

United States Department of State

***Bureau of Oceans and International Environmental
and Scientific Affairs***

Limits in the Seas

No. 145

Republic of the Marshall Islands:

Archipelagic and other Maritime Claims and Boundaries



LIMITS IN THE SEAS

No. 145

REPUBLIC OF THE MARSHALL 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 <https://www.state.gov/limits-in-the-seas/>. Comments and questions should be emailed to LimitsInTheSeas@state.gov. Principal analysts for this study are from the U.S. Department of State's Office of Ocean and Polar Affairs and the Office of the Legal Advisor.

Introduction

This study analyzes the maritime claims and maritime boundaries of the Republic of the Marshall Islands (Marshall Islands), including its archipelagic baseline claim. The *Republic of the Marshall Islands Maritime Zones Declaration Act 2016* (Annex 1 to this study) established a 12-nautical mile (M) territorial sea, a 24-M contiguous zone, and a 200-M exclusive economic zone (EEZ), as well as provisions pertaining to the continental shelf.¹ The 2016 Act repealed and replaced the *Marine Zones (Declaration) Act 1984*. It also provided for normal and archipelagic baselines, the coordinates for which were set forth in the *Declaration of Baselines & Maritime Zones Outer Limits* of 2016 (Annex 2 to this study).² The archipelagic baselines around the Ratak and Ralik Chains (also known as Sunrise and Sunset, respectively) are depicted in Map 1 to this study. The Marshall Islands' maritime limits and boundaries are illustrated in Map 2. The Marshall Islands ratified the UN Convention on the Law of the Sea (LOS Convention) on August 9, 1991.³

Basis for Analysis

Archipelagic States

The LOS Convention contains certain provisions related to archipelagic States. Article 46(a) 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” (Article 46(b)).

Only an “archipelagic State” may draw archipelagic baselines. Article 47 sets out criteria to which an archipelagic State must adhere when establishing its 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 the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1. Additionally, the length of any baseline segment shall not exceed 100 M, except that up to 3 percent of the total number of baselines may have a length up to 125 M (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

¹*Republic of the Marshall Islands Maritime Zones Declaration Act 2016* is available from the UN Division for Ocean Affairs and the Law of the Sea (DOALOS) at:
http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/DEPOSIT/mhl_mzn120_2016_1.pdf.

²*Declaration of Baselines & Maritime Zones Outer Limits (2016)* is available from DOALOS at:
http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/DEPOSIT/mhl_mzn120_2016_2.pdf.

³United 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.

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)).

Article 48 provides that the breadth of the territorial sea, contiguous zone, EEZ and continental shelf shall be measured from archipelagic baselines drawn in accordance with Article 47. Article 49 provides that the waters enclosed by archipelagic baselines drawn in accordance with Article 47 are “archipelagic waters,” over which the sovereignty of an archipelagic State extends, subject to the provisions in Part IV of the LOS Convention.

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.” Article 53 also 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.”

Normal Baseline / Reefs

Article 5 of the LOS Convention provides that the normal baseline “is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.” Article 6 of the Convention pertains to cases of “islands situated on atolls or of islands having fringing reefs” and provides that, in such cases, “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.” Since most atolls possess one or more channels through the reefs, it appears that coastal States are permitted to draw closing lines across such channels or other openings in the reef.⁴

Analysis

The Marshall Islands is an archipelagic State located in the Pacific Ocean, situated approximately equidistant between Hawaii and Australia. The Marshall Islands are two groups of islands (Ralik and Ratak Chains), which contain 29 atolls that comprise many small islands, as well as five additional atolls located in the North Pacific Ocean. The Marshall Islands’ largest population centers are in the capital city of Majuro (on Majuro Atoll) and Ebeye (on Kwajalein Atoll). Wake Island is a small atoll located north of the Marshall Islands and west of Hawaii, and is a territory of the United States; however, it is claimed by the Marshall Islands (as Enenkio⁵).

Baselines

Section 107 of the *Maritime Zones Declaration Act 2016* provides for the use of archipelagic baselines, as well as the normal baseline and reef closing lines. The *Declaration of Baselines &*

⁴ DOALOS, *Baselines: An Examination of the Relevant Provisions of the United Nations Convention on the Law of the Sea*, at 10–12 (1989) (noting that “it may be inferred [from Article 6] that the enclosed waters [within a lagoon] can be regarded as internal waters” and that “[i]f the lagoon waters of atolls are to be considered as internal waters, it follows that it will be necessary to construct closing lines across the entrance channels.”)

⁵ Names in parentheses are not necessarily recognized by the United States government.

Maritime Zones Outer Limits of 2016 sets forth the coordinates of the Marshall Islands' archipelagic baselines. The Declaration also sets forth coordinates for (1) normal baseline points that contribute to the outer limits of the Marshall Islands' maritime zones and (2) coordinates for the closing lines drawn across breaks in reefs or entrances to lagoons.

Archipelagic Baselines

The *Declaration of Baselines & Maritime Zones Outer Limits* of 2016 establishes archipelagic baselines around two separate groups of atolls: the Ralik and Ratak Chains. The archipelagic baseline systems around the Ralik and Ratak archipelagoes are a combination of the normal baseline and straight archipelagic baseline segments. The two archipelagic baseline systems include 58 baseline segments, ranging in length from 0.07 M (Ratak segment 49-50) to 107.61 M (Ralik segment 179-180), with a total length of 2,064 M. To be consistent with the LOS Convention, each archipelagic baseline system must encompass an "archipelago," as defined in Article 46 of the LOS Convention, and each must satisfy the criteria set forth in Article 47(5).⁶

The archipelagic baseline system of the Ralik Chain meets the 9:1 water-to-land area ratio set forth in Article 47(1), while the archipelagic baseline system for the Ratak Chain exceeds this ratio:

Ralik Chain

Total Area = 68,558 square kilometers
Water Area = 61,384 square kilometers
Land Area = 7,174 square kilometers⁷
Water-to-land area ratio = 8.54:1

Ratak Chain

Total Area = 52,192 square kilometers
Water Area = 47,247 square kilometers
Land Area = 4,939 square kilometers⁸
Water-to-land area ratio = 9.56:1

In accordance with Article 47(2), one archipelagic baseline segment of the Ralik Chain exceeds 100 M in length (Ralik segment 179-180, 107.61 M), comprising 2.9 percent of the total number of segments (35) that enclose the Ralik Chain archipelago. None of the archipelagic baseline segments (23) of the Ratak Chain archipelago exceed 100 M in length, and none of the segments of either archipelagic baseline system are longer than 125 M. Annex 3 to this study lists the published archipelagic baseline coordinates from the *Declaration of Baselines & Maritime Zones Outer Limits* of 2016. Annex 4 to this study lists the lengths of each archipelagic baseline segment.⁹

⁶ See II *United Nations Convention on the Law of the Sea, 1982: A Commentary* 430–431 para. 47.9(c)-(d), Martinus Nijhoff Publishers, 1993.

⁷ Land area calculations include waters within the atolls and fringing reefs, per Article 47(7) of the Convention.

⁸ *Id.*

⁹ Calculations for this study were completed using Esri ArcGIS 10.5.1 and CARIS LOTS Limits and Boundaries 4.1 software.

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 have been 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)).

In sum, the Marshall Islands' archipelagic baseline system for the Ralik Chain appears to be consistent with Article 47 of the LOS Convention. The archipelagic baseline system for Ratak Chain, however, exceeds the maximum water-to-land ratio of 9:1, and would need to be adjusted to reduce the water area relative to the land area enclosed within the baseline system in order to be brought into conformance with international law.

Normal Baseline / Reefs

The Marshall Islands uses the normal baseline for some portions of islands included in its archipelagic baseline systems (as discussed above),¹⁰ as well as for islands that are not part of those baseline systems, including Ujelang, Eniwetak (Enewetak), Namdrik, Bikar, and Taongi Atoll (Bokak) (see Map 2).¹¹ These atolls are characterized by islands having fringing reefs. Accordingly, the Marshall Islands uses baseline points located on the "seaward low-water line of the reef," as provided for in Article 6 of the LOS Convention. The coordinates for these baseline points are set forth in Part 2 of the Marshall Islands' 2016 *Declaration*.

For 22 atolls, most of which lie within its archipelagic baselines, the Marshall Islands has drawn closing lines between some reef openings or entrances to lagoons. Such closing lines appear to be permitted by international law as reflected in the LOS Convention.¹² The coordinates for these closing lines are set forth in Part 3 of the Marshall Islands' 2016 *Declaration*. These closing lines range in length from 0.10 to 14.88 M.

Maritime Zones

Section 109 of the *Maritime Zones Declaration Act 2016* provides that the archipelagic waters of the Marshall Islands comprise those waters enclosed by the archipelagic baselines. Section 108 provides that the internal waters of the Marshall Islands comprise those waters on the landward side of the low-water line (i.e., the normal baseline) and closing lines drawn between reef openings or entrances to lagoons. Sections 106, 111, and 112 of the Act establish the Marshall Islands' 12-M territorial sea, 24-M contiguous zone, and 200-M EEZ, respectively. Consistent with the relevant provisions of the Convention, the breadths of these maritime zones are measured from the baselines of the Marshall Islands. Section 113 of the Act provides that the continental shelf of the Marshall Islands extends 200 M from its baselines.

¹⁰ For the Ratak Chain, Knox (Nadrikdrik), Likiep, Majuro, Maloelap, Mejit, Toka (Taka), and Utirik (Utrik) include normal basepoints. For the Ralik Chain, Ailinglaplap (Aelonlaplap), Ebon, Jabwot (Jabat), Bikini, Jaluit, Kili, Kwajalein, Rongelap, Rongerik, and Ujae include normal basepoints.

¹¹ The baseline described for Wake Island, a territory of the United States that is referred to as Enenkio in the Marshall Islands 2016 *Declaration*, is not recognized by the United States.

¹² See *supra*, note 4.

The coordinates of all baselines, closing lines, and outer limits of the maritime zones are set out in schedules to the 2016 *Declaration of Baselines & Maritime Zones Outer Limits*. This declaration delineates the outer limits of the territorial sea, contiguous zone, and EEZ by points connected by geodesic lines utilizing arc densification points. Except where maritime boundaries with neighboring States form the outer limits, the arc densification point spacing is approximately 0.21 M, 0.32 M, and 0.92 M along the territorial sea, contiguous zone, and EEZ limit lines, respectively. Since Wake Island is a U.S. territory, the United States does not recognize the outer limits of the maritime zones relating to “Enenkio” set forth in this declaration. Map 2 to this study depicts the claimed maritime limits and boundaries of the Marshall Islands, with the exception of those surrounding Wake Island.

Navigation

Section 117 of the *Maritime Zones Declaration Act 2016* recognizes certain navigational rights within the maritime zones of the Marshall Islands, including the right of archipelagic sea lanes passage through archipelagic waters and the right of innocent passage through archipelagic waters and the territorial sea. With respect to archipelagic sea lanes passage, Section 117 of the Act provides that the Marshall Islands may designate sea lanes and air routes for use by foreign ships or aircraft, and also that it may prescribe traffic separation schemes in such sea lanes.

An archipelagic State may designate such sea lanes, as well as 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). Such sea lanes shall include all normal passage routes used as routes for international navigation through archipelagic waters (Article 53(4)). 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 October 2019, it appears that the Marshall Islands had not designated 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 117 of the Act states that, “Until sea lanes and air routes are designated . . . the [right of archipelagic sea lanes passage] may be exercised through and over all routes normally used for international navigation.”

Contiguous Zone, EEZ, and Continental Shelf Jurisdiction

Sections 115 and 116 of the *Maritime Zones Declaration Act 2016* describe the Marshall Islands’ rights and jurisdiction in the contiguous zone, EEZ, and continental shelf. These provisions are generally consistent with the relevant provisions of the LOS Convention.

Section 117 of the Act addresses the rights of other States in these maritime zones. Consistent with the LOS Convention, this section recognizes that “all States shall enjoy in the exclusive economic zone the high seas freedoms, navigation and over flight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms.” This section also recognizes that, subject to the law of the Marshall Islands, “all States may lay

submarine cables and pipelines on the continental shelf in accordance with international law.” Relevant provisions of international law relating to the laying of submarine cables and pipelines on the continental shelf are found in Part VI of the Convention, in particular Article 79.

Maritime Boundaries

The Marshall Islands has established maritime boundaries with Kiribati, the Federated States of Micronesia, and Nauru. The Marshall Islands has also concluded a tripoint agreement with Kiribati and Nauru.¹³ The maritime boundaries are depicted in Map 2 to this study.

The Marshall Islands maritime boundary agreement with Kiribati, concluded in 2012, establishes an EEZ and continental shelf boundary on the basis of equidistance and is composed of geodesic lines connecting 24 points for a total length of approximately 526 M.¹⁴ The boundary separates the maritime zones generated by Ebon and Knox (Nadrikdik) of the Marshall Islands and Banaba, Makin, and Butaritari islands of Kiribati.

The Marshall Islands maritime boundary agreement with the Federated States of Micronesia, concluded in 2006, establishes an EEZ and continental shelf boundary generally on the basis of equidistance and is composed of geodesic lines connecting 11 points for a total length of approximately 753 M.¹⁵ The boundary separates the maritime zones generated by the islands of Ebon, Namdik, Ujae and Ujelang of the Marshall Islands and the islands of Kosrae, Pingelap, Mokil, Pohnpei and Pakin of the Federated States of Micronesia.

The Marshall Islands maritime boundary agreement with Nauru, concluded in 2012, establishes an EEZ and continental shelf boundary on the basis of equidistance and is composed of geodesic lines connecting 11 points for a total length of approximately 167 M.¹⁶ The boundary separates the maritime zones generated by Ebon of the Marshall Islands and the island of Nauru.

Wake Island, which is claimed by the Marshall Islands, is a territory of the United States; in light of this, no maritime boundary has been delimited between the Marshall Islands and the United States. Wake Island is approximately 300 miles north of Taongi Atoll (Bokok), which is the northernmost island of the Marshall Islands. Without prejudice to boundary delimitation with the Marshall Islands, the U.S. EEZ limit between Wake Island and Taongi Atoll (Bokak) are based on equidistance (Map 2).

¹³ Agreement between the Republic of Kiribati, the Republic of the Marshall Islands and the Republic of Nauru concerning Determination of the Tri-junction Point between the Three Countries, August 29, 2012 (not in force), VII *International Maritime Boundaries* 4925–4934.

¹⁴ Agreement between the Republic of Kiribati and the Republic of the Marshall Islands concerning Maritime Boundaries, August 29, 2012 (not in force), VII *International Maritime Boundaries* 4869–4880.

¹⁵ Treaty between the Federated States of Micronesia and the Republic of the Marshall Islands Concerning Maritime Boundaries and Cooperation on Related Matters, July 5, 2006 (not in force), VI *International Maritime Boundaries* 4316–4329.

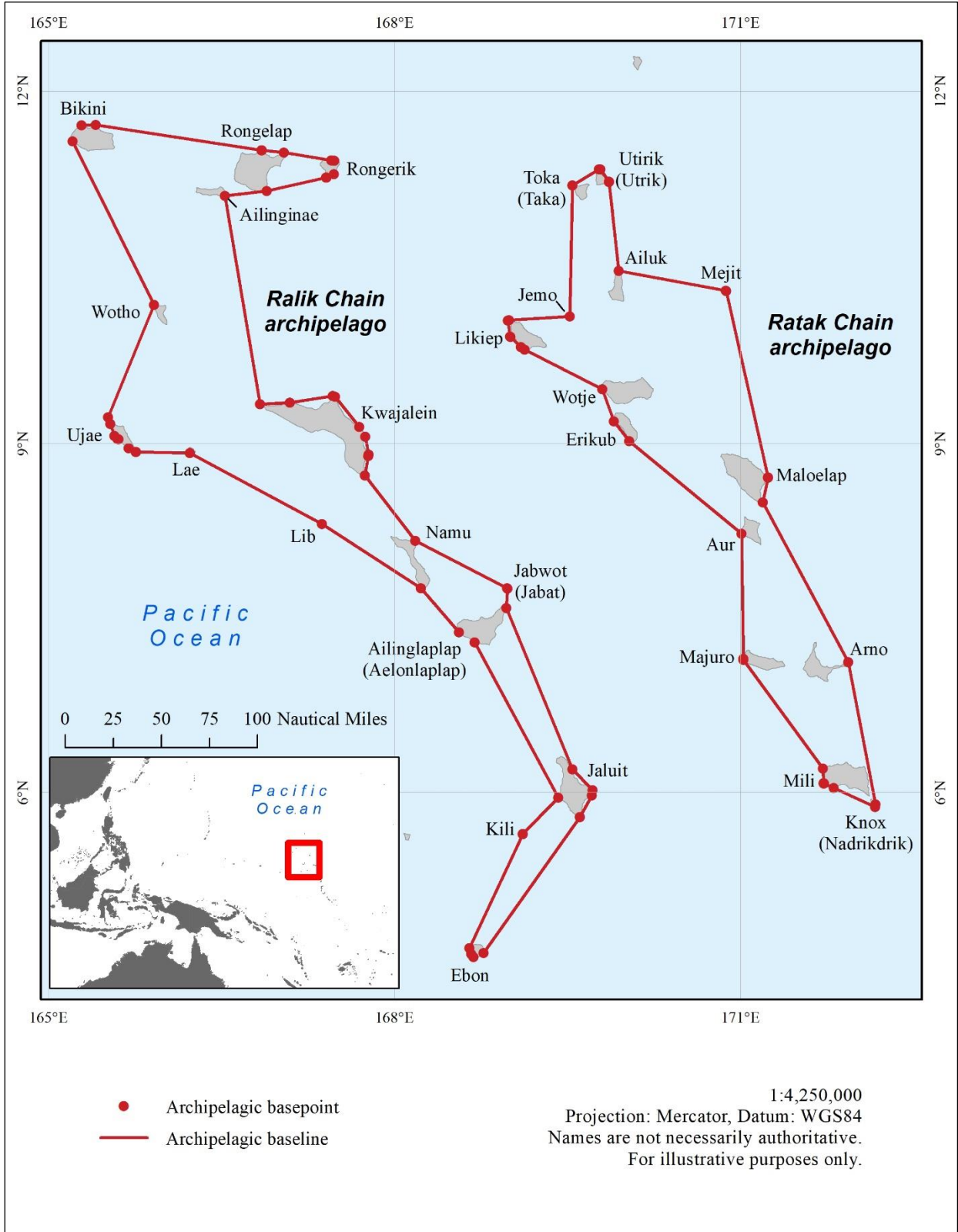
¹⁶ Agreement between the Republic of the Marshall Islands and the Republic of Nauru concerning Maritime Boundaries, August 29, 2012 (not in force), VII *International Maritime Boundaries* 4915–4924.

Conclusion

The Marshall Islands' archipelagic baseline system for the Ralik Chain appears to be consistent with the LOS Convention (Article 47), whereas the archipelagic baseline system for the Ratak Chain exceeds the 9:1 water-to-land area ratio set forth in Article 47(1). The Marshall Islands' approach to using the normal baseline for its other islands appears to be generally consistent with Articles 5 and 6 of the Convention. Likewise, the provisions of the Marshall Islands' legislation pertaining to its maritime zones, including the navigation provisions, appear to be generally consistent with international law as reflected in the LOS Convention.

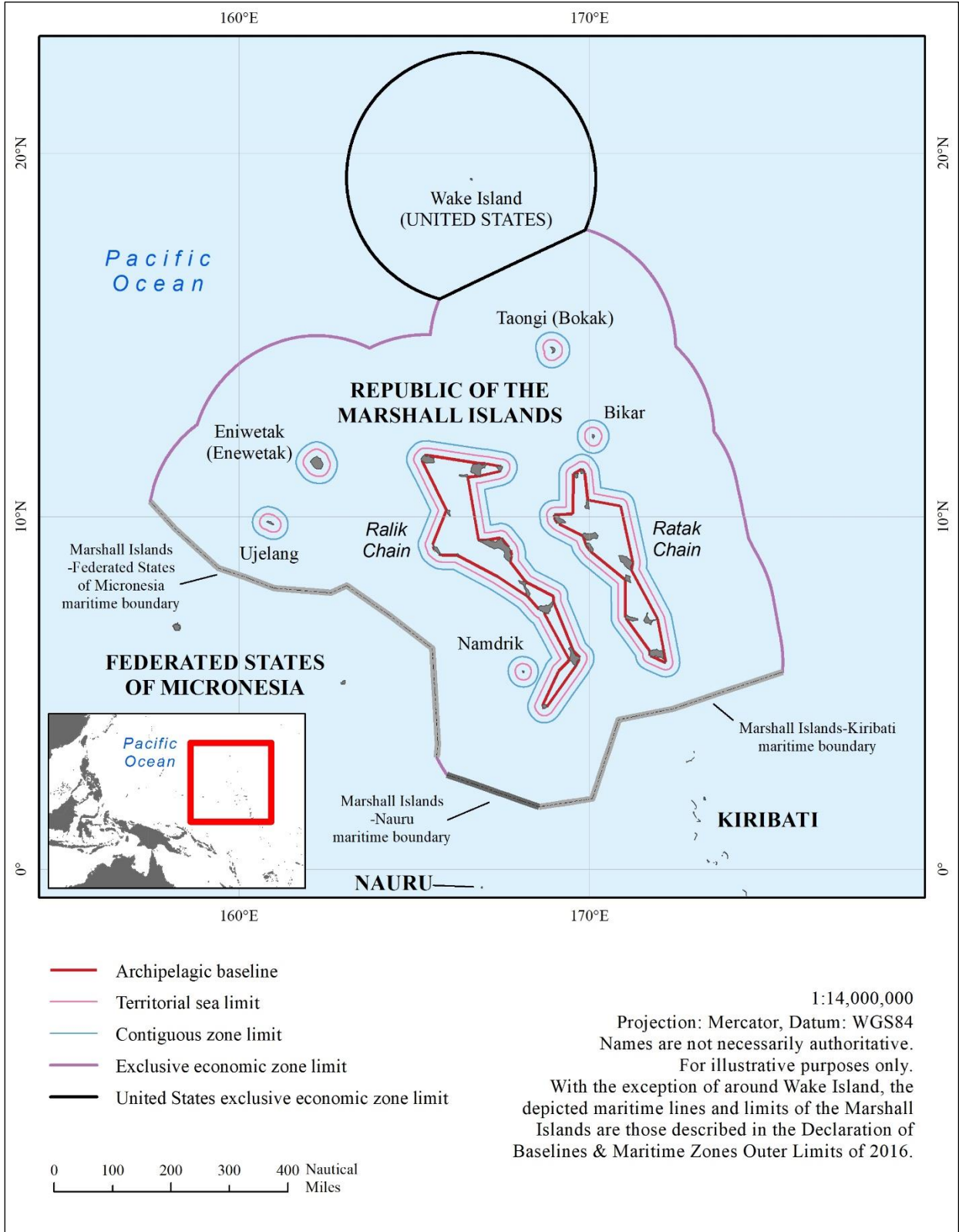
Map 1

Illustrative Map of the Claimed Archipelagic Baselines of the Marshall Islands



Map 2

Illustrative Map of the Claimed Maritime Limits and Boundaries of the Marshall Islands



Annex 1

REPUBLIC OF THE MARSHALL ISLANDS MARITIME ZONES DECLARATION ACT 2016

AN ACT to amend Chapter 1, Title 33 of the MIRC by repealing the Marine Zones Act of 1984, and replace with the Maritime Zones Declaration Act to provide for all the internal waters, the archipelagic waters, the territorial sea, the contiguous zone, the exclusive economic zone, and the continental shelf of the Republic of the Republic of the Marshall Islands.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short Title

This Act may be cited as the Republic of the *Marshall Islands Maritime Zones Declaration Act 2016*.

§102. Interpretation

- (1) In this Act:
- (a) **“archipelago”** means a group of islands, including parts of islands, interconnecting waters and other natural features, which are so closely interrelated that they form an intrinsic geographical, economic and political entity, or have historically been regarded as such;
 - (b) **“local government waters”** means the waters lying within the jurisdiction of a local government pursuant to Article IX, subsections 1(2) and (3) of the Constitution of the Republic of the Marshall Islands;
 - (c) **“conservation and management”** includes all rules, regulations methods and measures that:
 - (i) are required to build, restore or maintain, or are useful in building, restoring or maintaining, any fishery resources or the marine environment.
 - (ii) are designed to ensure that:
 - (A) a supply of food and other products may be taken, and recreational benefits obtained, on a continuing basis;
 - (B) Irreversible or long-term ill effects on fishery resources or the marine environment are avoided; and
 - (C) there will be a multiplicity of options available with respect to use of those resources.

- (d) **"Fishery resource"** means any fishery, stock of fish, species of fish or habitat of fish;
 - (e) **"geodetic datum"** means World Geodetic System 1984 (WGS84);
 - (f) **"lagoon"** means the waters lying within the reef of an atoll;
 - (g) **"low-water line"** means the line of low water at the lowest astronomical tide;
 - (h) **"nautical mile"** means an international nautical mile of 1,852 metres;
 - (i) **"the Minister"** means the Minister or Ministers in charge of the subject matters of this Act.
- (2) For the purposes of this Act, permanent harbor works that form an integral part of a harbor system shall be regarded as forming part of the coast, but this subsection does not apply to off-shore installations or artificial islands.

§103. References to International Law

Where in this Act it is provided that anything shall be done by the Government of the Marshall Islands or by Cabinet, or any law or order shall be made, or any other thing shall be done, in accordance with the rules of international law, the question whether it was so done or made, is non-justiciable.

§104. Application of this Act

The provisions of this Act shall be read subject to the provisions of any other treaty or international obligation which is finally accepted by or on behalf of the Republic and approved by the Nitijela by Resolution.

PART 2

LOCAL GOVERNMENT WATERS

§105. Local Government Waters

The Minister may confirm by declaration the outer limits of waters lying within the jurisdiction of a local government pursuant to Article IX, section 1(2) and (3) of the Constitution of the Republic of the Marshall Islands. Such a declaration shall only be made following consultation between the National Government and the relevant local government.

PART 3

TERRITORIAL SEA

§106. The Territorial Sea

- (1) Subject to subsection (2), the territorial sea comprises those areas of the sea having:
 - (a) as their inner limits, the baseline described in section 107(1); and
 - (b) as their outer limits, a line measured seaward from that baseline, every point of which is distant 12 nautical miles from the nearest point of that baseline.
- (2) Where archipelagic baselines are drawn pursuant to section 107(2), the territorial sea comprises those areas of the sea referred to in subsection (1) above and, to the extent that they are not thereby included, those additional areas of the sea having:
 - (a) as their inner limits, archipelagic baselines referred to in section 107(2); and
 - (b) as their outer limits, a line measured seaward from those archipelagic baselines, every point of which is distant 12 nautical miles from the nearest point of those archipelagic baselines.

§107. Baselines of the Territorial Sea

- (1) Subject to subsection (2) below, the baseline from which the breadth of the territorial sea is measured shall be:
 - (a) where a reef is present
 - (i) the low-water line of the seaward side of the reef fringing the coast of any part of the Republic or bounding any lagoon adjacent to any part of that coast; and
 - (ii) where there are breaks in reefs or entrances to lagoons, any closing lines drawn between the natural entrance points at low water or between the geographic coordinates of points declared by order of the Minister; or
 - (b) where a reef is not present, the low-water line of the coast itself and outermost permanent harbour works.
- (2) Where there is an archipelago, the Minister may, by order, declare, in accordance with international law, the geographic coordinates of points between which archipelagic baselines are to be drawn.
- (3) Archipelagic baselines drawn pursuant to subsection (2) above shall not affect the baselines referred to in Article IX, subsection 1(2) of the Constitution of the Republic of the Marshall Islands.

§108. Internal waters

The internal waters of the Republic are all waters on the landward side of the low-water and closing lines described in section 107(1), including lagoons.

PART 4

ARCHIPELAGIC WATERS

§109. Archipelagic Waters

The archipelagic waters of the Republic comprise all waters, other than internal waters, enclosed by the archipelagic baselines drawn pursuant to section 107(2).

§110. Reserved

PART 5

CONTIGUOUS ZONE

§111. Contiguous Zone

- (1) Subject to subsection (2) below, the contiguous zone of the Republic comprises those areas of the sea that are beyond and adjacent to the territorial sea, having as their outer limits a line measured seaward from the baseline described in section 107(1) every point of which is distant 24 nautical miles from the nearest point of that baseline.
- (2) Where an archipelagic baseline is drawn pursuant to section 107(2), the outer limits of the contiguous zone are a line measured seaward from that archipelagic baseline, every point of which is distant 24 nautical miles from the nearest point of that archipelagic baseline.

PART 6

EXCLUSIVE ECONOMIC ZONE

§112. Exclusive Economic Zone

- (1) Subject to subsections (2) and (3) below, the exclusive economic zone of the Republic comprises those areas of the sea, seabed and subsoil that are beyond and adjacent to the territorial sea, having as their outer limits a line measured seaward from the baseline described in section 107(1), every point of which is not more than 200 nautical miles from the nearest point of that baseline.
- (2) Where an archipelagic baseline is drawn pursuant to section 107(2), the outer limits of the exclusive economic zone are a line measured seaward from that archipelagic baseline, every point of which is not more than 200 nautical miles from the nearest point of that archipelagic baseline.

- (3) The Minister may, by order, declare that the outer limits of the exclusive economic zone of the Republic are such as are specified in the order.

PART 7

CONTINENTAL SHELF

§113. Continental Shelf

- (1) Subject to subsections (2) and (3), the continental shelf of the Republic comprises those parts of the seabed and subsoil of the submarine areas beyond and adjacent to the territorial sea, having as their outer limits a line measured seaward from the baseline described in section 107(1), every point of which is not more than 200 nautical miles from the nearest point of that baseline.
- (2) Where an archipelagic baseline is drawn pursuant to section 107(2), the outer limits of the continental shelf are a line measured seaward from that archipelagic baseline, every point of which is not more than 200 nautical miles from the nearest point of that archipelagic baseline.
- (3) The Minister may, by order, declare that the outer limits of the continental shelf of the Republic are such as are specified in the order.

PART 8

RIGHTS IN THE MARITIME ZONES

§114. Legal Character of Maritime Zones

The sovereignty of the Republic of the Marshall Islands extends to its land areas, internal waters, local government waters, territorial sea and archipelagic waters, and to the airspace over them and the seabed and subsoil under them, and the resources contained in them.

§115. Rights in the Contiguous Zone

Within the contiguous zone, the Republic has all rights necessary:

- (a) to prevent infringement of its customs, fiscal, immigration and sanitary laws and regulations within its land areas, territorial sea and archipelagic waters; and
- (b) to punish any such infringement, and all relevant laws of the Republic extend to the contiguous zone accordingly.

§116. Rights in the Exclusive Economic Zone and Continental Shelf

- (1) Within the exclusive economic zone, the Republic has sovereign rights:

- (a) for the purposes of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of -
 - (i) the seabed;
 - (ii) the subsoil under the seabed; and
 - (iii) the waters over the seabed; and
 - (b) with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.
- (2) Within the continental shelf, the Republic has:
- (a) sovereign rights for the purpose of exploring it and exploiting its natural resources; and
 - (b) exclusive rights to authorise and regulate drilling on it for all purposes.
- (3) Within the exclusive economic zone and the continental shelf, the Republic has the exclusive right to construct, authorise and regulate the construction, operation and use of:
- (a) artificial islands;
 - (b) installations and structures for the purposes provided in subsection (1), marine scientific research, the protection and preservation of the marine environment and other economic purposes; and
 - (c) installations and structures which may interfere with the Republic's exercise of its rights in the exclusive economic zone or continental shelf.
- (4) Within the exclusive economic zone and continental shelf, the Republic has exclusive jurisdiction over the artificial islands, installations and structures referred to in subsection (3), including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.
- (5) Within the exclusive economic zone and continental shelf, the Republic:
- (a) has jurisdiction with respect to protection and preservation of the marine environment, and
 - (b) has the right to regulate, authorise and conduct marine scientific research.
- (6) Within the contiguous zone, the exclusive economic zone and the continental shelf, the Republic has such other rights as are conferred or recognised by international law.

§117. Rights of other States in Maritime Zones

- (1) The Minister may, by order:
 - (a) designate sea lanes 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 sea;
 - (b) prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in any such sea lanes; and
 - (c) prescribe sea lanes and traffic separation schemes for foreign ships exercising the right of innocent passage through the territorial sea.
- (2) In sea lanes and air routes designated under subsections (1)(a) and (1)(b), all ships and aircraft may, in accordance with international law, enjoy the right of navigation and over flight, in their normal modes, for the purpose of continuous, expeditious and unobstructed transit through and over the archipelagic waters and the adjacent territorial sea, from one part of the high seas or exclusive economic zone to another part of the high seas or exclusive economic zone.
- (3) Until sea lanes and air routes are designated under subsections (1)(a) and (1)(b), the rights of navigation and over flight referred to in subsection (2) may be exercised through and over all routes normally used for international navigation and over flight.
- (4) Subject to subsections (2) and (3), ships of all States have, in accordance with international law, the right of innocent passage through the territorial sea and the archipelagic waters of the Republic.
- (5) Subject to this Act, any other law of the Republic, and international law, all States shall enjoy in the exclusive economic zone the high seas freedoms, navigation and over flight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms.
- (6) Subject to this Act and any other law of the Republic all States may lay submarine cables and pipelines on the continental shelf in accordance with international law.

PART 9

DECLARATIONS, REPEAL OF MARINE ZONES (DECLARATION) ACT AND REGULATIONS

§118. Declarations and official charts

- (1) The Minister may, by order, declare:

- (a) the geographic coordinates of the points on the baseline described in section 107(1); or
 - (b) the geographic coordinates of the limits of the whole or any part of the local government waters, territorial sea, archipelagic waters, the contiguous zone, the exclusive economic zone and the continental shelf.
- (2) The Minister may cause the points, lines or limits declared pursuant to sections 107(1), 107(2), 112(3), 113(3), and 118(1) to be clearly indicated on charts of a scale or scales adequate for them to be readily determined.

§119. Evidentiary provisions

In any proceedings before a court or person acting judicially, a certificate signed by the Minister stating that a specified nautical chart is a chart to which section 118(2) applies is evidence of the matters stated in the certificate, and the chart is evidence of the matters set out in it.

§120. Repeal of Marine Zones (Declaration) Act 1984

The Marine Zones (Declaration) Act 1984 is repealed in its entirety.

§121. Consequential amendments

A reference to the *Marine Zones Declaration Act 1984* in any laws of the Republic shall be read as a reference to this Act.

Section 605(1)(d) of the *Admiralty Jurisdiction Act 1986* is amended by deleting 'as defined in the *Marine Zones (Declaration) Act 1984*' and after the words 'territorial sea' inserting 'and archipelagic waters as defined in the *Maritime Zones Declaration Act 2016*.'

Section 302 of the *Tuna and Game-Fish Conservation Zone Act 1996* is amended by inserting '(1A) For the purposes of this Chapter, "base line" means the baseline referred to in section 106(1) of the *Maritime Zones Declaration Act 2016*.'

Section 113(c) of the *Regulation and Control of Shipping Act 1966* is amended by deleting 'as defined and described in Section 107 of the *Marine Zones (Declaration) Act 1984*' and after the words 'territorial sea' inserting 'and archipelagic waters as defined in the *Maritime Zones Declaration Act 2016*.'

Section 130(1) of the *Environmental Protection Authority Act 1984* is amended by deleting 'territorial waters' and inserting 'waters within the jurisdiction of the Republic.'

The Coast Conservation Act 1988 is amended as follows:

Section 302 insert 's.302(aa) "archipelagic waters" means the area of sea declared to be the archipelagic waters of the Republic of the Marshall Islands under the *Maritime Zones Declaration Act 2016*';

Section 302(m) delete the definition of "straight base line"; and Section 328 after 'territorial sea' insert 'and archipelagic waters.'

Section 112(7) of the *Maritime Administration Act 1990* is amended by inserting after 'territorial waters' the words', archipelagic waters'.

Section 903(4)(iii) of the *Domestic Watercraft Act 1992* is amended by deleting 'territorial waters, and exclusive economic zone as defined in the *Marine Zones (Declaration) Act 1984*' and inserting 'archipelagic waters, territorial sea and exclusive economic zone as defined in the *Maritime Zones Declaration Act 2016*'.

The Marine Resources Act 1997 is amended as follows:

Section 25(4)(e)(i) delete 'five miles of the baseline from which the territorial sea is measured' and replace with 'local government waters';

Section 43(1) delete 'five miles of the baseline from which the territorial sea of any atoll or island is measured' and replace with 'local government waters';

Section 43(2) delete 'internal waters and with its waters up to five miles seaward of the baseline from which the territorial sea is measured' and replace with 'local government waters'; and Section 43(5) delete 'extending up to five miles seaward from the baseline from which the territorial sea is measured' and replace with 'local government waters'.

§122. Regulations

The Minister may make regulations to give effect to this Act, including but not limited to the following:

- (a) regulating the conduct of marine scientific research within the exclusive economic zone and continental shelf;
- (b) regulating the exploration and exploitation, conservation and management of the natural resources within the exclusive economic zone;
- (c) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from the water, currents and winds, and for other economic purposes;
- (d) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone and the continental shelf, including requirements for the establishment of safety zones around any such island, installation or structure;

- (e) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone and continental shelf;
- (f) regulating the exploration and exploitation of the continental shelf and of its natural resources;
- (g) regulating drilling on the continental shelf; and
- (h) providing for such other matters as are necessary or expedient to give effect to the rights and obligations of the Republic in relation to its internal waters, local government waters, archipelagic waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf, or as are necessary to give full effect to the provisions of this Act..

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 13 was passed by the Nitijela of the Republic of the Marshall Islands on the 18 day of March 2016; and
2. That I am satisfied that Nitijela Bill No: 13 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 28 day of March 2016.

Attest:

Hon. Kenneth A. Kedi

Speaker

Nitijela of the Marshall Islands

Lena Tiobech

Clerk

Nitijela of the Marshall Islands

Annex 2

DECLARATION OF BASELINES & MARITIME ZONES OUTER LIMITS

MADE UNDER SECTION 118 OF THE *MARITIME ZONES DECLARATION ACT 2016*

I, the Honorable John M. Silk, Minister of Foreign Affairs, with the power vested in me pursuant to Section 118 of the *Maritime Zones Declaration Act 2016*, hereby declare as follows:

1 Citation and commencement

This Declaration may be cited as the *Baselines and Maritime Zones Outer Limits Declaration 2016*, and shall come into force on the date of its publication.

2 Baselines

The baselines of the territorial sea of the Republic are set out in Parts 1, 2 and 3 of Schedule 1.

3 Maritime Zones Outer Limits

The outer limits of the territorial sea, contiguous zone, exclusive economic zone and continental shelf of the Republic are set out in Parts 4, 5, 6 and 7 of Schedule 1.

4 Guide to reading Schedule 1

1. In the tables in Parts 1 and 2 of Schedule 1:
 - (a) lines are generated by reference to points,
 - (b) the first column sets out the point identifier,
 - (c) the second and third columns set out the geographic coordinates for each point, and
 - (d) the fourth column sets out the zones measured from the point:
 - i. AB stands for endpoint of an archipelagic baseline,
 - ii. TS stands for territorial sea,
 - iii. CZ stands for contiguous zone and
 - iv. EEZ stands for exclusive economic zone, and continental shelf.
2. In the tables in Parts 3, 4 and 5 of Schedule 1:
 - (a) lines are generated by reference to points,

- (b) the first column sets out the point identifier and
 - (c) the second and third columns set out the geographic coordinates for each point.
3. In the table in Parts 6 and 7 of Schedule 1:
- (a) lines are generated by reference to points,
 - (b) the first column sets out the point identifier,
 - (c) the second and third columns set out the geographic coordinates for each point and
 - (d) the fourth column sets out the following information about the point:
 - i. a treaty reference point, which is a reference to how the point is referred to in a treaty, or
 - ii. 200, where the outer limit line faces the high seas and the EEZ and continental shelf is defined by measuring a distance of 200 nautical miles from the baseline.

5 Geodetic framework

In this Declaration, points defined by geographic coordinates are determined by reference to the World Geodetic System 1984 (WGS 84). Points are connected by geodesic lines realized in the WGS 84.

Signed:

John M. Silk

Minister of Foreign Affairs of the Republic of the Marshall Islands,

on this, the 18th day of April, 2016

SCHEDULE 1 – GEOGRAPHICAL COORDINATES

[Note: Schedule 1 is omitted due to its length, but is available online. *See supra*, note 2. Information from Schedule 1 pertaining to the archipelagic baselines of the Marshall Islands can be found below in Annex 3 to this study.]

Annex 3

Marshall Islands Archipelagic Basepoints and Coordinates

Ralik Archipelago

Point ID	Latitude	Longitude	Point ID	Latitude	Longitude
MHRLKBP7	11°34'39.64"N	165°12'38.57"E	MHRLKBP134	7°35'17.26"N	168°58'22.54"E
MHRLKBP8	10°10'58.93"N	165°55'01.02"E	MHRLKBP135	7°45'12.90"N	168°58'52.44"E
MHRLKBP9	9°13'23.15"N	165°31'08.72"E	MHRLKBP143	7°45'28.91"N	168°58'43.76"E
MHRLKBP16	9°09'54.24"N	165°32'13.03"E	MHRLKBP144	8°09'58.10"N	168°10'50.88"E
MHRLKBP17	9°03'46.85"N	165°34'22.25"E	MHRLKBP145	8°43'33.80"N	167°44'37.79"E
MHRLKBP28	9°02'17.57"N	165°35'59.78"E	MHRLKBP146	8°53'33.80"N	167°46'32.39"E
MHRLKBP29	9°02'03.97"N	165°36'33.02"E	MHRLKBP153	8°54'17.38"N	167°46'35.31"E
MHRLKBP39	8°57'34.26"N	165°41'47.40"E	MHRLKBP154	9°03'28.85"N	167°44'48.63"E
MHRLKBP40	8°55'36.22"N	165°45'21.99"E	MHRLKBP169	9°08'30.28"N	167°41'42.24"E
MHRLKBP44	8°55'30.30"N	165°45'43.81"E	MHRLKBP170	9°23'59.78"N	167°29'09.12"E
MHRLKBP45	8°54'59.09"N	166°13'41.11"E	MHRLKBP177	9°24'21.05"N	167°28'00.65"E
MHRLKBP46	8°18'37.31"N	167°22'25.88"E	MHRLKBP178	9°20'51.17"N	167°05'37.89"E
MHRLKBP47	7°45'30.60"N	168°13'45.04"E	MHRLKBP179	9°20'08.05"N	166°50'02.30"E
MHRLKBP48	7°22'48.62"N	168°33'40.65"E	MHRLKBP180	11°6'43.17"N	166°31'46.98"E
MHRLKBP59	7°17'30.77"N	168°41'52.91"E	MHRLKBP181	11°09'16.40"N	166°53'37.45"E
MHRLKBP60	5°57'13.73"N	169°25'20.48"E	MHRLKBP182	11°16'02.23"N	167°24'32.30"E
MHRLKBP61	5°38'28.63"N	169°06'47.43"E	MHRLKBP183	11°16'04.49"N	167°24'38.93"E
MHRLKBP63	5°38'26.95"N	169°06'46.53"E	MHRLKBP184	11°16'06.28"N	167°24'41.70"E
MHRLKBP64	4°39'26.59"N	168°39'06.57"E	MHRLKBP185	11°17'46.36"N	167°28'31.24"E
MHRLKBP81	4°36'18.15"N	168°39'58.48"E	MHRLKBP208	11°24'35.68"N	167°28'51.79"E
MHRLKBP82	4°34'45.99"N	168°41'17.40"E	MHRLKBP209	11°24'58.01"N	167°27'09.05"E
MHRLKBP111	4°36'50.67"N	168°46'22.75"E	MHRLKBP210	11°28'57.35"N	167°02'27.66"E
MHRLKBP112	5°47'11.22"N	169°36'29.32"E	MHRLKBP211	11°30'04.74"N	166°51'07.63"E
MHRLKBP114	5°47'14.38"N	169°36'31.28"E	MHRLKBP214	11°42'56.38"N	165°24'44.32"E
MHRLKBP115	5°58'23.41"N	169°42'49.50"E	MHRLKBP213	11°30'04.37"N	166°50'49.57"E
MHRLKBP132	6°01'13.83"N	169°43'14.62"E	MHRLKBP215	11°42'48.66"N	165°17'17.52"E
MHRLKBP133	6°12'02.37"N	169°32'41.94"E			

Ratak Archipelago

Point ID	Latitude	Longitude
MHRTKBP1	11°20'17.30"N	169°47'18.68"E
MHRTKBP11	11°20'24.12"N	169°46'22.50"E
MHRTKBP12	11°12'09.22"N	169°32'40.22"E
MHRTKBP14	11°12'03.48"N	169°32'37.05"E
MHRTKBP15	10°05'01.93"N	169°31'23.20"E
MHRTKBP16	10°03'17.63"N	168°59'34.68"E
MHRTKBP24	10°03'05.51"N	168°59'05.10"E
MHRTKBP25	9°54'42.33"N	169°00'20.03"E
MHRTKBP27	9°54'39.87"N	169°00'22.05"E
MHRTKBP28	9°49'21.99"N	169°05'48.12"E
MHRTKBP36	9°48'05.68"N	169°07'44.80"E
MHRTKBP37	9°27'43.80"N	169°48'18.32"E
MHRTKBP38	9°11'15.82"N	169°54'09.27"E
MHRTKBP39	9°01'10.15"N	170°02'10.50"E
MHRTKBP40	8°13'30.68"N	171°00'40.12"E
MHRTKBP41	7°09'04.49"N	171°01'33.60"E
MHRTKBP46	7°08'33.26"N	171°01'42.77"E
MHRTKBP47	6°12'24.84"N	171°42'53.66"E
MHRTKBP48	6°04'46.37"N	171°43'25.18"E
MHRTKBP49	6°04'41.64"N	171°43'27.19"E
MHRTKBP50	6°04'38.66"N	171°43'30.39"E
MHRTKBP51	6°02'17.74"N	171°48'40.12"E
MHRTKBP52	5°52'30.86"N	172°10'14.40"E
MHRTKBP60	5°53'54.99"N	172°10'17.69"E
MHRTKBP61	7°07'20.38"N	171°56'12.13"E
MHRTKBP62	8°29'45.86"N	171°11'46.19"E
MHRTKBP63	8°42'22.70"N	171°14'21.22"E
MHRTKBP65	8°42'30.96"N	171°14'21.52"E
MHRTKBP66	10°18'07.63"N	170°52'47.12"E
MHRTKBP70	10°18'21.79"N	170°52'34.25"E
MHRTKBP71	10°28'29.09"N	169°56'47.67"E
MHRTKBP72	11°13'45.51"N	169°51'48.15"E
MHRTKBP74	11°13'58.70"N	169°51'39.95"E

Source: *Declaration of Baselines & Maritime Zones Outer Limits*, supra, note 2, Schedule 1, Part 1, Section A (Ralik Chain) and Section B (Ratak Chain).

Annex 4

Marshall Islands Archipelagic Baseline Segment Lengths

Ralik Chain

Start Point	End Point	Segment Length (M)
MHRLKBP7	MHRLKBP8	93.15
MHRLKBP8	MHRLKBP9	61.99
MHRLKBP16	MHRLKBP17	6.46
MHRLKBP28	MHRLKBP29	0.59
MHRLKBP39	MHRLKBP40	4.06
MHRLKBP44	MHRLKBP45	27.67
MHRLKBP45	MHRLKBP46	77.12
MHRLKBP46	MHRLKBP47	60.65
MHRLKBP47	MHRLKBP48	30.03
MHRLKBP59	MHRLKBP60	90.85
MHRLKBP60	MHRLKBP61	26.27
MHRLKBP63	MHRLKBP64	64.89
MHRLKBP81	MHRLKBP82	2.02
MHRLKBP111	MHRLKBP112	86.02
MHRLKBP114	MHRLKBP115	12.75
MHRLKBP132	MHRLKBP133	15.03
MHRLKBP133	MHRLKBP134	89.61
MHRLKBP134	MHRLKBP135	9.89
MHRLKBP143	MHRLKBP144	53.39
MHRLKBP144	MHRLKBP145	42.35
MHRLKBP145	MHRLKBP146	10.13
MHRLKBP153	MHRLKBP154	9.32
MHRLKBP169	MHRLKBP170	19.79
MHRLKBP177	MHRLKBP178	22.39
MHRLKBP178	MHRLKBP179	15.43
MHRLKBP179	MHRLKBP180	107.61
MHRLKBP180	MHRLKBP181	21.62
MHRLKBP181	MHRLKBP182	31.12
MHRLKBP182	MHRLKBP183	0.11
MHRLKBP184	MHRLKBP185	4.11
MHRLKBP208	MHRLKBP209	1.72
MHRLKBP209	MHRLKBP210	24.57
MHRLKBP210	MHRLKBP211	11.18
MHRLKBP213	MHRLKBP214	85.45
MHRLKBP214	MHRLKBP215	7.31

Ratak Chain

Start Point	End Point	Segment Length (M)
MHRTKBP11	MHRTKBP12	15.77
MHRTKBP14	MHRTKBP15	66.73
MHRTKBP15	MHRTKBP16	31.43
MHRTKBP24	MHRTKBP25	8.44
MHRTKBP27	MHRTKBP28	7.52
MHRTKBP36	MHRTKBP37	44.90
MHRTKBP37	MHRTKBP38	17.38
MHRTKBP38	MHRTKBP39	12.80
MHRTKBP39	MHRTKBP40	74.88
MHRTKBP40	MHRTKBP41	64.14
MHRTKBP46	MHRTKBP47	69.29
MHRTKBP47	MHRTKBP48	7.62
MHRTKBP48	MHRTKBP49	0.09
MHRTKBP49	MHRTKBP50	0.07
MHRTKBP50	MHRTKBP51	5.65
MHRTKBP51	MHRTKBP52	23.60
MHRTKBP60	MHRTKBP61	74.41
MHRTKBP61	MHRTKBP62	93.14
MHRTKBP62	MHRTKBP63	12.81
MHRTKBP65	MHRTKBP66	97.53
MHRTKBP70	MHRTKBP71	55.88
MHRTKBP71	MHRTKBP72	45.33
MHRTKBP74	MHRTKBP1	7.60

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 ratio 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.