

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**REPUBLIC OF THE MARSHALL ISLANDS MARITIME
ZONES DECLARATION ACT 2016.**

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**REPUBLIC OF THE MARSHALL ISLANDS MARITIME
ZONES DECLARATION ACT 2016.**

AN ACT to amend Chapter 1, Title 33 of the MIRC by repealing the Marine Zones Act of 1984, and replace with the Maritime Zones Declaration Act to provide for all the internal waters, the archipelagic waters, the territorial sea, the contiguous zone, the exclusive economic zone, and the continental shelf of the Republic of the Republic of the Marshall Islands.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short Title

This Act may be cited as the Republic of the *Marshall Islands Maritime Zones Declaration Act 2016*.

§102. Interpretation

- (1) In this Act:
 - (a) **“archipelago”** means a group of islands, including parts of islands, interconnecting waters and other natural features, which are so closely interrelated that they form an intrinsic geographical, economic and political entity, or have historically been regarded as such;
 - (b) **“local government waters”** means the waters lying within the jurisdiction of a local government pursuant to Article IX, subsections 1(2) and (3) of the Constitution of the Republic of the Marshall Islands;

- (c) **“conservation and management”** includes all rules, regulations methods and measures that:
 - (i) are required to build, restore or maintain, or are useful in building, restoring or maintaining, any fishery resources or the marine environment.
 - (ii) are designed to ensure that:
 - (A) a supply of food and other products may be taken, and recreational benefits obtained, on a continuing basis;
 - (B) Irreversible or long-term ill effects on fishery resources or the marine environment are avoided; and
 - (C) there will be a multiplicity of options available with respect to use of those resources.
 - (d) **“Fishery resource”** means any fishery, stock of fish, species of fish or habitat of fish;
 - (e) **“geodetic datum”** means World Geodetic System 1984 (WGS84);
 - (f) **“lagoon”** means the waters lying within the reef of an atoll;
 - (g) **“low-water line”** means the line of low water at the lowest astronomical tide;
 - (h) **“nautical mile”** means an international nautical mile of 1,852 metres;
 - (i) **“the Minister”** means the Minister or Ministers in charge of the subject matters of this Act.
- (2) For the purposes of this Act, permanent harbor works that form an integral part of a harbor system shall be regarded as forming part of the coast, but this subsection does not apply to off-shore installations or artificial islands.

§103. References to International Law

Where in this Act it is provided that anything shall be done by the Government of the Marshall Islands or by Cabinet, or any law or order shall be made, or any other thing shall be done, in accordance with the rules of

international law, the question whether it was so done or made, is non-justiciable.

§104. Application of this Act

The provisions of this Act shall be read subject to the provisions of any other treaty or international obligation which is finally accepted by or on behalf of the Republic and approved by the Nitijela by Resolution.

PART 2

LOCAL GOVERNMENT WATERS

§105. Local Government Waters

The Minister may confirm by declaration the outer limits of waters lying within the jurisdiction of a local government pursuant to Article IX, section 1(2) and (3) of the Constitution of the Republic of the Marshall Islands. Such a declaration shall only be made following consultation between the National Government and the relevant local government.

PART 3

TERRITORIAL SEA

§106. The Territorial Sea

- (1) Subject to subsection (2), the territorial sea comprises those areas of the sea having:
 - (a) as their inner limits, the baseline described in section 107(1); and
 - (b) as their outer limits, a line measured seaward from that baseline, every point of which is distant 12 nautical miles from the nearest point of that baseline.
- (2) Where archipelagic baselines are drawn pursuant to section 107(2), the territorial sea comprises those areas of the sea referred to in subsection (1) above and, to the extent that they are not thereby included, those additional areas of the sea having:

- (a) as their inner limits, archipelagic baselines referred to in section 107(2); and
- (b) as their outer limits, a line measured seaward from those archipelagic baselines, every point of which is distant 12 nautical miles from the nearest point of those archipelagic baselines.

§107. Baselines of the Territorial Sea

- (1) Subject to subsection (2) below, the baseline from which the breadth of the territorial sea is measured shall be:
 - (a) where a reef is present
 - (i) the low-water line of the seaward side of the reef fringing the coast of any part of the Republic or bounding any lagoon adjacent to any part of that coast; and
 - (ii) where there are breaks in reefs or entrances to lagoons, any closing lines drawn between the natural entrance points at low water or between the geographic coordinates of points declared by order of the Minister; or
 - (b) where a reef is not present, the low-water line of the coast itself and outermost permanent harbour works.
- (2) Where there is an archipelago, the Minister may, by order, declare, in accordance with international law, the geographic coordinates of points between which archipelagic baselines are to be drawn.
- (3) Archipelagic baselines drawn pursuant to subsection (2) above shall not affect the baselines referred to in Article IX, subsection 1(2) of the Constitution of the Republic of the Marshall Islands.

§108. Internal waters

The internal waters of the Republic are all waters on the landward side of the low-water line and closing lines described in section 107(1), including lagoons.

PART 4

ARCHIPELAGIC WATERS

§109. Archipelagic Waters

The archipelagic waters of the Republic comprise all waters, other than internal waters, enclosed by the archipelagic baselines drawn pursuant to section 107(2).

§110. Reserved

PART 5

CONTIGUOUS ZONE

§111. Contiguous Zone

- (1) Subject to subsection (2) below, the contiguous zone of the Republic comprises those areas of the sea that are beyond and adjacent to the territorial sea, having as their outer limits a line measured seaward from the baseline described in section 107(1) every point of which is distant 24 nautical miles from the nearest point of that baseline.
- (2) Where an archipelagic baseline is drawn pursuant to section 107(2), the outer limits of the contiguous zone are a line measured seaward from that archipelagic baseline, every point of which is distant 24 nautical miles from the nearest point of that archipelagic baseline.

PART 6

EXCLUSIVE ECONOMIC ZONE

§112. Exclusive Economic Zone

- (1) Subject to subsections (2) and (3) below, the exclusive economic zone of the Republic comprises those areas of the sea, seabed and subsoil that are beyond and adjacent to the territorial sea, having as their outer limits a line measured seaward from the baseline described in

section 107(1), every point of which is not more than 200 nautical miles from the nearest point of that baseline.

- (2) Where an archipelagic baseline is drawn pursuant to section 107(2), the outer limits of the exclusive economic zone are a line measured seaward from that archipelagic baseline, every point of which is not more than 200 nautical miles from the nearest point of that archipelagic baseline.
- (3) The Minister may, by order, declare that the outer limits of the exclusive economic zone of the Republic are such as are specified in the order.

PART 7

CONTINENTAL SHELF

§113. Continental Shelf

- (1) Subject to subsections (2) and (3), the continental shelf of the Republic comprises those parts of the seabed and subsoil of the submarine areas beyond and adjacent to the territorial sea, having as their outer limits a line measured seaward from the baseline described in section 107(1), every point of which is not more than 200 nautical miles from the nearest point of that baseline.
- (2) Where an archipelagic baseline is drawn pursuant to section 107(2), the outer limits of the continental shelf are a line measured seaward from that archipelagic baseline, every point of which is not more than 200 nautical miles from the nearest point of that archipelagic baseline.
- (3) The Minister may, by order, declare that the outer limits of the continental shelf of the Republic are such as are specified in the order.

PART 8

RIGHTS IN THE MARITIME ZONES

§114. Legal Character of Maritime Zones

The sovereignty of the Republic of the Marshall Islands extends to its land areas, internal waters, local government waters, territorial sea and

archipelagic waters, and to the airspace over them and the seabed and subsoil under them, and the resources contained in them.

§115. Rights in the Contiguous Zone Within the contiguous zone, the Republic has all rights necessary:

- (a) to prevent infringement of its customs, fiscal, immigration and sanitary laws and regulations within its land areas, territorial sea and archipelagic waters; and
- (b) to punish any such infringement, and all relevant laws of the Republic extend to the contiguous zone accordingly.

§116. Rights in the Exclusive Economic Zone and Continental Shelf

- (1) Within the exclusive economic zone, the Republic has sovereign rights:
 - (a) for the purposes of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of –
 - (i) the seabed;
 - (ii) the subsoil under the seabed; and
 - (iii) the waters over the seabed; and
 - (b) with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.
- (2) Within the continental shelf, the Republic has:
 - (a) sovereign rights for the purpose of exploring it and exploiting its natural resources; and
 - (b) exclusive rights to authorise and regulate drilling on it for all purposes.
- (3) Within the exclusive economic zone and the continental shelf, the Republic has the exclusive right to construct, authorise and regulate the construction, operation and use of:
 - (a) artificial islands;
 - (b) installations and structures for the purposes provided in subsection (1), marine scientific research, the protection and

- preservation of the marine environment and other economic purposes; and
- (c) installations and structures which may interfere with the Republic's exercise of its rights in the exclusive economic zone or continental shelf.
- (4) Within the exclusive economic zone and continental shelf, the Republic has exclusive jurisdiction over the artificial islands, installations and structures referred to in subsection (3), including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.
- (5) Within the exclusive economic zone and continental shelf, the Republic:
- (a) has jurisdiction with respect to protection and preservation of the marine environment, and
 - (b) has the right to regulate, authorise and conduct marine scientific research.
- (6) Within the contiguous zone, the exclusive economic zone and the continental shelf, the Republic has such other rights as are conferred or recognised by international law.

§117. Rights of other States in Maritime Zones

- (1) The Minister may, by order:
- (a) designate sea lanes and air routes suitable for the continuous and expeditious passage of foreign ships and aircraft through and over the archipelagic waters and the adjacent territorial sea;
 - (b) prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in any such sea lanes; and
 - (c) prescribe sea lanes and traffic separation schemes for foreign ships exercising the right of innocent passage through the territorial sea.
- (2) In sea lanes and air routes designated under subsections (1)(a) and (1)(b), all ships and aircraft may, in accordance with international law, enjoy the right of navigation and over flight, in their normal

modes, for the purpose of continuous, expeditious and unobstructed transit through and over the archipelagic waters and the adjacent territorial sea, from one part of the high seas or exclusive economic zone to another part of the high seas or exclusive economic zone.

- (3) Until sea lanes and air routes are designated under subsections (1)(a) and (1)(b), the rights of navigation and over flight referred to in subsection (2) may be exercised through and over all routes normally used for international navigation and over flight.
- (4) Subject to subsections (2) and (3), ships of all States have, in accordance with international law, the right of innocent passage through the territorial sea and the archipelagic waters of the Republic.
- (5) Subject to this Act, any other law of the Republic, and international law, all States shall enjoy in the exclusive economic zone the high seas freedoms, navigation and over flight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms.
- (6) Subject to this Act and any other law of the Republic all States may lay submarine cables and pipelines on the continental shelf in accordance with international law.

PART 9

DECLARATIONS, REPEAL OF MARINE ZONES (DECLARATION) ACT AND REGULATIONS

§118. Declarations and official charts

- (1) The Minister may, by order, declare:
 - (a) the geographic coordinates of the points on the baseline described in section 107(1); or
 - (b) the geographic coordinates of the limits of the whole or any part of the local government waters, territorial sea, archipelagic waters, the contiguous zone, the exclusive economic zone and the continental shelf.
- (2) The Minister may cause the points, lines or limits declared pursuant to sections 107(1), 107(2), 112(3), 113(3), and 118(1) to be clearly

indicated on charts of a scale or scales adequate for them to be readily determined.

§119. Evidentiary provisions

In any proceedings before a court or person acting judicially, a certificate signed by the Minister stating that a specified nautical chart is a chart to which section 118(2) applies is evidence of the matters stated in the certificate, and the chart is evidence of the matters set out in it.

§120. Repeal of Marine Zones (Declaration) Act 1984

The Marine Zones (Declaration) Act 1984 is repealed in its entirety.

§121. Consequential amendments

A reference to the *Marine Zones Declaration Act 1984* in any laws of the Republic shall be read as a reference to this Act.

Section 605(1)(d) of the *Admiralty Jurisdiction Act 1986* is amended by deleting 'as defined in the *Marine Zones (Declaration) Act 1984*' and after the words 'territorial sea' inserting 'and archipelagic waters as defined in the *Maritime Zones Declaration Act 2016*.'

Section 302 of the *Tuna and Game-Fish Conservation Zone Act 1996* is amended by inserting '(1A) For the purposes of this Chapter, "base line" means the baseline referred to in section 106(1) of the *Maritime Zones Declaration Act 2016*.'

Section 113(c) of the *Regulation and Control of Shipping Act 1966* is amended by deleting 'as defined and described in Section 107 of the *Marine Zones (Declaration) Act 1984*' and after the words 'territorial sea' inserting 'and archipelagic waters as defined in the *Maritime Zones Declaration Act 2016*.'

Section 130(1) of the *Environmental Protection Authority Act 1984* is amended by deleting 'territorial waters' and inserting 'waters within the jurisdiction of the Republic.'

The Coast Conservation Act 1988 is amended as follows:

Section 302 insert 's.302(aa) "archipelagic waters" means the area of sea declared to be the archipelagic waters of the Republic of the Marshall Islands under the *Maritime Zones Declaration Act 2016*';

Section 302(m) delete the definition of “straight base line”; and Section 328 after ‘territorial sea’ insert ‘and archipelagic waters.’

Section 112(7) of the *Maritime Administration Act 1990* is amended by inserting after ‘territorial waters’ the words ‘, archipelagic waters’.

Section 903(4)(iii) of the *Domestic Watercraft Act 1992* is amended by deleting ‘territorial waters, and exclusive economic zone as defined in the *Marine Zones (Declaration) Act 1984*’ and inserting ‘archipelagic waters, territorial sea and exclusive economic zone as defined in the *Maritime Zones Declaration Act 2016*’ .

The Marine Resources Act 1997 is amended as follows:

Section 25(4)(e)(i) delete ‘five miles of the baseline from which the territorial sea is measured’ and replace with ‘local government waters’;

Section 43(1) delete ‘five miles of the baseline from which the territorial sea of any atoll or island is measured’ and replace with ‘local government waters’;

Section 43(2) delete ‘internal waters and with its waters up to five miles seaward of the baseline from which the territorial sea is measured’ and replace with ‘local government waters’; and Section 43(5) delete ‘extending up to five miles seaward from the baseline from which the territorial sea is measured’ and replace with ‘local government waters’.

§122. Regulations

The Minister may make regulations to give effect to this Act, including but not limited to the following:

- (a) regulating the conduct of marine scientific research within the exclusive economic zone and continental shelf;
- (b) regulating the exploration and exploitation, conservation and management of the natural resources within the exclusive economic zone;
- (c) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from the water, currents and winds, and for other economic purposes;
- (d) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone and the continental shelf, including

- requirements for the establishment of safety zones around any such island, installation or structure;
- (e) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone and continental shelf;
 - (f) regulating the exploration and exploitation of the continental shelf and of its natural resources;
 - (g) regulating drilling on the continental shelf; and
 - (h) providing for such other matters as are necessary or expedient to give effect to the rights and obligations of the Republic in relation to its internal waters, local government waters, archipelagic waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf, or as are necessary to give full effect to the provisions of this Act..

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 13 was passed by the Nitijela of the Republic of the Marshall Islands on the 18 day of March 2016; and
2. That I am satisfied that Nitijela Bill No: 13 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 28 day of March 2016.

Attest:



Hon. Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands



Lena Tiobech
Clerk
Nitijela of the Marshall Islands