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CHAPTER 138

MARITIME ZONES

Act 23 of 1981

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MARITIME ZONES

To provide for the delimitation of the maritime zones of Vanuatu and other matters incidental thereto.

PART 1 – INTERPRETATION

1. Interpretation

In this Act, unless the context otherwise requires –

"bay" means an indentation of the coast with an area of not less than that of the semicircle the diameter of which is a line drawn across the mouth of the indentation;

"island" means a naturally formed area of land, surrounded by water, which is above water at high tide;

"low-water line" means the relevant low water datum line shown on the latest relevant British Admiralty Charts or where there is no such datum the lowest astronomical tide line. In any case where there is doubt as to which is the latest relevant British Admiralty Chart for the purposes of this definition the Minister may establish which is such chart by declaration published in the Gazette;

"nautical mile" means an international nautical mile of 1852 metres.

PART 2 – INTERNAL WATERS

2. Internal waters

The internal waters of Vanuatu comprise all waters that are contained within the baselines from which the breadth of the territorial sea is measured or for areas enclosed by straight archipelagic baselines, all waters that are contained within the innermost limits of the archipelagic waters.

PART 3 – ARCHIPELAGIC WATERS AND TERRITORIAL SEA

3. Sovereignty of Vanuatu

The sovereignty of Vanuatu extends beyond the land and internal waters of its islands to the archipelagic waters and territorial sea and to the airspace thereover as well as to the seabed and subsoil thereunder.

4. Archipelagic waters

(1) The archipelagic waters comprise all waters other than internal waters contained within the archipelagic baseline as delimited in the Schedule.

(2) The innermost limits of the archipelagic waters shall be –

(a) the low-water line; or

(b) in the case of the sea adjacent to a bay –

(i) where the bay has only 1 mouth and the distance between the low-water lines of the natural entrance points of the bay does not exceed 24 nautical miles, along a closing line joining those low-water lines;

(ii) where because of the presence of islands the bay has more than one mouth and the distance between the low-water lines of the natural

entrance points of each mouth added together, do not exceed 24 nautical miles along a series of closing lines across each of the mouths so as to join those low-water lines;

(iii) where neither paragraph (a) nor paragraph (b) applies, along a closing line 24 nautical miles in length drawn from low-water line to low-water line within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length; and

(c) in the case of the mouth or each mouth of a river which flows into the sea, a closing line across the river mouth between points on the low-water line of its banks.

5. Territorial sea

(1) The territorial sea comprises all areas of sea having as their innermost limits the baselines described in subsection (2) and as their outermost limits, a line measured seaward from those baselines, every point of which is 12 nautical miles from the nearest point of the appropriate baseline.

(2) The baselines from which the territorial sea is measured shall be the archipelagic baseline and the low-water line of the coast of Matthew Island and Hunter Island.

6. Rights of passage

(1) Subject to the provisions of this Act, all foreign ships may enjoy the right of innocent passage through the archipelagic waters and territorial sea.

(2) The Minister may, after consultation with the Minister responsible for transport and communications, by Order published in the Gazette, designate sea lanes and air routes, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over the archipelagic waters and territorial sea and may also prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in such sea lanes.

PART 4 – CONTIGUOUS ZONE

7. Contiguous zone

(1) The contiguous zone is an area beyond and adjacent to the territorial sea having as its outermost limits a line measured seaward from the baselines from which the territorial sea is measured, every point of which is 24 nautical miles from the nearest point of the appropriate baseline.

(2) Vanuatu may exercise such powers and take such measures in relation to the contiguous zone as may be necessary in order to prevent or punish infringements of its customs, fiscal, immigration or sanitary laws.

PART 5 – THE CONTINENTAL SHELF AND EXCLUSIVE ECONOMIC ZONE

8. Continental shelf

The continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond the limits of the territorial waters throughout the natural prolongation of the land territory of Vanuatu –

(a) to the outer edge of the continental margin; or

(b) to a distance of 200 nautical miles from the baseline from which the territorial sea is measured where the outer edge of the continental shelf does not extend up to that distance.

9. Exclusive economic zone

(1) The exclusive economic zone comprises those areas of the sea, seabed, and subsoil that are beyond and adjacent to the territorial sea having as their outermost limits a line measured seaward from the baselines from which the territorial sea is measured, every point of which line is 200 nautical miles from the nearest point of the appropriate baseline.

(2) For the purposes of implementing any international agreement or otherwise, the Minister may by Order published in the Gazette declare that the exclusive economic zone shall not extend to any specified area of the sea, seabed, or subsoil, that would otherwise be included within the exclusive economic zone by virtue of this section.

10. Vanuatu rights over continental shelf and exclusive economic zone

Without prejudice to sections 3, 7 and 8 Vanuatu has in the continental shelf and exclusive economic zone –

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of resources or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorise, regulate and conduct scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognised by international law or state practice.

PART 6 – MISCELLANEOUS

11. Restricted activities

Except in accordance with an agreement entered into with the Government of Vanuatu or under the authority of a licence granted by the responsible Minister, no person shall in relation to the continental shelf or exclusive economic zone –

(a) explore or exploit any resources;

(b) carry out any search, excavation or drilling operations;

(c) conduct any research;

(d) construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device.

12. Offences and penalties

(1) Any contravention of this Act, or of any Order made hereunder, occurring within the archipelagic waters, territorial sea or exclusive economic zone shall be deemed to have occurred in Vanuatu.

(2) Where a contravention of this Act is triable in the Magistrates' Court it may be tried by any Senior Magistrate.

(3) Any person who contravenes this Act or any Order made hereunder shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for 5 years, or to both such fine and imprisonment.

13. Orders

Where no other provision is for the time being made by any other law for any such purposes, the Minister may by Order –

(a) amend the Schedule;

(b) provide for the protection and preservation of the marine environment of the continental shelf, archipelagic waters, the territorial sea and the exclusive economic zone;

(c) regulate the conduct of foreign ships and aircraft in relation to the rights of navigation and overflight provided for in sections 6 and 15;

(d) regulate the conduct of scientific research within the archipelagic waters, the territorial sea and the exclusive economic zone;

(e) regulate the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures in the archipelagic waters, and the territorial sea and the exclusive economic zone and establish safety zones around such islands, installations, and structures;

(f) regulate the exploration and exploitation of the archipelagic waters, the territorial sea and the exclusive economic zone for the production of energy from the water, currents, and winds, and for any other economic purposes;

(g) provide for such other matters as may be required for giving full effect to the sovereignty of Vanuatu in relation to the archipelagic waters, the territorial sea and the exclusive economic zone;

(h) provide otherwise for the better carrying out of the provisions of this Act and for its due administration.

14. Extension of laws to continental shelf and exclusive economic zone

The President may, on the advice of the Prime Minister, by Order published in the Gazette –

(a) extend with such restrictions and modifications as may be included in such Order any law of Vanuatu to the continental shelf, the exclusive economic zone or any part of them;

(b) make provision for enforcing such law.

15. Interim provision for sea lanes and air routes

Until such time as sea lanes or air routes are designated under the provisions of section 6(2) or any other law, rights of navigation and overflight may, subject to the provisions of this Act or any other law, be exercised through and over the routes normally used for international navigation and overflight.

SCHEDULE

(Section 4)

ARCHIPELAGIC BASELINE

An archipelagic baseline commencing at the outermost point of the low-water line on the reef off Hat Island co-ordinate 13° 04' 18" South 166° 32' 13".8 East, British Admiralty Chart No. 1575 and, except where the contrary intention appears, following the geodesic lines successively linking the outermost points on the low-water lines of the land areas specified below –

Point	Land Area	Co-ordinates South	Co-ordinates East	British Admiralty Chart Number*
1)	Vat Ganai Island	13° 15' 10".8	167° 38' 10".5	1575
2)	Vetvai Point on Motlav Island	13° 38' 46".8	167° 42' 25".5	1575
3)	Islet off Meralava Island	14° 26' 22".9	168° 04' 10".2	1575
4)	Treerock Point on Pentecost Is.	15° 55' 38".4	168° 16' 32".5	1575
5)	Tongariki Island	17° 00' 38".4	168° 38' 27"	1576
6)	Maniuro Point on Efate Island	17° 41' 42"	168° 35' 10"	1576
7)	Goat Islet off Erromanga	18° 42' 09".6	169° 17' 43".5	1576
8)	Reef off Futuna Island	19° 30' 42"	170° 13' 44".3	1576
9)	Masi Point on Futuna Island	19° 32' 37".7	170° 13' 34".7	1576
10)	Reef on Aneityum Island	20° 11' 45".6	169° 53' 42"	1576
	and thence along the low-water line to point (11)			
11)	Flat Rock off Aneityum Island	20° 15' 30"	169° 50' 42".9	1576
12)	Reef off Aneityum Island	20° 15' 58".2	169° 45' 25".9	1576
13)	Imlao on Tanna Island	19° 34' 51".6	169° 16' 42".6	1576
	and thence along the low-water line to point (14)			
14)	West Point Tanna Island	19° 27' 09"	169° 12' 39"	1576
15)	Ountovin Point on Erromanga Is.	18° 52' 51"	168° 59' 03".6	1576
16)	Tukutuku Point on Efate Island	17° 43' 09".6	168° 09' 02".4	1576
17)	Tomman Island	16° 35' 37".5	167° 27' 17".4	1575
18)	Reef off Santo	15° 39' 24".6	166° 45' 58".8	1575
19)	Remarkable Point on Santo Is.	15° 24' 04".5	166° 38' 27"	1575
20)	Reef off Santo Island	14° 51' 06"	166° 32' 00".6	1575
21)	On NW Coast of Santo	14° 44' 51".6	166° 32' 42".6	1575
22)	Thomeuf point on Hiu Island	13° 10' 21"	166° 31' 58".5	1575
23)	On reef off Hiu Island	13° 04' 18"	166° 32' 13".8	1575

*The Editions of charts referred to in the fifth column are: 1575 7th September 1979 & 1576 24th November 1978