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NATIONAL LIMITS OF JURISDICTION

Delimitation of Marine Waters Act 1978
(SS 6 and 7 not yet in force)

SOLOMON ISLANDS

NO. 32 OF 1978



Assented to in Her Majesty's name and on Her Majesty's
behalf this 21st day of December 1978.

B. DEVESI
Governor-General

AN ACT

OF PARLIAMENT TO MAKE PROVISIONS FOR THE
DEMARCATON OF THE MARINE WATERS
APPERTAINING TO SOLOMON ISLANDS TO DECLARE
THE RIGHTS OF SOLOMON ISLANDS IN RELATION
THERE TO AND FOR MATTERS CONNECTED
THEREWITH AND INCIDENTAL THERE TO

[Date of
] Commence-
ment.

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ENACTED by the National Parliament of Solomon Islands.

Citation
and com-
mencement.

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.

Interpre-
tation.

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;

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"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.

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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 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 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.

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Where the median line is less than 200 miles from the great 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.

Areas of seabed and the subsoil thereof contained within the exclusive economic zone of Solomon Islands are to form part of the continental shelf of Solomon Islands for the purposes of the Continental Shelf Act, 1970, and shall be subject to the provisions of that Act as if they were designated under the provisions of subsection (3) of section 3 of that Act.

Continental Shelf Act, 1970 to apply.

No. 4 of 1970.

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.

3) 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.

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(2) Within the exclusive economic zone Solomon Island 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.

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(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.

SUPPLEMENT to the Solomon Islands Gazette

Friday, 31st August 1979

S.I. No. 13

[Legal Notice No. 39]

THE DELIMITATION OF MARINE WATERS ACT
(No. 32 of 1978)

NOTICE OF COMMENCEMENT

In exercise of the powers conferred by section 1 of the Delimitation of Marine Waters Act, 1978, the Prime Minister hereby appoints the 14th day of August 1979 as the date in which the Act shall come into operation with the exception of sections 6 and 7.

Dated at Honiara this 20th day of August, 1979.

PETER KENILOREA
Prime Minister

[Legal Notice No. 40]

THE DELIMITATION OF MARINE WATERS ACT
(No. 32 of 1978)

DECLARATION OF ARCHIPELAGOS OF SOLOMON ISLANDS

IN exercise of the powers conferred by section 2(1) of the Delimitation of Marine Waters Act, the Prime Minister hereby declares the following groups of islands 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

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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

Made at Honiara this twentieth day of August, 1979.

PETER KENILOREA
Prime Minister

[Legal Notice No. 41]

THE DELIMITATION OF MARINE WATERS ACT
(No. 32 of 1978)

DECLARATION OF ARCHIPELAGIC BASELINES

IN exercise of the powers conferred by section 4(2) of the Delimitation of Marine Waters Act, 1978, the Prime Minister hereby declares that the points between which straight baselines are to be drawn for the purpose 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

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5.	At Cape Satisfaction	08° 18' . 4	156° 31' . 1	3419
6.	Rendova I.	08° 43' .16	157° 20' . 0	3416
7.	On Rendova I.	08° 44' .26	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' . 6	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

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THE RENNEL, 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° 36'. 5	206
44. On Rennell I.	11° 51'. 2	160° 39'. 1	208
45. On Rennell I.	11° 42'. 8	160° 29'. 7	206
46. On Bellona I.	11° 17'. 1	159° 48'. 8	206
47. On Bellona I.	11° 16'. 3	159° 46'. 7	206

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 Luaniua I.	05° 28'. 95	159° 43'. 0	214
54. On Nuika 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

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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
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.

Dated at Honiara this twentieth day of August, 1979.

PETER KENILOREA
Prime Minister