

AN ACT

To make provision in respect of the internal waters, the archipelagic waters, the territorial sea, the exclusive economic zone and the contiguous zone of the Republic.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

1 PART I. PRELIMINARY.

2 Section 1. Short title.

3 This Act may be cited as the Marine Zones
4 (Declaration) Act 1984.

5 Section 2. Interpretation.

6 (1) In this Act -

7 "the base-line of the Marshall Islands" means
8 the low-water line of the seaward side of the
9 reef fringing the coast of any part of the
10 Marshall Islands or bounding any lagoon waters
11 adjacent to any part of that coast, or where
12 a reef is not present the low-water line of
13 the coast itself:

14 "conservation and management" includes all
15 rules, regulations, methods and measures that -

16 (a) are required to build, restore or
17 maintain, or are useful in building,
18 restoring or maintaining, any
19 fishery resources or the marine
20 environment;

1 (b) are designed to ensure that -

2 (i) a supply of food and other
3 products may be taken,
4 and recreational benefits
5 obtained, on a continuing
6 basis; and

7 (ii) irreversible or long-term
8 ill-effects on fishery
9 resources or the marine
10 environment are avoided, and

11 (iii) there will be a multiplicity
12 of options available with
13 respect to uses of those
14 resources;

15 "fishery resource" means any fishery, stock
16 of fish, species of fish or habitat of fish;

17 "low-tide elevation" means a naturally-formed
18 area of land that is surrounded by and is
19 above water at mean low-water spring tides,
20 but is submerged at mean high-water spring
21 tides;

22 "the low-water line", in relation to any area,
23 means the line of low water at mean low-water
24 spring tides as depicted on the largest-scale
25 nautical chart of the area held by the Minister:

1 "the median line" means a line every point of
2 which is equidistant from the nearest point
3 on -

4 (a) the base-line from which the
5 territorial sea of the Republic is
6 measured; and

7 (b) the corresponding base-lines of any
8 other country;

9 "nautical mile" means an international nautical
10 mile of 1,852 metres.

11 (2) For the purposes of this Act, permanent harbour
12 works that form an integral part of a harbour system shall
13 be regarded as forming part of the coast, but this
14 subsection does not apply to off-shore installations or
15 artificial islands.

16 Section 3. References to rules of international law.

17 Where in this Act it is provided that anything
18 shall be done by the Government of the Marshall Islands or
19 by the Cabinet, or any law or order shall be made, or any
20 other thing shall be done, in accordance with the rules of
21 international law, the question, whether it was so done or
22 made, is non-justiciable.

23 Section 4. Application of this Act.

24 The provisions of this Act shall be read subject
25 to the provisions of any treaty or other international

1 obligation which is finally accepted by or on behalf of the
2 Republic and approved by the Nitijela, by resolution for the
3 purposes of this Act.

4 PART II. - THE MARINE ZONES.

5 Section 5. Internal waters.

6 (1) For the purposes of any law of the Republic,
7 the internal waters of the Republic are all water on the
8 landward side of the base-line from which the breadth of the
9 territorial sea is measured, and where closing lines are
10 drawn in accordance with Subsection (2) the waters inland of
11 those lines to the extent that they are outside that base-line.

12 (2) The Cabinet may, in accordance with the rules
13 of international law, declare, by reference to physical
14 features marked on official charts or to lists of geographical
15 co-ordinates specifying the geodetic datums, the points
16 between which closing lines are to be drawn for the purpose
17 of determining the outer limits of the internal waters of the
18 Republic, in the case of the mouths of or entrances to lagoons.

19 Section 6. Archipelagic waters.

20 (1) For the purposes of any law of the Republic,
21 the archipelagic waters (if any) of the Republic comprise all
22 areas of sea contained within the base-lines established under
23 Subsection (2).

24 (2) The Cabinet may, in accordance with the rules
25 of international law, and with the approval of the Nitijela

1 signified by resolution, declare, by reference to physical
2 features marked on official charts or to lists of geographical
3 co-ordinates specifying the geodetic datums, the points
4 between which straight base-lines are to be drawn for the
5 purpose of determining the outer limits of the archipelagic
6 waters of the Republic and the inner limits of the territorial
7 sea.

8 Section 7. The territorial sea.

9 (1) Subject to Subsection (2), for the purposes of
10 any law of the Republic the territorial sea of the Republic
11 is those parts of the sea within 12 nautical miles from the
12 base-line of the Marshall Islands.

13 (2) Where archipelagic base-lines are drawn under
14 Section 6(2), the breadth of the territorial sea shall be
15 measured from those base-lines to the extent to which they
16 are outside the outer limits of the internal waters of the
17 Republic.

18 Section 8. The exclusive economic zone.

19 (1) Subject to the succeeding provisions of this
20 section, for the purposes of any law of the Republic the
21 exclusive economic zone of the Republic comprises those parts
22 of the sea having as their inner limits the outer limits of
23 the territorial sea and as their outer limits a line drawn
24 200 nautical miles seaward from the base-lines from which
25 the breadth of the territorial sea is measured.

1 (2) The Cabinet may, in accordance with the rules
2 of international law, declare, by reference to physical
3 features marked on official charts or to lists of geographical
4 co-ordinates specifying the geodetic datums, points between
5 which straight base-lines are to be drawn for determining the
6 outer limits of the exclusive economic zone.

7 (3) Where base-lines are drawn in accordance with
8 Subsection (2), the breadth of the exclusive economic zone
9 shall be measured from those base lines.

10 (4) Where the median line is less than 200
11 nautical miles from the line from which the breadth of the
12 territorial sea is to be measured, the outer limits of the
13 exclusive economic zone extend only to the median line.

14 (5) The Cabinet may, by order, for the purpose
15 of implementing any international agreement or the award of
16 any international body, or otherwise, declare that the outer
17 limits of the exclusive economic zone of the Republic are
18 such as are specified in the order.

19 Section 9. The contiguous zone.

20 For the purposes of any law of the Republic the
21 contiguous zone of the Republic comprises those parts of the
22 sea within 24 nautical miles seawards from the base-line from
23 which the breadth of the territorial sea is measured.

24 Section 10. Legal character of marine zones, etc.

25 (1) The sovereignty of the Republic extends beyond

1 its land territory and internal waters, and its archipelagic
2 waters (if any), over its territorial sea, and to the
3 airspace over them and the seabed and subsoil under them,
4 and the resources contained therein.

5 (2) Within the exclusive economic zone the
6 Republic has sovereign rights -

7 (a) for the purpose of exploring and
8 exploiting, conserving and managing the
9 natural resources whether living or non-
10 living, of the seabed and the subsoil
11 under the seabed, and the waters over the
12 seabed; and

13 (b) with regard to other activities for the
14 economic exploitation and exploration
15 of the zone, such as the production of
16 energy from the water, currents and winds.

17 (3) Within the exclusive economic zone the
18 Republic has such other rights as are conferred or recognized
19 by international law.

20 (4) Within the contiguous zone, the Republic has
21 all rights necessary -

22 (a) to prevent infringement of its customs,
23 fiscal immigration and sanitary laws and
24 regulations within the territory or the
25 territorial sea of the Republic; and

1 (b) to punish any such infringement,
2 and all relevant laws of the Republic extend to the contiguous
3 zone accordingly.

4 (5) The sovereignty and rights of the Republic
5 under this section shall be exercised in accordance with the
6 rules of international law.

7 Section 11. Rights of other States in marine zones.

8 (1) Subject to the succeeding provisions of this
9 section, ships and aircraft of all States have, in accordance
10 with the rules of international law, the right of free passage
11 through and over the territorial sea and the archipelagic
12 waters (if any) of the Republic.

13 (2) The Cabinet may, in accordance with the rules
14 of international law, by order -

15 (a) designate sealanes and air routes,
16 suitable for the continuous and expeditious
17 passage of foreign ships and aircraft,
18 through and over the archipelagic waters
19 and the adjacent territorial sea; and

20 (b) prescribe traffic separation schemes for
21 the purpose of ensuring the safe passage
22 of ships through narrow channels in such
23 sealanes.

24 (3) In sealanes and air routes designated under
25 Subsection (2) all ships and aircraft may, in accordance with

1 the rules of international law, enjoy the right of navigation
2 and overflight, in their normal modes, for the purpose of
3 continuous, expeditious and unobstructed transit through
4 and over the archipelagic waters and the adjacent territorial
5 sea, from one part of the exclusive economic zone to another
6 part of it.

7 (4) Until sealanes and air routes are prescribed
8 under Subsection (2), the rights of navigation and overflight
9 referred to in Subsection (3) may be exercised through and
10 over all routes normally used for international navigation
11 and overflight.

12 (5) The rights of navigation and overflight referred
13 to in Subsection (3) and (4) are subject to all laws of the
14 Republic made in accordance with the rules of international
15 law.

16 (6) Subject to this and any other Act and to the
17 rules of international law, all States and their nationals
18 shall enjoy in the exclusive economic zone the high seas
19 freedoms of navigation and overflight and of the laying of
20 submarine cables and pipelines, and all other internationally
21 lawful uses of the sea related to those freedoms, compatible
22 with the rules of international law.

23 Section 12. General regulations as to the exclusive
economic zone.

24 Where no other provision is made by or under any

1 other Act for the purpose, the Cabinet may make regulations,
2 which shall be in accordance with the rules of international
3 law, for all or any of the following purposes: -

4 (a) regulating the conduct of scientific
5 research within the exclusive economic
6 zone; and

7 (b) regulating the exploration and
8 exploitation of the exclusive economic
9 zone for the production of energy from
10 waters, currents and winds, and for other
11 economic purposes; and

12 (c) regulating the construction, operation
13 and use of artificial islands,
14 installations and structures within the
15 exclusive economic zone, including
16 requirements for the establishment of
17 safety zones around such islands,
18 installations and structures; and

19 (d) prescribing measures for the protection
20 and preservation of the marine environment
21 of the exclusive economic zone; and

22 (e) providing for such other matters as are
23 necessary or expedient to give effect
24 to the rights and obligations of the
25 Republic in relation to the exclusive

1 economic zone, or as are necessary to
2 give full effect to the provisions of
3 this Act.

4 Section 13. Charts, publicity, etc.

5 (1) The Minister shall cause all closing lines,
6 baselines and other lines drawn for the purposes of this Act,
7 for determining the limits of the internal waters, the
8 archipelagic waters, the territorial sea, the exclusive
9 economic zone and the contiguous zone of the Republic to be
10 clearly indicated on charts of a scale or scales adequate for
11 them to be readily determined, and shall give adequate
12 publicity to them.

13 (2) A question, whether adequate publicity has been
14 given to any matter under Subsection (1), is non-justiciable.

15 (3) A copy of each chart referred to in
16 Subsection (1) shall be deposited with the Secretary-General
17 of the United Nations and the Secretary-General of the South
18 Pacific Commission.

19 Section 14. Evidentiary provisions.

20 In any proceedings before a court or person acting
21 judicially, a certificate purporting to be signed by the
22 Minister stating that any specific nautical chart of any area
23 is a chart to which Section 13 applies that is held by the
24 Minister is evidence of the matters stated in the certificate
25 and the chart is evidence of the matters set out in it.

1 PART III. - TRANSITIONAL AND EFFECTIVE DATE.

2 Section 15. Savings of U.S. authority.

3 Nothing in this Act is intended to affect, any
4 right, power, privilege or authority of the United States or
5 any of its agencies or instrumentalities under the Trusteeship
6 Agreement.

7 Section 16. Effective date.

8 This Act becomes effective on the date on which
9 it becomes law.

10 Certificate

11 I hereby certify:

12 (1) that the above Nitijela Bill No. 16 N.D.-1 has been
13 passed by the Nitijela of the Marshall Islands on the 17th
14 day of August, 1984; and

15 (2) that I am satisfied that Nitijela Bill No. 16
16 N.D.-1 has been passed in accordance with the Constitution of
17 the Marshall Islands and the Rules of the Nitijela.

18 I hereby place my signature before the Clerk of the Nitijela
19 this 13th day of September, 1984.

20

21 /s/ Atlan Anien
22 Atlan Anien, Speaker
Nitijela of the Marshall Islands

23 Attest:

24

25 /s/ Donald F. Capelle
Donald F. Capelle, Clerk
26 Nitijela of the Marshall Islands

1 Concurred: Janet McCoy
2 High Commissioner
3 10/9/84

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20