

The Delimitation of Marine Waters Act, 1978
Act No. 32 of 21 December 1978

Citation and commencement

1. This Act may be cited as the Delimitation of Marine Waters Act, 1978 and shall come into force on such date as the Minister may by notice appoint:

Provided that the Minister may specify different dates for the coming into force of different sections of this 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 or 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 coordinates 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.

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 coordinates 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 waters of Solomon Islands shall be those declared by the Minister by order published in the Gazette.

(2) Where archipelagic baselines are drawn ..., 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 comprises all areas 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 200 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 200 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

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, 1970, 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.

Charts and publicity

8. (1) The Minister shall cause all closing lines, baselines 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 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 rights 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 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.

[Original: English]