

TITLE 33.

MARINE ZONES AND PROTECTION OF MAMMALS

CHAPTER 1.

MARINE ZONES

ARRANGEMENT OF SECTIONS

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An Act to make provisions with respect to internal waters, the archipelagic waters, the territorial sea, the exclusive economic zone, and the contiguous zone of the Republic. [With the repeal of original Chs 1"-Marine Resources Act", 3-"Harvesting of Trochus", and 4-"Marine Resources Authority" the remaining Chapters are re-numbered. This Act was formerly codified as Ch. 2 [Rev.2003]

Commencement: September 13, 1984

Source : P.L. 1984-25

PART I - PRELIMINARY

§101. Short Title.

This Act may be cited as the "Marine Zones (Declaration) Act 1984" [PL 1984-25]

§102. Interpretation.

(1) In this Act

(a) "the baseline of the Marshall Islands" means the low water line of the seaward side of the reef fringing the coast of any part of the Marshall Islands or bounding any lagoon waters adjacent to any part of that Coast, or where a reef is not present, the low water line of the coast itself.

(b) "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 uses of those resources.

(c) "Fishery resource" means any fishery, stock of fish, species of fish or habitat of fish.

(d) "low tide elevation" means a naturally formed area of land that is surrounded by land and is above water at mean low water spring tides, but is submerged at mean highwater spring tides;

(e) "the low water line" in relation to any area means the line of low water at mean low water spring tides as depicted on the largest scale nautical chart of the area held by the Minister;

(f) "the median line" a line every point of which is equidistant from the nearest point on:

(i) the base line from which the territorial sea of the Republic is measured;

and

(ii) the corresponding baseline of any other country;

(g) "the Minister" means the Minister in charge of the subject matter of this Act;

(h) "nautical mile" means an international nautical mile of 1,852 meters.

(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. [PL 1984-25 §2]

§103. References to Rules of 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. [PL 1984-25, §3.]

§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. [PL 1984-25 § 4]

PART II - MARINE ZONES

§105. Internal Waters.

(1) For the purposes of any other law of the Republic, the internal waters of the Republic are all waters on the landward side of the baseline from which the breadth of the territorial sea is

measured, and where closing lines are drawn in accordance with subsection (2) of this section, the waters inland of those lines to the extent that they are outside of that baseline.

(2) The Cabinet may, in accordance with the Rules of International Law, declare, by reference to physical features marked on official charts or to lists of geographical coordinates specifying the geodetic data, the points between which closing lines are to be drawn for the purposes of determining the outer limits of the internal waters of the Republic, in the case of the mouths of or entrances to lagoons. [PL 1984-25, §5.]

§106. Archipelagic waters.

(1) For the purposes of any other law of the Republic, the archipelagic waters of the Republic comprises of all areas of sea contained within the baselines established under subsection (2) of this section.

(2) The Cabinet may, in accordance with the rules of international law, and with the approval of the Nitijela signified by resolution, declare, by reference to physical features marked on official charts or to lists of geographical coordinates specifying the geodetic data, the points between which straight baselines are to be drawn for the purpose of determining the outer limits of the archipelagic waters of the Republic and the inner limits of the territorial sea. [P.L. 1984-25, §6.]

§107. The territorial sea.

(1) Subject to Subsection (2) of this Section, for the purpose of any law of the Republic the territorial sea of the Republic is that part of the sea within twelve (12) nautical miles from the baseline of the Marshall Islands.

(2) Where archipelagic baselines are drawn under Section 106(2) of this Act the breadth of the territorial sea shall be measured from those baselines, to the extent to which they are outside the outer limits of the internal waters of the Republic. [P.L. 1984-25, §7.]

§108. The exclusive economic zone.

(1) Subject to the succeeding provisions of this Section, for the purposes of any law of the Republic the exclusive economic zone of the Republic comprises those parts of the sea having as their inner limits the outer limits of the territorial sea, and as their outer limits a line drawn 200 nautical miles seaward from the baselines from which the breadth of the territorial sea is measured.

(2) The Cabinet may, in accordance with the rules of international law, declare, by reference to physical features marked on official charts or to lists of geographical coordinates specifying the geodetic data, points between which straight baselines are to be drawn for determining the outer limits of the exclusive economic zone.

(3) Where baselines are drawn in accordance with Subsection (2) of this Section, the breadth of the exclusive economic zone shall be measured from those baselines.

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

(5) The Cabinet may, by order, for the purpose of implementing any international agreement or the award of any international body, or otherwise, declare that the outer limits of the exclusive economic zone of the Republic are such as are specified in the order. [P.L.1984-25,§ 8.]

§109. The contiguous zone.

For the purposes of any law of the Republic the contiguous zone of the Republic comprises that part of the sea within twenty-four (24) nautical miles seaward from the baseline from which the breadth of the territorial sea is measured. [P.L. 1984-25, §9.]

§110. Legal character of marine zones, etc.

(1) The sovereignty of the Republic extends beyond its land territory and internal waters, and its archipelagic waters over its territorial sea, and to the airspace over them and the seabed and subsoil under them, and the resources contained therein.

(2) Within the exclusive economic zone the Republic has sovereign rights:

(a) for the purpose of exploring and exploiting, conserving and managing the natural resources whether living or nonliving, of the seabed and the subsoil under the seabed, and 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.

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

(4) Within the contiguous zone, the Republic has all rights necessary to prevent infringement of its customs, fiscal, immigration and health laws and regulations within the territory or the territorial sea of the Republic, and to punish any such infringement; and all relevant laws of the Republic extend to the contiguous zone accordingly.

(5) The sovereignty and rights of the Republic under this Section shall be exercised in accordance with the rules of international law. [P.L. 1984-25, §10.]

§111. Rights of other states in marine zones.

(1) Subject to the succeeding provisions of this Section, ships and aircraft of all states have, in accordance with the rules of international law, the right of free passage through and over the territorial sea and the archipelagic waters of the Republic.

(2) The Cabinet may, in accordance with the rules of international law, 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; and

(b) prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in such sea-lanes.

(3) In sea-lanes and air routes designated under Subsection (2) of this Section all ships and aircraft may, in accordance with the rules of international law, enjoy the rights of navigation and overflight, 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 exclusive economic zone to another part of it.

(4) Until sea-lanes and air routes are prescribed under Subsection (2) of this Section, the rights of navigation and overflight referred to in Subsection (3) of this Section may be exercised through and over all routes normally used for international navigation and overflight.

(5) The rights of navigation and overflight referred to in Subsections (3) and (4) of this Section are subject to all laws of the Republic made in accordance with the rules of international law.

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

§112. General regulations as to the exclusive economic zone.

Where no other provision is made by or under any other Act for the purpose, the Cabinet may make regulations, which shall be in accordance with the rules of international law, for all or any of the following purposes:

- (a) regulating the conduct of scientific research within the exclusive economic zone;
- (b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from waters, currents and winds, and for other economic purposes;
- (c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including requirements for the establishment of safety zones around such islands, installations and structures;
- (d) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone; and
- (e) providing for such other matters as are necessary or expedient to give effect to the rights and obligations of the Republic in relation to the exclusive economic zone, or as are necessary to give full effect to the provisions of this Act. [P.L. 1984-25, §12.]

§113. Charts, publicity, etc.

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

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

(3) A copy of each chart referred to in Subsection (1) of this Section shall be deposited with the Secretary General of the United Nations and the Secretary-General of the South Pacific Commission. [P.L. 1984-25, §13.]

§114. Evidentiary provisions.

In any proceeding before a court or person acting judicially, a certificate (purporting to be signed by the Minister stating that any specific nautical chart of any area is a chart to which Section 113 of this Act applies) that is held by the Minister, is evidence of the matters stated in the certificate, and the chart is evidence of the matters set out in it. [P.L. 1984-25, §14.]

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