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# Delimitation of Marine Waters Act [Cap 95]

## LAWS OF SOLOMON ISLANDS

### CHAPTER 95

#### DELIMITATION OF MARINE WATERS

32 of 1978

AN ACT TO MAKE PROVISIONS FOR THE DEMARCATION OF THE MARINE WATER APPERTAINING TO SOLOMON ISLANDS, TO DECLARE THE RIGHTS OF SOLOMON ISLANDS IN RELATION THERETO AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO

*[Sections 6 and 7- 1st September 1986]  
[All other sections- 14th August 1979]*

#### **Short Title**

1. This Act may be cited as the Delimitation of Marine Waters Act.

#### **Interpretation**

2. (1) In this Act, unless the context otherwise requires-

"archipelago" means a group of islands, including parts of Islands, inter-connecting waters and other natural features which are so closely inter-related that such islands, waters and other natural features form an intrinsic geographical entity, and which has been declared by the Minister by Order published in the Gazette to be an archipelago;

"archipelagic baselines" means the baselines drawn under the provisions of subsection (2) of section 4;

"island" means a naturally formed area of land which is surrounded by and above water at mean high-water spring tides;

"low-water line" means the line of low water at mean low-water spring tides as depicted on the largest scale nautical chart of the area produced by any authority and for the time being held and used by the Minister responsible for marine affairs;

"median-line" means a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of Solomon Islands and of any opposite or adjacent State of territory are measured;

"mile" means the international nautical mile;

"Minister" means the Minister responsible for Foreign Affairs;

"territorial seas" means the territorial seas of Solomon Islands as defined in section 5.

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

### **Internal waters**

3.-(1) Except where closing lines are drawn under the provisions of subsection (2), all waters on the landward side of the baselines of the territorial seas of Solomon Islands are the internal waters of Solomon Islands.

(2) When making an order under the provisions of section 4, the Minister may also declare, by reference to physical features marked on official charts or to lists of geographical co-ordinates specifying the geodetic datum, the points between which closing lines are to be drawn for the purpose of determining the outer limits of the internal waters of any archipelago in Solomon Islands.

(3) Where closing lines are drawn under the provisions of subsection (2) the internal waters of any archipelago in Solomon Islands shall include all waters on the landward side of those closing lines.

### **Archipelagic waters**

4.-(1) The archipelagic waters of each archipelago in Solomon Islands shall comprise all areas of sea contained within the baselines established under the provisions of this section.

(2) The Minister in accordance with the rules of international law may by order published in the Gazette, by reference to physical features marked on official charts or to lists of geographical co-ordinates specifying the geodetic datum, the points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters of any archipelago in Solomon Islands and the innermost limits of the territorial sea of any archipelago in Solomon Islands.

### **Territorial waters**

5.-(1) The territorial seas of Solomon Islands comprise all areas of sea having as their innermost limits the baselines established under the provisions of this section and as their outermost limits a line measured seaward from those baselines every point of which is at a distance of twelve miles from the nearest point of the baselines:

Provided that where the median line between Solomon Islands and the sovereign State of Papua New Guinea is less than twelve miles from the baselines from which the breadth of the territorial seas of Solomon Islands and Papua New Guinea are respectively measured, the outermost limits of the territorial that as the of re the waters of Solomon Islands shall be those declared by the Minister by order published in the Gazette.

(2) Where archipelagic baselines are drawn under the provisions of section 4, those baselines shall be the baselines from which the breadth of the territorial sea of any archipelago in Solomon Islands shall be measured.

(3) In all other cases the baselines from which the breadth of the territorial sea is measured is

the low-water line along the coast of each island except that in the case of islands situated on atolls or islands having fringing reefs the baseline is the seaward low-water line of the reef.

### **Exclusive economic zone**

6.-(1) Subject to the following provisions of this section, the Exclusive economic zone of Solomon Islands comprise all areas economic zone of sea having, as their innermost limits the outermost limits of the territorial seas, and, as their outermost limits, a line drawn seaward from the baselines every point of which is at a distance of two hundred miles from the nearest point of the appropriate baselines.

(2) The Minister may by order published in the Gazette, 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 Solomon Islands extend to such line, any point of which may be at a distance of less than two hundred miles from the nearest point of the appropriate baseline, as may be specified in such order.

(3) Where the median line is less than 200 miles from the nearest baselines, and no other line is for the time being specified under the provisions of subsection (2), the outer limits of the exclusive economic zone of Solomon Islands extend to the median line.

### **Continental Shelf Act to apply**

7. All areas of seabed and the subsoil thereof contained within the exclusive economic zone of Solomon Islands are deemed to form part of the continental shelf of Solomon Islands for the purposes of the Continental Shelf Act, and to be subject to the provisions of that Act as if they were areas designated under the provisions of subsection (3) of section 3 of that Act.

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### **Charts and Publicity**

8.-(1) The Minister shall cause all closing lines, baselines Charts and publicity and other lines drawn under the provisions of this Act for the purpose of determining the limits of the internal waters, territorial seas and exclusive economic zone of Solomon Islands to be clearly indicated on charts of a scale or scales adequate for them to be readily determined and shall give due publicity to such charts by notice in the Gazette and shall cause a copy of each such chart to be deposited with the Secretary-General of the United Nations.

(2) In any proceedings in any court, a certificate purporting to be signed by the Chief Marine Officer that any specified nautical chart of any area is the nautical chart of that area most suited for the purposes of determining the limits of the internal waters territorial seas or exclusive economic zone of Solomon Islands, as the case may be, and is for the time being held by the Minister responsible for Marine affairs shall be admissible in evidence of the matters stated in the certificate.

### **Legal character of marine waters**

9.-(1) The sovereignty of Solomon Islands extends beyond of marine waters its land territory and internal waters over its archipelagic waters and territorial seas and to the airspace thereover as well as to the seabed and subsoil thereunder.

(2) Within the exclusive economic zone Solomon Islands has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living of the seabed and subsoil and the superjacent waters.

(3) The exercise by Solomon Islands of its sovereignty and sovereign right under the provisions of this section is subject to the customary rules of international law.

### **Rights of passage**

**10.**-(1) Subject to the provisions of subsections (2), (3), (4) and (5), ships and aircraft of all States shall, in accordance with the rules of international law, have the right of innocent passage through and over the territorial seas and archipelagic waters.

(2) The Minister may, in accordance with the rules of international law, by order published in the Gazette designate sealanes 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 seas, and may also prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in such sealanes.

(3) In such sealanes and air routes all ships and aircraft may, in accordance with the rules of international law, enjoy the right 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 seas, from one part of the exclusive economic zone to another part of the exclusive economic zone.

(4) Until such time as sealanes or air routes are designated under the provisions of subsection (2) the rights of navigation and overflight referred to in subsection (3) 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 subsection (3) are subject to all laws of Solomon Islands made in accordance with the rules of international law.

(6) Subject to the provisions of this Act and of any other written law made in accordance with the relevant 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.

### **Regulations**

**11.** Where no other provision is for the time being made in any being other written law for any such purpose, the Minister may make regulations, 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 the waters, currents and winds, and for other economic uses;

- (c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including, but not confined to, the establishment of safety zones around 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 Solomon Islands rights and obligations in relation to the exclusive economic zone or are necessary to give full effect to the provisions of this Act.

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## **SOLOMON ISLANDS**

### **CHAPTER 95**

#### **DELIMITATION OF MARINE WATERS**

##### *Subsidiary Legislation*

*LN 40/1979*

#### **DECLARATION OF ARCHIPELAGOS OF SOLOMON ISLANDS**

*(Section 2(1))*

*[31st August, 1979]*

The following groups of Islands are declared to be archipelagos for the purposes of the Act-

#### **MAIN GROUP ARCHIPELAGO**

Shortland Islands  
Treasury Islands  
Choiseul Islands  
New Georgia Islands  
Santa Isabel Islands  
Dail Island  
Russell Islands  
Florida Islands  
Malaita Island  
Guadalcanal Island  
Makira Island  
Santa Ana Island  
Santa Catalina Island  
Ulawa Island

#### **THE RENNELL, BELLONA AND INDISPENSABLE REEF ATOLL ARCHIPELAGO**

Rennell Island  
Bellona Island  
Indispensable Reef Atoll

### THE ONTONG JAVA GROUP ARCHIPELAGO

Ontong Java Atoll

### THE SANTA CRUZ ISLANDS ARCHIPELAGO

Santa Cruz Islands

### THE DUFF ISLANDS ARCHIPELAGO

Duff Islands

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*LN 41/1979*

## DECLARATION OF ARCHIPELAGIC BASELINES

*(Section 2(1))*

It is hereby declared that the points between which straight baselines are to be drawn for the purposes of determining the outermost limits of the archipelagic waters and the innermost limits of the territorial sea of the archipelagos of Solomon Islands shall be those geographical co-ordinates specified below-

### THE MAIN GROUP ARCHIPELAGO

POINT	CO-ORDINATES		ON B.A. CHART
	SOUTH	EAST	
1. On the reef	06°59'2	155°31'.75	3419
2. On west coast of Mono I.	07°23'.85	155°31'.2	3419
3. At Laifa Point	07°25'.1	155°31'.6	3419
4. On West coast of Sterling I.	07°27'.2	155°33'.1	3419
5. At Cape Satisfaction	08°18'.4	156°31'.1	3419
6. Rendoval I.	08°43'.15	157°20'.0	3416
7. On Rendova I.	08°44'.25	157°23'.0	3416
8. On Tetepari I.	08°47'.75	157°37'.75	3416

9. Off South I.	08°48'.7	157°45'.9	3416
10. Off East I.	08°48'.5	157°49'.0	3416
11. At Masaubaga Point	09°42'.6	159°42'.4	1469
12. Off Cape Hunter	09°47'.7	159°49'.1	1469
13. Off Koliula Point	09°49'.7	160°03'.1	1469 & 3404
14. On San Cristobal I.	10°35'.3	161°30'.7	3412
15. At Cape Howu	10°40'.1	161°37'.1	3412
16. Off Cape Sydney	10°45'.9	161°46'.8	3412.
17. On the reef	10°47'.25	161°51'.0	3412
18. On Sta. Catalina I.	10°54'.2	162°27'.0	3412
19. At S.E. Point of Sta Catalina I.	10°54'.0	162°28'.0	3412
20. On Sta. Ana I.	10°50'.0	162°28'.5	3412
21. On Ulawa I.	09°43'.4	161°59'.5	3412
22. At Ngora Ngora Point	09°42'.5	161°58'.9	3412
23. At Cape Arsacides	08°37'.55	161°00'. 7	3404
24. Off Nadi I.	07°52'.4	160°38'.2	3403
25. Off Nadi I.	07 52'.1	160 37'.15	3403
26. Off Cape Megapode	07 45'.2	158 57'.45	3403
27. Off Papatura Ite. I.	07 34'.75	158 47'.2	3402
28. Off Omona I.	07 29'.5	158 40'.4	3402
29. Off North Gijunabeana I.	07 28'.6	158 38'.8	3402
30. Off Suki I.	07 18'.4	158 04'.7	3402
31. Off Malaengari.	06 38'.15	156 39'.25	3419
32. Off Cape Alexander	06 35'.5	156 31'.9	3419
33. Off Pemba Inlet	06 34'. 7	156 27'.75	3419
34. On Oema Atoll	06 37'.8	156 06'.0	3419
35. On Ovau I.	06 46'.8	155 59'.3	3419
36. On Maifu I.	06 54'.45	155 49'.75	3419
37. On the reef	06 58'.9	155 31'.85	3419

Thence to Point 1 above

### THE RENNELL, BELLONA AND INDISPENSABLE REEF ATOLL ARCHIPELAGO

POINT	CO-ORDINATES	ON B. A. CHART
SOUTH	EAST	

38.	Off Bellona I.	11 16'.1	159 44'.9	208
39.	On North Reef.	12 19'.0	160 03'.1	208
40.	On Middle Reef.	12 39'.8	160 17'.0	208
41.	On South Reef.	13 00'.0	160 33'.0	208
42.	On South Reef.	13 02'.5	160 36'.0	208
43.	On South Reef.	13 00'.1	160 38'.5	208
44.	On Rennell I.	11 51'.2	160 39'.1	208
45.	On Rennell I.	11 42'.8	160 29'.7	208
46.	On Bellona I.	11 17'.1	159 48'.8	208
47.	On Bellona I.	11 16'.3	159 46'.7	208

Thence to Point 38 above

### ONTONG JAVA GROUP ARCHIPELAGO

48.	Off Kengo I.	05 24'.7	159 12'.05	214
49.	Off Kiloma I.	05 28'.65	159 16'.8	214
50.	Off Alunga I.	05 31'.6	159 33'.8	214
51.	Off Ngikolo I.	05 31'.35	159 38'.9	214
52..	Off Akoo I.	05 31'.55	159 40'.5	214
53.	Off Luaniuua I.	05 28'.95	159 43'.0	214
54.	On Nukia I.	05 23'.1	159 42'.5	214
55.	On the reef	05 02'.1	159 23'.1	214
56.	On the reef	05 00'.7	159 18'.6	214
57.	On the reef	05 02'.0	159 16'.0	214
58.	On the reef	05 07'.65	159 12'.9	214
59.	On the reef	05 21'.5	159 10'. 85	214
60.	Off Nguhakai I.	05 23'.4	159 11.0	214

Thence to Point 48 above

### THE SANTA CRUZ ISLANDS ARCHIPELAGO

POINT		CO-ORDINATES		ON B. A. CHART
		SOUTH	EAST	
61.	At Cape Boscawen	10 49'.85	165 46'.1	17
62.	On Astrolabe Reefs	11 43'.9	166 49'.9	17

63.	On Astrolabe Reefs	11 44'.5	166 51'.15	17
64.	On Astrolabe Reefs	11 45'.05	166 54'.3	17
65.	On Boussole Reef	11 43'.8	166 59'.4	17
66.	Off Astrolabe Point	11 42'.45	167 01'.7	17
67.	Off North East Passage	11 36'.05	167 01'.2	17
68.	On Temoa I.	10 15'.5	166 22'.65	17
69.	Off Nufiloli I.	10 10'.55	166 17'.8	17
70.	Off Nukapu I.	10 04'.1	166 02'.75	17
71.	Off Nupani I.	10 01'.9	165 42'.9	17
72.	Off Nupani I.	10 02'.2	165 42'.3	17
73.	Off Nupani I.	10 05'.65	165 41'.65	17
74.	Off Nemba.	10 46'.95	165 44'.8	17
75.	Off Nemba.	10 47'.9	165 45'.0	17

Thence to Point 61 above

#### **THE DUFF ISLANDS ARCHIPELAGO**

76.	On Tuleki I.	09 45'.35	167 03'.6	17
77.	On Papa I.	09 48'.6	167 05'.8	17
78.	Off Taumako I.	09 53'.6	167 10'.5	17
79.	On Loteva I.	09 55'.8	167 14'.8	17
80.	On the Islet.	09 55'.05	167 14'.8	17
81.	On Taumako I.	09 52'.05	167 11'.55	17
82.	On the Islet.	09 46'.5	167 05'.3	17
83.	On Tuleki I.	09 45'.55	167 04'.1	17

Thence to Point 76 above.

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#### **SOLOMON ISLANDS**

**[CAP. 95]**

#### **THE DELIMITATION OF MARINE WATERS (MARINE SCIENTIFIC RESEARCH) REGULATIONS**

*LN 97/199*

### **Citation**

1. These Regulations may be cited as the Delimitation of Marine Waters (Marine Scientific Research) Regulations.

### **Interpretation**

2. In these Regulations, unless the context otherwise requires-

"Solomon Islands waters" includes the territorial waters, the exclusive economic zone and the continental shelf as defined under the Act.

### **Application**

3.-(1) Subject to the provisions of paragraphs (2) and (3), these Regulations shall apply to all forms of marine scientific research conducted in Solomon Islands waters.

(2) These Regulations shall not apply in respect of research carried on by a state or international organisation pursuant to any agreement to which Solomon Islands is a party.

(3) Any research conducted pursuant to the provisions of these Regulations shall be conducted-

(a) exclusively for peaceful purposes;

(b) having regard to the rights of other legitimate users of the sea; and

(c) with appropriate scientific skill and methods as may be required or prescribed under international law.

### **Application for consent**

4.-(1) No person shall carry out any research without the written consent of the Minister.

(2) Any person wishing to carry out any research under these Regulations shall make application to the Minister in Form 1 set out in the Schedule.

(3) Every application made under this regulation shall be made at least six (6) months prior to the intended date of research.

(4) Prior to granting his consent, in Form 2 set out in the Schedule, the Minister must be satisfied that the applicant has complied with the requirements of these Regulations and has paid the appropriate administrative fee. The Minister shall have the power to impose any terms and conditions as he thinks fit.

### **Validity of consent**

5. Any consent granted under regulation 4 shall be valid for such period as may be specified therein and is non-transferable.

#### **Condition that apply to international organisation, etc.**

6. Where consent is requested on behalf of an international organisation or state, the applicant shall, in addition to such conditions as may be prescribed by the Minister, be required to-

(a) at the request of Solomon Islands Government, where ever practicable, permit Solomon Islands participation in such research project especially on board research installations (without payment of any remuneration to Solomon Islands participants by the applicant) and with no obligation on the part of the Solomon Islands Government to contribute towards the project;

(b) provide the Minister with periodical reports as may be required;

(c) undertake to provide access to Ministry officials, to all data and samples derived from the research and to furnish the Ministry with data which may be copied and samples which may be divided without detriment to their scientific value;

(d) at the request of the Ministry, provide with assessments of such data, samples and research or provide assistance in their assessment or interpretation;

(e) inform the Ministry of any change in any research programme being conducted; and

(f) unless, otherwise agreed on completion of the research project remove the scientific research installation or equipment.

#### **Suspension or cessation of research**

7. The Minister where he is satisfied that research activities are not being conducted in accordance with these Regulations may suspend or revoke his consent granted under regulation 4 in respect of the project.

#### **Lighting and other safety standards**

8. A person who has obtained the consent of the Minister for the conduct of research shall-

(a) ensure that no installation or equipment is constructed or maintained in such a manner as to obstruct, internal or external navigation;

(b) maintain proper lights so as to be visible from any waters within the area;

(c) not exhibit any light which by reason of its glare is liable to endanger aircraft taking off or landing in Solomon Islands or which is liable to be mistaken for an aeronautical light;

(d) ensure that all equipment -and machinery bear identification marks of the state of registry or the international organisation to which such equipment or machinery belongs;

(e) display warning signals in compliance with international aviation and maritime requirements; and

(f) comply with all other relevant laws of Solomon Islands.

#### **Compliance with other laws**

9. The provisions of these Regulations shall be read and construed as supplementary to and not in derogation of the provisions of other laws of Solomon Islands.

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**FIRST SCHEDULE**

Form 1

**APPLICATION FOR A CONSENT TO CONDUCT MARINE SCIENTIFIC OF  
RESEARCH  
(Reg. 4(2))**

Date:.....

**1. GENERAL INFORMATION**

1.1 Cruise name and/or  
number.....  
.....

1.2 Sponsoring institution:.....  
.....

Date: .....  
.....

Name:.....

Address:.....  
.....

Name of Director:.....  
.....

1.3 Scientist in charge of the  
research:.....  
.....

Name:.....

Address:.....

Tel:

Telex:

Fax:

1.4 Scientist(s) from (Solomon Islands) involved in planning of the project:  
.....

Name(s): .....

Address: .....

1.5 Submitting Officer: .....

Name and Address: .....

Country: .....

Tel: .....

Telex: .....  
Fax: .....

## 2. DESCRIPTION OF PROJECT

- 2.1 Nature and objectives of the research: .....
- 2.2 Relevant previous or future cruise: .....
- 2.3 Previous published research data relating to the project: .....

## 3. METHODS AND MEANS TO BE USED

### 3.1 Particulars of vessel:

- Name: .....
- Nationality: .....
- Owner: .....
- Operator: .....
- Overall length: .....
- Maximum draught: .....
- Net tonnage: .....
- Gross tonnage: .....
- Propulsion: .....
- Cruising speed: .....
- Maximum speed: .....
- Call sign: .....
- Method and capability of communication (including telex, frequencies): .....
- Name of Master: .....
- Number of crew: .....
- Number of scientist on board: .....

### 3.2 Aircraft or other craft to be used in the research: .....

### 3.3 Particulars of methods and scientific instruments: .....

Type and Samples and Data	Methods to be used	Instruments to be used

### 3.4 Indicate whether harmful substances will be used: .....

### 3.5 Indicate whether drilling will be carried out: .....

### 3.6 Indicate whether explosives will be used: .....

#### **4. INSTALLATIONS AND EQUIPMENT**

Details of installations and equipment (dates of laying, servicing, recovery, exact location and depth):

.....

#### **5. GEOGRAPHICAL AREAS**

5.1 Indicate geographical area in which the research is to be conducted (with reference to latitude and longitude):

.....

5.2 Attach chart(s) at an appropriate scale showing the geographical areas of the intended work and, as far as practicable, the positions of intended stations, the tracks of survey lines, and the locations of installations and equipment.

6.1 Expected dates of entry into and final departure from the research area of the research vessel:

.....

6.2 Indicate if multiple entry is expected: .....

#### **7. PORT CALLS**

7.1 Dates and names of intended ports of call in Solomon Islands:

7.2 Any special logistical requirements at ports of calls:

7.3 Name/Address/Telephone of shipping agent (if available):

#### **8. PARTICIPATION**

8.1 Extent to which Solomon Islands will be able to participate or be represented in the research: .....

8.2 Proposed dates and ports for embarkation/disembarkation:

.....

#### **9. ACCESS TO DATA, SAMPLES AND RESEARCH RESULTS**

9.1 Expected dates of submission to Solomon Islands of preliminary reports which should include the expected dates of submission of the final results:

.....

9.2 Proposed means for access by Solomon Islands to data and samples:

.....  
9.3 Proposed means to provide Solomon Islands with assessment of data, samples and research results or provide assistance in their assessment or interpretation:  
.....

9.4 Proposed means of making research results internationally available:  
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**SECOND SCHEDULE**

Form 2

**SOLOMON ISLANDS**

**CONSENT TO CONDUCT MARINE SCIENTIFIC RESEARCH IN AREAS  
UNDER NATIONAL JURISDICTION OF SOLOMON ISLANDS**

*(Reg. 4(4))*

(Delimitation of Marine Waters Act and Marine (Scientific Research) Regulations)

Cruise name and number  
.....

1. Consent is hereby granted for the marine scientific research to be conducted by:  
.....

(name and address of institution)

with the research vessel .....  
during period of ..... in the (area(s) under  
national jurisdiction)

2. The research shall be conducted in accordance with the information on which  
supplementary information submitted by:

..... on  
..... with  
supplementary information submitted on .....

3. Any proposed changes in the research programme shall be notified as soon as possible to:

Permanent Secretary  
Ministry of Foreign Affairs  
PO Box G10  
HONIARA  
Solomon Islands  
Tel: (677) 21250

Fax: (677) 20351

4. This document shall be kept on board the vessel.

Date:.....

Place:.....

.....  
Minister of Foreign Affairs

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