#### **CHAPTER 95**

### **DELIMITATION OF MARINE WATERS**

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

32 of 1978

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

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

Short title

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

Interpretation

- "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.
- **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.

Internal waters

- (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.
- **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.

Archipelagic waters

- (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.
- **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:

Territorial waters

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 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.
- **6.-**(1) Subject to the following provisions of this section, the exclusive economic zone of Solomon Islands comprise 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 two hundred miles from the nearest point of the appropriate baselines.

Exclusive economic zone

- (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.
- **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.

Continental Shelf Act to apply Cap. 94

**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.

Charts and publicity

(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.

**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.

Legal character of marine waters

- (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.
- **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.

Rights of passage

- (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.
- **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:-

Regulations

- (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.

#### **CHAPTER 95**

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

Subsidiary Legislation

DECLARATION OF ARCHIPELAGOS OF SOLOMON ISLANDS

LN 40/1979

(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

#### DECLARATION OF ARCHIPELAGIC BASELINES

(Section 2(1))

[31st August, 1979]

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

		CO-ORDINATES		ONB.A.
POI	NT	SOUTH	EAST	CHART
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 abov	e		

# ONTONG JAV A GROUP ARCHIPELAGO

48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58.	Off Kengo I. Off Kiloma I. Off Alunga I. Off Ngikolo I. Off Akoo I. Off Luaniua I. On Nuika I. On the reef	05°24'. 7 05°28'. 65 05°31'. 6 05°31'. 55 05°28'. 95 05°23'. 1 05°02'. 1 05°00'. 7 05°02'. 0 05°07'. 65 05°21'. 5	159°12'. 05 159°16'. 8 159°33'. 8 159°38'. 9 159°40'. 5 159°43'. 0 159°42'. 5 159°23'. 1 159°18'. 6 159°16'. 0 159°12'. 9 159°10'. 85	214 214 214 214 214 214 214 214 214 214
	•			
60.	Off Nguhakai I. Thence to Point 48 above	05°23'. 4	159°11'.0	214

# THE SANTA CRUZ ISLANDS ARCHIPELAGO

DOINIT		CO-ORDINATES		ON B.A. CHART
POINT		SOUTH	EAST	CHART
61.	At Cape Boscawen	10°49'. 85	165°46'. 1	17
62.	On Astrolabe Reefs	11º43'. 9	166°49'. 9	17
63.	On Astrolabe Reefs	11º44'. 5	166°51'. 15	17
64.	On Astrolabe Reefs	11º45'. 05	166°54'. 3	17
65.	On Boussole Reef	11º43'. 8	166°59'. 4	17
66.	Off Astrolabe Point	11º42'. 45	167°01'. 7	17

67.	Off North East	11°36'. 05	167°01'. 2	17
	Passage			
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	е		

## 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 abov	e.		

THE DELIMITATION OF MARINE WATERS (MARINE SCIENTIFIC RESEARCH)
REGULATIONS

LN 97/1994

(Section 11)

[5th August 1994]

- **1.** These Regulations may be cited as the Delimitation of Marine Waters (Marine Scientific Research) Regulations.
  - 2. In these Regulations, unless the context otherwise requires-

Interpretation

- "Solomon Islands waters" includes the territorial waters, the exclusive economic zone and the continental shelf as defined under the Act.
- 3.-(1) Subject to the provisions of paragraphs (2) and (3), these Regulations shall Application

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

Application for consent

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

Validity of consent

**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-

Condition that apply to international organisation, etc.

(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.
- **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.

Suspension or cessation research

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

Lighting and other safety

- (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.
- **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.

Compliance with other

#### FIRST SCHEDULE

Form 1

#### APPLICATION FOR A CONSENT TO CONDUCT MARINE SCIENTIFIC RESEARCH

(Reg 4(2))

Date:

# 1. GENERAL INFORMATION

1.1	Cruise name and/or number:
1.2	Sponsoring institution:
	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 dra	ught:	
	Net tonnage:		
	Gross tonnage:		
	Propulsion:		
	Cruising spee	d:	
	Maximum spe	ed:	
	Call sign:		
	Method and c	apability of communication (inc	cluding telex, frequencies):
	Name of Mast	ter:	
	Number of cre	ew:	
	Number of sci	entist on board:	
3.2	Aircraft or other craft to be used in the research:		
3.3	Particulars of	methods and scientific instrum	ents:
Туре	and Samples and Data	Methods to be used	Instruments to be used
3.4	Indicate wheth	ner harmful substances will be	used:
3.5	Indicate wheth	ner 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:
	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
2.	The research shall be conducted in accordance with the information submitted by:
on infor	with supplementary mation submitted on
3.	Any proposed changes in the research programme shall be notified as soon as possible to:

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

Tel: (677) 21250 Fax: (677) 20351

4.	This document shall be kept on board the vessel.
	Date:
	Place:

Minister of Foreign Affairs