people of the Federated States of Micronesia, including their relationship of free association under the Compact of Free Association, as amended;

Noting the Fishery Conservation and Management Act of 1976 and the Presidential Proclamation No. 5030 of March 10, 1983, establishing an exclusive economic zone for the United States of America;

Noting Article I of the Constitution and Title 18 of the Code of the Federated States of Micronesia, establishing an exclusive economic zone for the Federated States of Micronesia;

Desirous of establishing the maritime boundary between the United States of America and the Federated States of Micronesia, on the basis of equidistance;

Have agreed as follows:

Article I

The purpose of this Treaty is to establish, in accordance with international law, the maritime boundary between the United States of America (Guam) and the Federated States of Micronesia.

Article II

The geodetic and computational bases used to determine this boundary are the North American Datum 1983 and the World Geodetic System 1984 ("WGS 84") which, for the purpose of this Treaty, are considered identical. For the purpose of illustration only, the boundary line has been drawn on a map annexed to this Treaty.

Article III

The maritime boundary between the United States of America and the Federated States of Micronesia is formed by the geodesic lines connecting the following coordinates, which are referenced in the WGS 84 horizontal datum:

Point	Latitude (North)	Longitude (East)
1.	13° 05' 51.5" N	141° 13' 07.5" E
2.	12° 55' 00.6" N	141° 20' 49.9" E
3.	12° 33' 14.0" N	141° 39' 56.5" E

4.	11° 37' 33.8" N	142° 28' 23.2" E
5.	11° 10' 41.6" N	142° 51' 38.2" E
6.	10° 57' 54.8" N	143° 02' 39.7" E
7.	10° 57' 14.3" N	143° 28' 21.4" E
8.	11° 08' 29.1" N	144° 29' 55.2" E
9.	11° 13' 19.3" N	144° 56' 45.7" E
10.	11° 17' 36.6" N	145° 23' 45.1" E
11.	11° 22' 08.6" N	145° 52' 47.4" E
12.	11° 28' 05.6" N	146° 31' 35.8" E
13.	11° 31' 12.0" N	146° 52' 07.4" E
14.	11° 33' 58.8" N	147° 11' 37.9" E
15.	11° 36' 51.1" N	147° 31' 56.6" E
16.	11° 38' 03.0" N	147° 44' 32.6" E

Article IV

On the side of the maritime boundary adjacent to the United States of America, the Government of the Federated States of Micronesia shall not, and on the side of the maritime boundary adjacent to the Federated States of Micronesia, the Government of the United States of America shall not, claim or exercise for any purpose sovereignty, sovereign rights, or jurisdiction with respect to the waters or seabed or subsoil.

Article V

The maritime boundary established by this Treaty shall not affect or prejudice in any manner either Party's position with respect to the rules of international law relating to the law of the sea, including those concerned with the exercise of sovereignty, sovereign rights, or jurisdiction with respect to the waters or seabed or subsoil.

Article VI

Any dispute concerning the interpretation or application of this Treaty shall be resolved by negotiation or other peaceful means as may be agreed upon by the Parties.

Article VII

This Treaty shall enter into force on the date of the later note in an exchange of notes between the Parties indicating that each Party has completed its internal procedures for entry into force.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

DONE at Koror, this 1st day of August, 2014, in duplicate, in the English language.

For the Government of the
United States of America:



For the Government of the
Federated States of Micronesia:



**United States -
Federated States of Micronesia
Maritime Boundary**

Map annexed to the 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

