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Limits in the Seas

No. 136

Solomon Islands:

Archipelagic and other Maritime Claims and Boundaries

LIMITS IN THE SEAS

No. 136

SOLOMON ISLANDS

ARCHIPELAGIC AND OTHER MARITIME CLAIMS AND BOUNDARIES

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Office of Ocean and Polar Affairs
Bureau of Oceans and International Environmental and Scientific Affairs
U.S. Department of State

This study is one of a series issued by the Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs in the Department of State. The purpose of the series is to examine a coastal State's maritime claims and/or boundaries and assess their consistency with international law. This study represents the views of the United States Government only on the specific matters discussed therein and does not necessarily reflect an acceptance of the limits claimed.

This study, and earlier studies in this series, may be downloaded from http://www.state.gov/e/oes/ocns/opa/c16065.htm. Comments and questions should be emailed to LimitsInTheSeas@state.gov. Principal analysts for this study are Brian Melchior and Kevin Baumert.

Introduction

This study analyzes the maritime claims and maritime boundaries of Solomon Islands, including its archipelagic baseline claim. The Continental Shelf Act of 1970 (Annex 1 to this study) set forth provisions related to the continental shelf of Solomon Islands, and the Solomon Islands' Delimitation of Marine Waters Act, 1978, Act No. 32 of December 21, 1978 (Annex 2 to this study), established a 12-nautical mile (nm) territorial sea and a 200-nm exclusive economic zone (EEZ).[1]

Pursuant to Act No. 32, the Declaration of Archipelagos of Solomon Islands, 1979 (Annex 3 to this study), identified the islands comprising the five archipelagos of the Solomon Islands.[2] Also pursuant to Act No. 32, the Declaration of Archipelagic Baselines, Legal Notice No. 41 of 1979 (Annex 4 to this study), set forth coordinates for Solomon Islands' archipelagic baselines.[3] The archipelagic baselines are shown on Map 1 to this study. Solomon Islands ratified the UN Convention on the Law of the Sea (LOS Convention) and consented to be bound by the 1994 Agreement relating to the Implementation of Part XI of the Convention on June 23, 1997.[4]

Basis for Analysis

The LOS Convention contains certain provisions related to archipelagic States. Article 46 provides that an "archipelagic State" means "a State constituted wholly by one or more archipelagos and may include other islands." An "archipelago" is defined as "a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such."

Only an "archipelagic State" may draw archipelagic baselines. Article 47 sets out geographic criteria to which archipelagic States must adhere when establishing archipelagic baselines (Annex 5 to this study).

Under Article 47.1, an archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago, provided that within such baselines are included the main islands and an area in which the ratio of the area of

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[1] The Continental Shelf Act of 1970 is available at: http://www.paclii.org/sb/legis/consol_act/csa182/. The Delimitation of Marine Waters Act, 1978, Act No. 32 of December 21, 1978, is available from the UN Division for Ocean Affairs and the Law of the Sea (DOALOS), *Practice of Archipelagic States* 100-104 (1992) and at: http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/SLB_1978_Act.pdf. The 1978 Act is also available at: http://www.paclii.org/sb/legis/consol_act/domwa293/.

[2] Declaration of Archipelagos of Solomon Islands, 1979, made on April 20, 1979, is published in UN Legislative Series, ST/LEG/SER.B/19, at 107-109 and is available in DOALOS, *Practice of Archipelagic States* 105, and at: http://www.paclii.org/sb/legis/consol_act/domwa293/.

[3] The text of the Declaration of Archipelagic Baselines, Legal Notice No. 41 of 1979, appears in DOALOS, *Practice of Archipelagic States* 105-108, and is available at: http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/SLB_1979_Notice.pdf and http://www.paclii.org/sb/legis/consol_act/domwa293/.

[4] United Nations Convention on the Law of the Sea, Montego Bay, opened for signature Dec. 10, 1982, entered into force Nov. 10, 1994, 1833 UNTS 397, available from DOALOS, at: http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm.

the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1. In addition, the length of any baseline segment shall not exceed 100 nm except that up to 3 percent of the total number of baselines may have a length up to 125 nm (Article 47.2).

Additional provisions of Article 47 state that such baselines shall not depart to any appreciable extent from the general configuration of the archipelago; that such baselines shall not be drawn, with noted exceptions, using low-tide elevations; and that the system of such baselines shall not be applied in such a manner as to cut off from the high seas or exclusive economic zone (EEZ) the territorial sea of another State (Article 47.3 - 47.5).

The LOS Convention further reflects the specific rights and duties given to archipelagic States over their land and water territory. Article 53 allows the archipelagic State to "designate sea lanes . . . suitable for the continuous and expeditious passage of foreign ships . . . through . . . its archipelagic waters and the adjacent territorial sea." Also, Article 53.12 provides that "[i]f an archipelagic State does not designate sea lanes . . ., the right of archipelagic sea lanes passage may be exercised through the routes normally used for international navigation."

Analysis[5]

Solomon Islands is an archipelagic State located in the southwest Pacific Ocean, to the east of Papua New Guinea and to the north of Vanuatu and New Caledonia (France). Solomon Islands is composed of approximately 1,000 islands and other features that are widely scattered over a large area.

Because of its geography, Solomon Islands' Baselines Declaration establishes archipelagic baselines around five separate groups of islands. The five archipelagic baseline systems of Solomon Islands are composed of 83 line segments, ranging in length from 0.31 nm (segment 37-1 in group 1) to 124.27 nm (segment 10-11 in Group 1), with a total length of 1,707 nm.

Four of the five archipelagic baseline systems of Solomon Islands meet the water-to-land area ratio set forth in Article 47.1:

Group 1: Main Group Archipelago

Total Area = 132,843 square kilometers
Water Area = 106,578 square kilometers
Land Area = 26,265 square kilometers
Water-to-land area ratio = 4.06:1

Group 2: The Rennell, Bellona and Indispensable Reef Atoll Archipelago

Total Area = 9,544 square kilometers
Water Area = 7,790 square kilometers
Land Area = 1,754 square kilometers

[5] The analysis was conducted in ESRI ArcMap 10, using the Universal Transverse Mercator, Zone 57 South, projection and is based on the World Geodetic System 1984 (WGS84) datum.

Water-to-land area ratio = 4.44:1

Group 3: The Ontong Java Group Archipelago

Considering atoll waters as water area:
Total Area = 2,195 square kilometers
Water Area = 2,124 square kilometers
Land Area = 71 square kilometers
Water-to-land area ratio = 29.92:1

Considering atoll waters as land area:
Total Area = 2,195 square kilometers
Water Area = 494 square kilometers
Land Area = 1,701 square kilometers
Water-to-land area ratio = 0.29:1

Group 4: The Santa Cruz Islands Archipelago

Total Area = 13,206 square kilometers
Water Area = 11,562 square kilometers
Land Area = 1,644 square kilometers
Water-to-land area ratio = 7.03:1

Group 5: The Duff Islands Archipelago

Total Area = 64 square kilometers
Water Area = 50 square kilometers
Land Area = 14 square kilometers
Water-to-land area ratio = 3.57:1

Groups 1, 2, 4, and 5 meet the water-to-land area ratio set forth in Article 47.1. With respect to Group 3, two calculations are included above, considering that Article 47.7 would permit the waters within Ontong Java Atoll to be considered as water or land area.[6] Neither approach meets the ratio requirement set forth in Article 47.1. To meet the water-to-land area ratio, the Solomon Islands would need to consider part of this single water feature (i.e., the lagoon enclosed by Ontong Java Atoll) to be land and part to be water. In any case, Article 47 is of little consequence for this feature considering that the waters within the lagoon are likely internal waters.[7]

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[6] LOS Convention, Art. 47.7 ("For the purpose of computing the ratio of water to land under [Article 47.1], land areas *may* include waters lying within the fringing reefs of islands and atolls …." Emphasis added.)

[7] *See* LOS Convention, Art. 6 ("In the case of islands situated on atolls or of islands having fringing reefs, the baseline for measuring the breadth of the territorial sea is the *seaward low- water line of the reef*, as shown by the appropriate symbol on charts officially recognized by the coastal State." Emphasis added). *See also*, DOALOS, *Baselines: An Examination of the Relevant Provisions of the United Nations Convention on the Law of the Sea*, at 10-11 (1989) (noting that "it may be inferred [from Article 6 and other Convention provisions] that the enclosed waters [within a lagoon] can be regarded as internal waters.").

In accordance with Article 47.2 of the LOS Convention, one archipelagic baseline segment exceeds 100 nm in length (segment 10-11, 124.27 nm), comprising 1.2 percent of the total number of segments, and none of the segments exceed 125 nm. Annex 6 to this study lists the lengths of each segment.

The configuration of the baselines does not appear to depart to any appreciable extent from the general configuration of the archipelago (Article 47.3). None of the baselines appear to be drawn using low-tide elevations (Article 47.4). The baselines are not drawn in a way that would cut off from the high seas or EEZ the territorial sea of another State (Article 47.5).

Therefore, with the exception of Group 3, Solomon Islands' archipelagic baseline system set forth in the 1979 Declaration appears to be consistent with Article 47 of the LOS Convention.

Territorial Sea, Exclusive Economic Zone and Continental Shelf

By Act No. 32, the archipelagic waters of Solomon Islands comprise those waters enclosed by the archipelagic baselines. Solomon Islands' 12-nm territorial sea and 200-nm EEZ, established in Sections 5 and 6 of Act No. 32, are measured from the archipelagic baselines established pursuant to this law. For those islands that are not enclosed within archipelagic baselines, Section 5(3) clarifies that the baseline is the low-water line along the coast of each island or, in the case of islands situated on atolls or having fringing reefs, the seaward low-water line of the reef. This approach is consistent with Articles 5 (normal baseline) and 6 (reefs) of the LOS Convention. Act No. 32 does not address the contiguous zone.

With respect to the continental shelf of Solomon Islands, Section 7 provides that "[a]ll 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." Regarding continental shelf beyond 200 nm, Solomon Islands has made several submissions to the Commission on the Limits of the Continental Shelf. On May 5, 2009, Solomon Islands, the Federated States of Micronesia, and Papua New Guinea made a joint submission concerning the Ontong Java Plateau.[8] On April 21, 2009, Solomon Islands and Fiji submitted preliminary information on their continental shelf limits in the Charlotte Bank Region. On April 21, 2009, Solomon Islands, Fiji, and Vanuatu submitted preliminary information on their continental shelf limits in the North Fiji Basin. On May 5, 2009, Solomon Islands submitted preliminary information of its continental shelf limits in relation to a high seas enclave at the junction of the EEZs of the Solomon Islands, Papua New Guinea and Australia.[9]

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[8] *See* Joint submission by the Federated States of Micronesia, Papua New Guinea and the Solomon Islands, May 5, 2009, available from DOALOS at: http://www.un.org/Depts/los/clcs_new/submissions_files/submission_fmpgsb_32_2009.htm.

[9] The three submissions of preliminary information are available from DOALOS at: http://www.un.org/Depts/los/clcs_new/commission_preliminary.htm.

Navigation

Section 10 of Act No. 32 recognizes certain navigational rights within the maritime zones of Solomon Islands, including the right of archipelagic sea lanes passage and the right of innocent passage through archipelagic waters and the territorial sea. Section 10(2) provides that Solomon Islands may designate sea lanes or air routes through or over archipelagic waters and territorial seas and may also prescribe traffic separation schemes.

An archipelagic State may designate such sea lanes, and also traffic separation schemes, provided that "an archipelagic State shall refer [such] proposals to the competent international organization with a view to their adoption" (LOS Convention, Article 53, paragraphs 1 and 9). As the competent international organization, the International Maritime Organization (IMO) may "adopt only such sea lanes and traffic separation schemes as may be agreed with the archipelagic State, after which the archipelagic State may designate, prescribe, or substitute them" (Article 53.9). As of March 2014, the government of Solomon Islands had not formally designated any archipelagic sea lanes or prescribed traffic separation schemes, nor had it presented proposals to this effect to the IMO. Consistent with Article 53.12 of the LOS Convention, Section 10(4) of the Act provides: "Until such time as sealanes or air routes are designated . . . the [right of archipelagic sea lanes passage described in Section 10] may be exercised through and over all routes normally use for international navigation and overflight."

Section 10(6) of the 1978 Act refers to the applicability of certain high seas freedoms in the EEZ, with reference to international law, as follows: "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." The rules of international law to which the Solomon Islands' law refers are reflected in the LOS Convention, Parts V (pertaining to the EEZ), VI (pertaining to the continental shelf, including Article 79 pertaining to submarine cables and pipelines), and VII (pertaining to the high seas).

Maritime Boundaries

Solomon Islands has established maritime boundaries with Australia, France (New Caledonia), and Papua New Guinea. As of March 2014, Solomon Islands had not yet established the maritime boundary with Vanuatu. The boundaries are shown on Map 2 to this study.

The Solomon Islands' boundary agreement with Australia, concluded in 1988, provides for a two-segment equidistance line of approximately 150 nm in length dividing the Australian and Solomon Islands EEZs and continental shelves in the Coral Sea.[10] The northern end of the Australia-Solomon Islands boundary connects to the eastern terminus of the 1978 Australia-

[10] Agreement between the Government of Solomon Islands and the Government of Australia Establishing Certain Sea and Sea-bed Boundaries, Honiara, Sept. 13, 1988, entered into forced Apr. 14, 1989, 1536 UNTS 284 (1997), *Law of the Sea Bulletin* No. 12, at 19-22 (1988), I *International Maritime Boundaries* 977 (1993), IV, *id*. 2671.

Papua New Guinea seabed boundary.[11] The southern end of the Australia-Solomon Islands boundary connects to the northern terminus of the 1982 Australia-France (New Caledonia) maritime boundary.[12]

The Solomon Islands' boundary agreement with France, concluded in 1990, provides for a three segment boundary of approximately 275 nm in length dividing the Solomon Islands and French (New Caledonia) EEZs and continental shelves.[13] The boundary is approximately equidistant between the southernmost island of the Solomon Islands and the northernmost islands of New Caledonia. The western end of the boundary forms a tri-point with the 1982 Australia-France and 1988 Australia-Solomon Islands boundaries referred to above.

The Solomon Islands' boundary agreement with Papua New Guinea, concluded in 1989 (but not yet in force), provides for 12-segment boundary of approximately 1,000 nm in length that delimits their respective territorial seas, EEZs and continental shelves.[14] The agreement also addresses a range of related issues, such as cooperation on living and non-living resources and protection of the marine environment.

As noted, Solomon Islands has not concluded a boundary agreement with Vanuatu. One provision of Act No. 32 addresses the situation of undelimited boundaries. Specifically, with respect to the EEZ, Section 6 of the Act provides: "Where the median line is less than 200 miles from the nearest baselines, and no other line is for the time being specified [pursuant to an international agreement or the award of an international body], the outer limits of the exclusive economic zone of Solomon Islands extend to the median line."

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[11] *Id*. and Treaty between Australia and the Independent State of Papua New Guinea Concerning Sovereignty and Maritime Boundaries in the Area between the Two Countries, Including the Area Known as Torres Strait, And Related Matters, Sydney, Dec. 18, 1978, entered into force Feb. 15, 1985, 1478 UNTS 207, I *International Maritime Boundaries* 929.

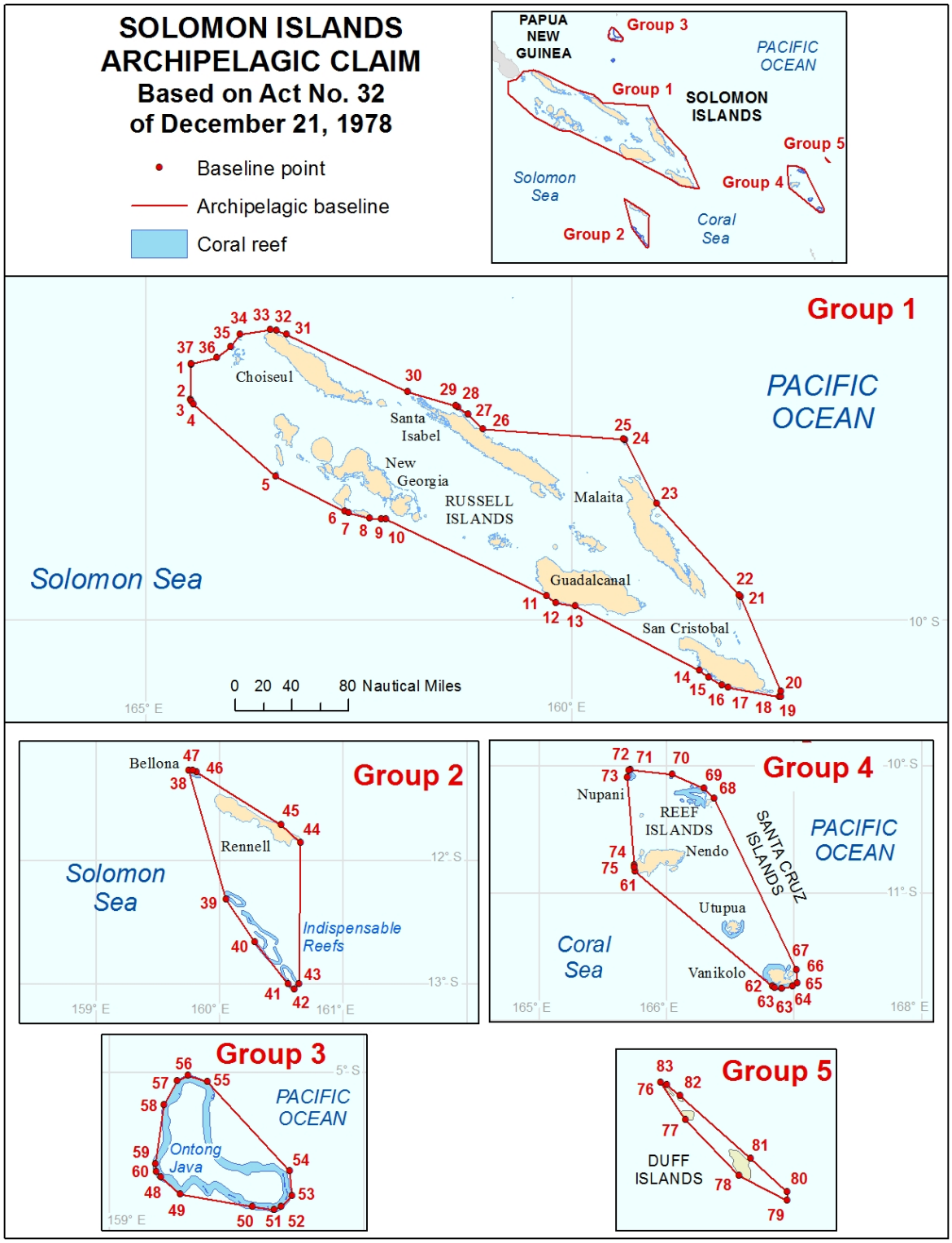
[12] *Supra*, note 11 and Agreement on Marine Delimitation between the Government of Australia and the Government of the French Republic, Melbourne Jan. 4, 1982, entered into force Jan. 10, 1983, 1329 UNTS 107, I *International Maritime Boundaries* 905.

[13] Agreement between the Solomon Islands and the French Republic Concerning the Delimitation of the Maritime Boundary between the Solomon Islands and New Caledonia, Honiara, Nov. 12, 1990, entered into force Nov. 12, 1990, 1591 UNTS 199, *Law of the Sea Bulletin* No. 18, at 33-35 (1991), I *International Maritime Boundaries* 1167.

[14] Treaty between the Independent State of Papua New Guinea and Solomon Islands Concerning Sovereignty, Maritime and Seabed Boundaries between the Two Countries, and Cooperation on Related Matters, Port Moresby Jan. 25, 1989, not in force, I *International Maritime Boundaries* 1162, III *id*. 2323-2333 (1998).

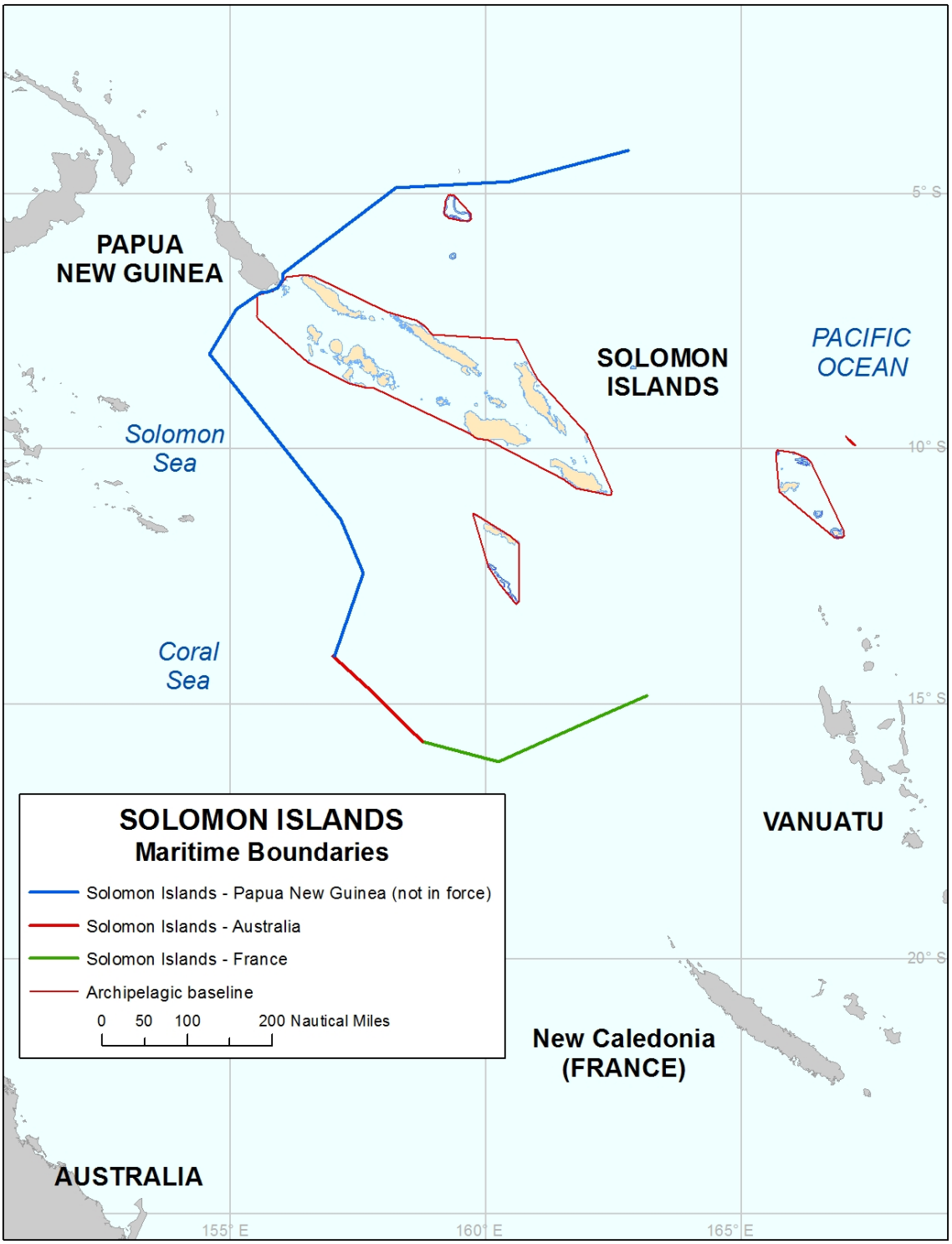
Map 1

Illustrative Map of the Solomon Islands' Archipelagic Baselines



Map 2

Illustrative Map of Solomon Islands' Maritime Boundaries



Annex 1

Continental Shelf Act

LAWS OF SOLOMON ISLANDS
[Revised Edition 1996]
CHAPTER 94
CONTINENTAL SHELF

4 of 1970
LN 46A of 1978
LN 88 of 1978

AN ACT TO MAKE PROVISION FOR THE PROTECTION, EXPLORATION AND EXPLOITATION OF THE CONTINENTAL SHELF OF SOLOMON ISLANDS, THE PREVENTION OF POLLUTION IN CONSEQUENCE OF WORKS IN CONNECTION WITH THE CONTINENTAL SHELF AND FOR MATTERS INCIDENTAL THERE TO AND CONNECTED THERE-WITH

[*7th August 1970*]

Short Title

1. This Act may be cited as the Continental Shelf Act.

Interpretation
LN 46A of 1978

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

"continental shelf" means the sea bed and subsoil of those submarine areas adjacent to the coasts of the islands of Solomon Islands but beyond the territorial limits of Solomon Islands, to a depth of two hundred metres below the surface of the sea, or, beyond that limit, to where the depth of the superjacent waters admits of exploitation of the natural resources of those areas;

"designated area" means an area designated by order made under section 3(3);

"petroleum" has the meaning, ascribed to that expression in section 3(1) of the Petroleum (Exploration) Act. *Cap. 44*

Exploration and exploitation of continental shelf
LN 46A of 1978

3. (1) Any rights exercisable with respect to the continental shelf appertaining to Solomon Islands and its natural resources for the purpose of exploring that shelf and exploiting those resources are hereby vested in the Crown.

(2) In relation to any petroleum or mineral with respect to which any rights referred to in subsection (1) are exercisable the provisions of the Petroleum (Exploration) Act or the Mines and Minerals Act, as the case may be, shall apply, subject to the provisions of this Act, as they apply in relation to petroleum or minerals, as the case may be, in Solomon Islands.

(3) The Minister may from time to time by order designate any area as an area within which the rights referred to in subsection (1) are exercisable

Protection of installations in designated areas
LN 46A of 1978

4. (1) The Minister may, for the purpose of protecting any installation in any designated area, by order prohibit ships subject to any exceptions provided by such order, from entering without the permission of such officer, such area within five hundred metres of the installation, as may be specified in the order.

(2) If any ship enters an area in contravention of an order made under this section the owner or master of such ship shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for six months unless he proves that the prohibition was not and would not on reasonable inquiry have become known to the master.

Application of criminal and civil law
LN 46A of 1978

5. (1) Any act or omission which-
(a) takes place on, under or above an installation in a designated area or any waters within five hundred metres of such an installation; and
(b) would, if taking place in any part of Solomon Islands, constitute an offence under any law in force in Solomon Islands,

shall be treated for the purpose of that law as taking place in Solomon Islands.

(2) The Minister may by order make provision for the determination in accordance with the laws of Solomon Islands of any questions arising out of acts or omissions taking place in a designated area, or any part thereof. in connection with the exploration of the continental shelf or the exploitation of its natural resources and for conferring jurisdiction with respect to such questions on courts in Solomon Islands.

(3) Any jurisdiction conferred upon any court under the provisions of this section shall be without prejudice to any jurisdiction exercisable apart from this section by that court or any other court.

Safety of navigation
LN 88 of 1978

6. (1) No person shall without the consent in writing of the Chief Marine Officer in any designated area-
(a) construct, alter or improve any works on, under or over any part of the sea bed, or
(b) remove any object or any material from any part of the sea bed,

so that any obstruction or danger to navigation is caused or is likely to result.

(2) Any application made to the Chief Marine Officer for his consent, under the provisions of subsection (1), shall be supported by such plans and particulars as the Chief Marine Officer may consider necessary.

(3) If the Chief Marine Officer is of the opinion that any operation in respect of which an application is made to him under this section will cause or is likely to result in obstruction or danger to navigation he shall either refuse his consent or give his consent subject to such conditions as he may think fit having regard to the nature and extent of the obstruction or danger which appears to him would otherwise be caused or be likely to result.

(4) The Consent of the Chief Marine Officer under this section. may be given so as to continue in force, unless renewed, only if the operation is begun or completed within such period as is specified in the consent, and any renewal of the consent may be limited in like manner.

Enforcement
LN 88 of 1978

7. (1) Any person who-
   (a) carries out any operation in contravention of the provisions of section 6(1); or
   (b) fails to comply with any condition subject to which the consent of the Chief Marine Officer has been given under that section,

   shall be of an offence and liable to a fine of five hundred dollars.

   (2) Without prejudice to any proceedings under subsection (1), where any person has constructed. altered or improved any works in contravention of the provisions of section 6 or has failed to comply with any condition subject to which the consent of the Chief Marine Officer was given under that section, the Chief Marine Officer may serve a notice on such person required him within such period, not being less than thirty days, as may be specified in that notice, to remove the works or make such alteration therein as may be specified in the notice, or if it appears to the Chief Marine Officer urgently necessary so to do, the Chief Marine Officer may himself arrange for the works to be removed or altered, as the case may be.

   (3) If within the period specified in any notice under subsection (1) the person upon whom the notice is served fails to comply therewith, the Chief Marine Officer may himself arrange for the works to be removed or altered, as the case may be.

   (4) In any case in which the Chief Marine Officer, in exercise of the powers conferred by either subsection (2) or subsection (3), arranges for the works to be removed or altered he shall be entitled to recover as a civil debt the expenses thereof, as certified by him, from the person by whom the works were constructed, altered or improved.

Discharge of Oil

8. (1) If any oil to which this section applies or any mixture containing not less than one hundred parts of such oil in a million parts of the mixture is discharged or escapes into any part of sea within a designated area-

   (a) from a pipeline; or
   (b) as a result of any operations for the exploration of the continental shelf or the exploitation of natural resources thereof in a designated area,

   the owner of the pipeline or, as the case may be, the person carrying on the operations, shall be guilty of an offence unless he proves, in the case of a discharge from a place in his occupation that it was due to the act of a person who was there without his permission, express or implied, or, in the case of an escape, that he took all reasonable care to prevent it and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.
   LN 46A of 1978

   (2) This section applies to crude oil, fuel oil, lubricating oil and heavy diesel oil, as the same may be defined by the Minister by order made under this section, and to any other description of oil which may be so defined by the Minister having regard to the persistent character of that oil and the likelihood that it would cause pollution if discharged or allowed to escape into the sea.

   (3) Any person guilty of an offence under this section shall be liable to a fine of five hundred dollars.

Construction, operation and status of structures

9. (1) Where in any designated area a structure of any operation and description is constructed on or above the sea bed for the purpose of, or to be used in connection with, the exploration or the exploitation of the resources of the continental shelf in that area, such structure shall be and become vested in the Crown.

(2) Any such structure as is referred to in subsection may be occupied and used for the purpose of the exploration of the continental shelf or its exploitation. by the person by whom or on whose behalf such structure was created, without payment of any rent or charge whatever; but, upon the termination of the licence charge or other agreement under which such person is permitted to carry out such exploration or exploitation as aforesaid, he shall peaceably yield up the same to the Crown without receiving payment of any compensation whatever.

Agreement and licences
LN 46A of 1978
Cap. 44
Cap. 42

10. Subject to the provisions of the Petroleum (Exploration) Act and the Mines and Minerals Act as applied by section 3(2), the Minister may enter into agreements with or grant licences to any person to explore the continental shelf or to exploit the natural resources thereof upon such terms and conditions not inconsistent with the provisions of this Act as to him may appear proper.

Prosecution of offences
LN 14 of 1972

11. (1) Proceedings for any offence under this Act, including an offence under any other law applied by or under this Act and anything which is an offence by virtue of section 5(1) may be taken, and such offence may for all incidental purposes be treated as having been committed, in any place in Solomon Islands.

(2) Where a body corporate is guilty of such an offence and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

For the purposes of this subsection, "director" in relation to Corporation, the affairs of which are managed by members, means a member of that corporation.

(3) A police officer and every other public officer shall on and in a designated area have all the powers protection and privileges which he has in Solomon Islands.

Annex 2

Delimitation of Marine Waters Act, 1978
Act No. 32 of December 21, 1978
[Cap 95]

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 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 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 [Cap. 94].

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 use 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.

Annex 3

Declaration of Archipelagos of Solomon Islands, 1979

In the exercise of the powers conferred by section 2(1) of the Delimitation of Marine Waters Act, 1978, 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, Dai 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

Annex 4

Declaration of Archipelagic Baselines
(The Delimitation of Marine Waters Act (No. 32 of 1978))
Legal Notice No. 41 of 1979

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:

Point		Co-ordinates South	Co-ordinates East	On B.A. Chart
		THE MAIN GROUP ARCHIPELAGO		
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 Stirling I.	07°27'. 2	155°33'. 1	3419
5.	At Cape Satisfaction	08°18'. 4	156°31'. 1	3419
6.	On Rendova I.	08°43'.15	157°20'. 0	3416
7.	On Rendova I.	08°44'.25	157°23'. 0	3416
8.	On Tetipari 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 and 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 Ito. 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 Pomba Inlet	06°34'. 7	156°27'.75	3419
34.	On Ooma 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

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°32'.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

THE SANTA CRUZ ISLANDS ARCHIPELAGO

61.	At Cape Boscawon	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	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.

Annex 5

United Nations Convention on the Law of the Sea
Article 47
Archipelagic baselines

1. An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ration of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.

2. The length of such baselines shall not exceed 100 nautical miles, except that up to 3 per cent of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.

3. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.

4. Such baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.

5. The system of such baselines shall not be applied by an archipelagic State in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State.

6. If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, existing rights and all other legitimate interests which the latter State has traditionally exercised in such waters and all rights stipulated by agreement between those State shall continue and be respected.

7. For the purpose of computing the ratio of water to land under paragraph 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or early enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.

8. The baselines drawn in accordance with this article shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted.

9. The archipelagic State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

Annex 6

Solomon Islands Archipelagic Baseline Segments

Group 1: The Main Group Archipelago

Baseline Segment	Length (nm)	Baseline Segment	Length (nm)	Baseline Segment	Length (nm)
1-2	24.56	14-15	7.91	27-28	8.53
2-3	1.31	15-16	11.16	28-29	1.82
3-4	2.57	16-17	4.35	29-30	35.33
4-5	76.90	17-18	36.11	30-31	93.89
5-6	54.33	18-19	1.00	31-32	7.77
6-7	3.16	19-20	4.02	32-33	4.21
7-8	15.00	20-21	72.23	33-34	33.34
8-9	8.12	21-22	1.07	34-35	11.17
9-10	3.07	22-23	86.55	35-36	12.18
10-11	124.27	23-24	50.14	36-37	18.36
11-12	8.33	24-25	1.08	37-1	0.31
12-13	13.95	25-26	99.11		
13-14	97.52	26-27	14.54		

Group 2: The Rennell, Bellona and Indispensable Reef Atoll Archipelago

Baseline Segment	Length (nm)
38-39	65.05
39-40	24.75
40-41	25.45
41-42	3.84
42-43	3.41
43-44	68.55
44-45	12.44
45-46	47.57
46-47	2.21
47-38	1.78

Group 3: Ontong Java Group Archipelago

Baseline Segment	Length (nm)
48-49	6.15
49-50	17.19
50-51	5.13
51-52	1.78
52-53	3.59
53-54	5.84
54-55	28.46
55-56	4.70
56-57	2.90
57-58	6.41
58-59	13.92
59-60	1.89
60-48	1.66

Group 4: The Santa Cruz Islands Archipelago

Baseline Segment	Length (nm)
61-62	83.93
62-63	1.37
63-64	3.16
64-65	5.20
65-66	2.65
66-67	6.44
67-68	89.39
68-69	6.91
69-70	16.28
70-71	19.82
71-72	0.67
72-73	3.51
73-74	41.46
74-75	0.97
75-61	1.95

Group 5: The Duff Islands Archipelago

Baseline Segment	Length (nm)
76-77	3.93
77-78	6.86
78-79	4.82
79-80	0.75
80-81	4.42
81-82	8.36
82-83	1.53
83-76	0.54