

Limits in the Seas

No. 153

Cook Islands:

Maritime Claims and Boundaries

United States Department of State

*Bureau of Oceans and International
Environmental and Scientific Affairs*



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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 U.S. 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 www.state.gov/limits-in-the-seas/. Comments and questions should be emailed to LimitsInTheSeas@state.gov. This study was prepared by the Department of State's Office of Ocean and Polar Affairs and Office of the Legal Adviser. The principal analysts for this study are Kevin Baumert, Finn Dahl, and Erin Lefevre.

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Introduction

This study analyzes the maritime claims and maritime boundaries of the Cook Islands.

The Basis for Analysis section summarizes the Cook Islands' maritime claims and boundaries and discusses the relevant provisions of the international law of the sea. The Analysis section that follows examines the Cook Islands' maritime claims and boundaries from a geographic and legal perspective, including for consistency with the international law of the sea. The Conclusion briefly summarizes the results of this study's analysis of the Cook Islands' maritime claims.

Basis for Analysis

The basis for this study's analysis of the Cook Islands' maritime claims is the international law of the sea as reflected in the United Nations Convention on the Law of the Sea (Convention).¹ The Cook Islands ratified the Convention on February 15, 1995. The Convention is binding on the Cook Islands and other parties to the Convention as a matter of international treaty law. The United States considers the substantive provisions of the Convention cited in this section to reflect customary international law binding on all States, as do international courts and tribunals.²

Summary of the Cook Islands' Maritime Claims and Boundaries

Through its domestic legislation, the Cook Islands has established a territorial sea, contiguous zone, exclusive economic zone (EEZ), and continental shelf.³ Through its domestic regulations, the Cook Islands has established its territorial sea baselines as well as the outer limits of its territorial sea, contiguous zone, and EEZ.⁴ The provisions of the Cook Islands' maritime law are reproduced in Annex 1 to this study. The Cook Islands has concluded five maritime boundary agreements with neighboring States, and it appears that the Cook Islands has completed its

¹ [United Nations Convention on the Law of the Sea](#), opened for signature Dec. 10, 1982, 1833 UNTS 397 (entered into force Nov. 16, 1994).

² See, e.g., J.A. Roach, "Today's Customary International Law of the Sea," 45 *Ocean Dev't & Int'l L.* 239 (2014).

³ *Maritime Zones Act 2018*, available from UN Division for Ocean Affairs and the Law of the Sea (DOALOS), at its website pertaining to the [Cook Islands' maritime claims](#). This 2018 enactment repealed the *Continental Shelf Act 1964* and the *Territorial Sea and Exclusive Economic Zone Act 1977*.

⁴ *Maritime Zones (Baselines of Territorial Sea) Regulations 2020*, *Maritime Zones (Territorial Sea Outer Limits) Regulations 2020*, *Maritime Zones (Contiguous Zone Outer Limits) Regulations 2020*, and *Maritime Zones (Exclusive Economic Zone Outer Limits) Regulations 2021*, available from DOALOS, *supra* note 3.

maritime boundary delimitations with respect to maritime areas within 200 M of the territorial sea baselines.

Baselines

International law, as reflected in Part II of the Convention, sets forth rules governing the baselines from which the limits of maritime zones are measured. Specifically, Article 5 of the 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 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.”

Additional related provisions are found in Articles 7 (straight baselines), 9 (mouths of rivers), 10 (bays), 11 (ports), 12 (roadsteads), and 13 (low-tide elevations). Waters on the landward side of the baseline are internal waters (Article 8), including the waters within closing lines related to reefs, mouths of rivers, bays, and ports (Articles 6, 9, 10, and 11).

Maritime Zones

International law, as reflected in the Convention, contains rules governing a coastal State’s entitlement to maritime zones.

Part II of the Convention sets forth the rules governing the territorial sea, which may extend up to 12 nautical miles (M) from the baselines and in which the coastal State exercises sovereignty subject to the right of innocent passage and other rules of international law (Articles 2, 3, and 17-32). In addition, Part II describes a contiguous zone, which may not extend beyond 24 M from the baselines, within which a coastal State may exercise the control necessary to prevent and punish infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea (Article 33).

Part V of the Convention sets forth provisions related to the EEZ, which may extend up to 200 M from the baselines (Article 57). Within the EEZ, the coastal State has enumerated rights, notably, “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources” and “jurisdiction as provided for” in the Convention with regard to “the establishment and use of artificial islands, installations and structures,” as well as “marine scientific research” and “the protection and preservation of the marine environment” (Article 56). At the same time, subject to the relevant provisions of the Convention, all States enjoy the freedoms of navigation, overflight, laying and maintenance of submarine cables, and other internationally lawful uses of the sea related to these freedoms (Articles 58 and 87).

Part VI of the Convention sets forth provisions relating to the continental shelf, which extends to the outer edge of the continental margin or to a distance of 200 M from the baselines, as described in Article 76. The coastal State exercises sovereign rights for the purpose of exploring the continental shelf and exploiting its natural resources; these rights are “exclusive” and “do not depend on occupation, effective or notional, or on any express proclamation” (Article 77). Subject to certain provisions, however, all States are entitled to lay submarine cables and pipelines on the continental shelf (Article 79).

Maritime Boundaries

Maritime boundary delimitation issues arise when the maritime zones of neighboring States overlap. Articles 15, 74, and 83 of the Convention set forth provisions regarding the delimitation of maritime boundaries between opposite and adjacent coastal States. Article 15, concerning delimitation of the territorial sea, provides that “failing agreement . . . to the contrary,” one State is not entitled “to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured.” However, this provision “does not apply . . . where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.”

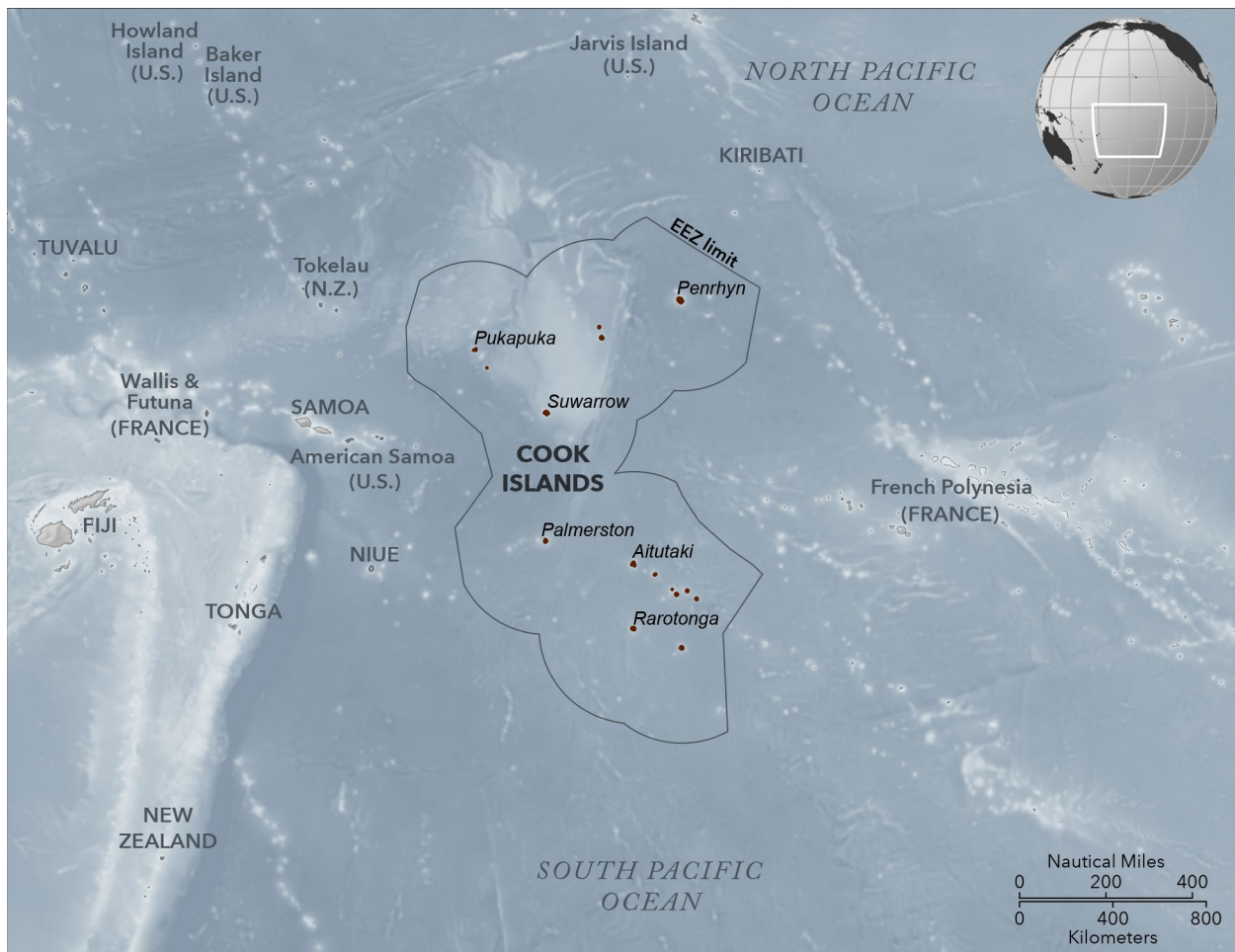
With respect to the delimitation of the EEZ and continental shelf, Articles 74 and 83 provide, respectively, that the delimitation “shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.” Thus, the location of a maritime boundary is usually a matter for the coastal States with overlapping maritime zones to resolve by agreement, and international law provides considerable flexibility to States in delimiting maritime boundaries.

Analysis⁵

The Cook Islands is an island State located in the western Pacific Ocean that consists of 15 main islands spread across a north-south extent of approximately 800 nautical miles (M) and an east-west extent of approximately 500 M. Some of these geographically distributed islands have

⁵ Geographic analysis was completed using tools in Esri ArcGIS Pro 3.1.2 and Geocap Shelf 7.2.3. Baseline points were evaluated using satellite imagery from World Imagery ArcGIS Map Service, Google Earth Pro, and USGS’s Earth Explorer. Geographic names used in this study are those officially approved by the U.S. Government. Annex 2 to this study provides the cartographic and projection details for the maps included in this study.

fringing reefs or are situated on atolls. The Cook Islands lie to the east of Niue, American Samoa (U.S.), and Tokelau (New Zealand), to the west of French Polynesia (France), and to the southwest of Kiribati (Map 1). The continental landmass closest to the Cook Islands is Australia, which is approximately 2,500 M west of the Cook Islands. The total land area of the Cook Islands is approximately 236 square kilometers (km²),⁶ and the maritime area under its sovereignty or jurisdiction is nearly 2,000,000 km².



Map 1. Regional view of the Cook Islands and neighboring States. Land areas of the Cook Islands are shown in maroon. Scale, 1:32,000,000.

⁶ *CIA World Factbook*, Cook Islands, available on the [CIA World Factbook website](#).

Baselines of the Cook Islands

The *Maritime Zones Act 2018* provides that the Cook Islands' baseline is located on the low-water mark along the coast or, where there is a coral reef along the coast, the low-water mark along the outer edge of the reef.⁷ The Act also provides that the outermost permanent harbor works that form an integral part of a harbor system are taken to form part of the coast of the Cook Islands.⁸ These provisions are consistent with Articles 5 (normal baseline), 6 (reefs), and 11 (ports) of the Convention.

In 2020, the Cook Islands issued *Maritime Zones (Baselines of Territorial Sea) Regulations 2020* establishing the territorial sea baselines of the Cook Islands by means of geographic coordinates.⁹ These regulations specify 1,127 baseline points pertaining to the 15 islands or island groups within the Cook Islands. The Cook Islands has deposited these baseline points with the United Nations.¹⁰

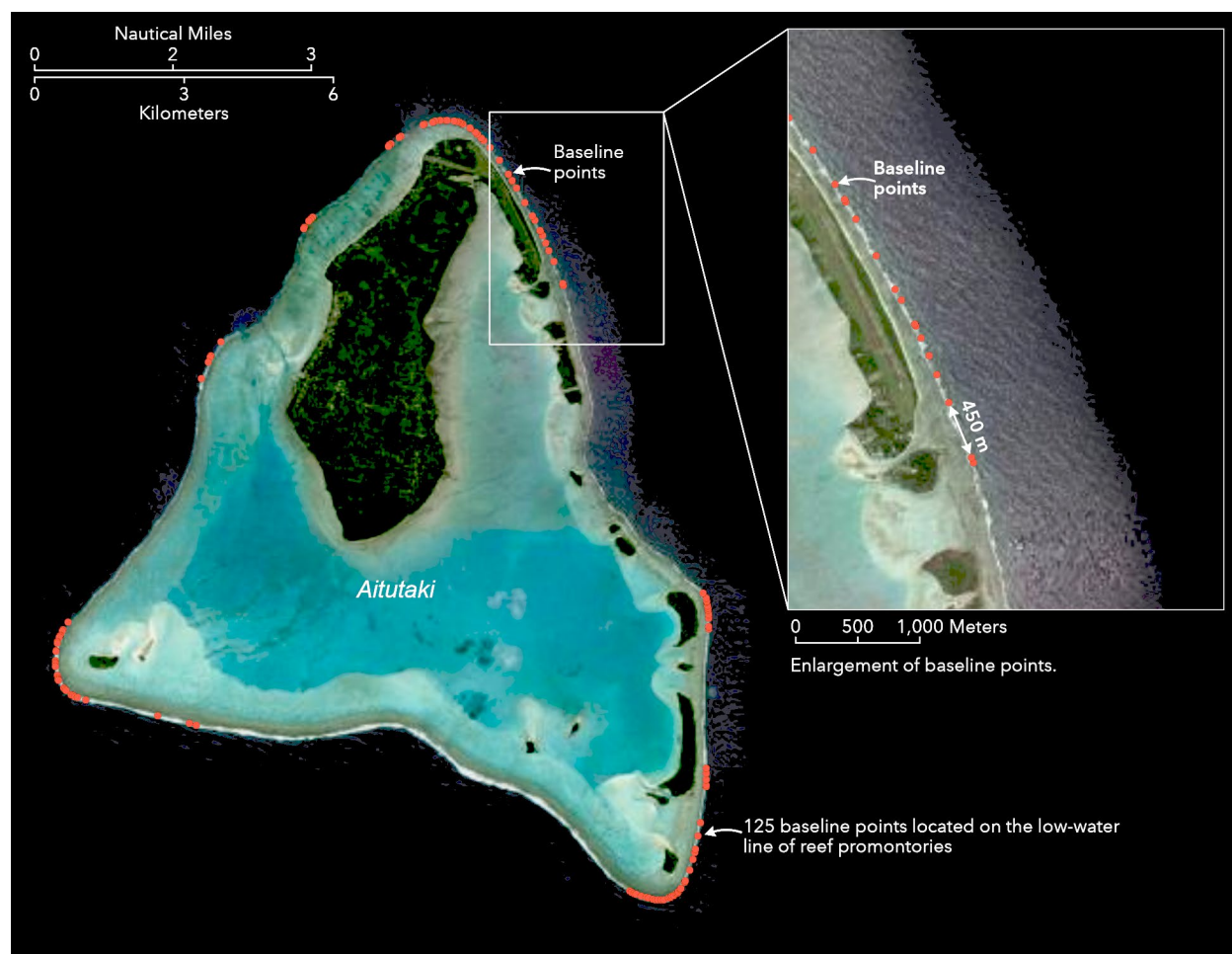
Consistent with Articles 5 and 6 of the Convention, the baseline points of the Cook Islands appear to be located on the low-water line. The baseline points are typically located where breaking waves are visible in satellite imagery. Map 2 shows an illustrative example of the Cook Islands' baseline points located on the low-water line of Aitutaki. For Aitutaki and other islands, points are closely spaced on coastal and reef promontories.

⁷ *Maritime Zones Act 2018*, *supra* note 3 and Annex 1 of this study, sec. 6.

⁸ *Id.*, sec. 15.

⁹ *Maritime Zones (Baselines of Territorial Sea) Regulations 2020*, *supra* note 4, issued pursuant to sections 14 and 20 of the *Maritime Zones Act 2018*, *supra* note 3 and Annex 1 of this study.

¹⁰ *Maritime Zone Notification M.Z.N.153.2021.LOS* (2021) and associated lists of geographical coordinates of points and illustrative maps, available on the DOALOS website, *supra* note 3.



Map 2. Aitutaki, with baseline points located on the reef edge at or near the wave break. Scale, 1:150,000.

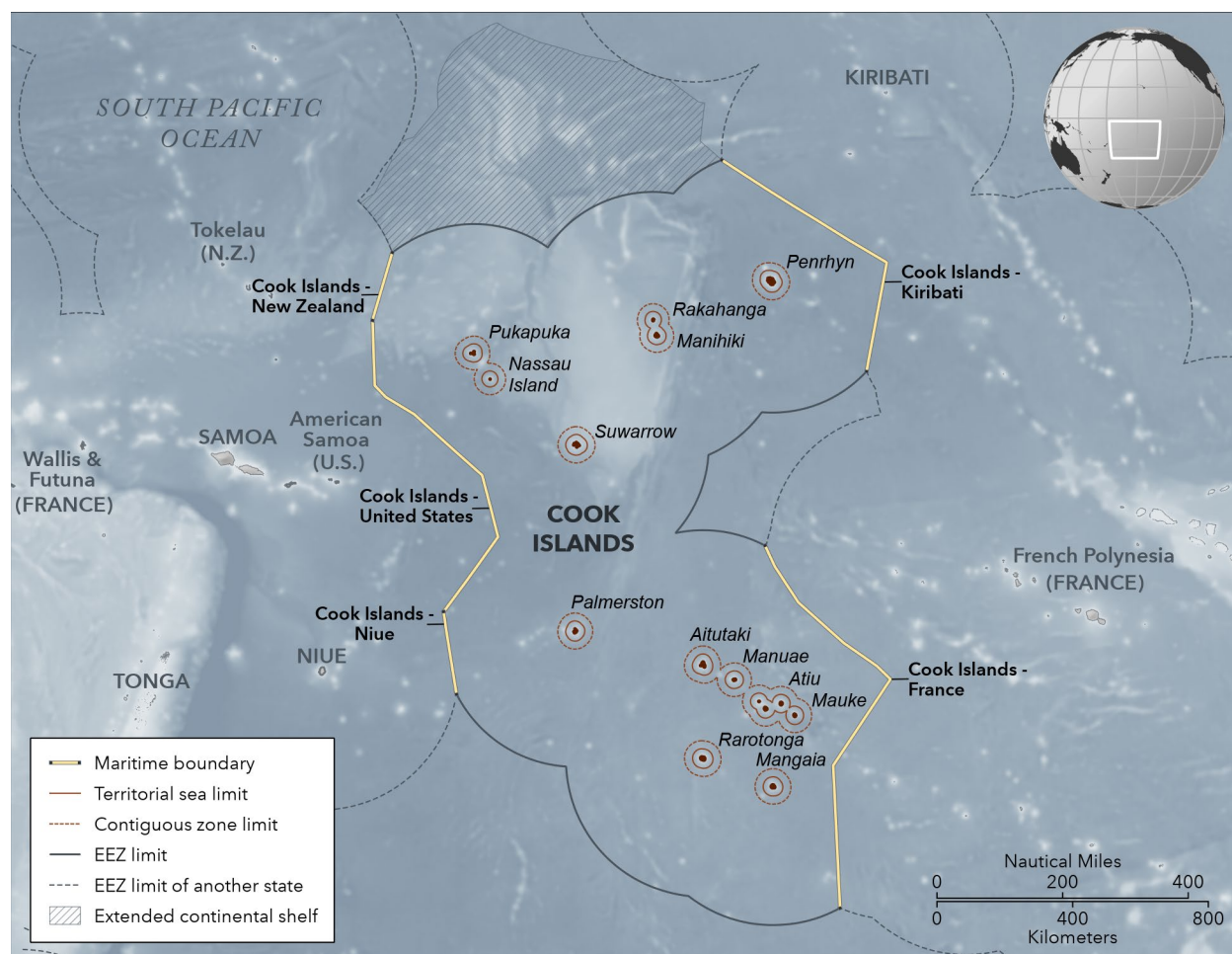
Maritime Zones of the Cook Islands

Internal Waters

The *Maritime Zones Act 2018* provides that: “The internal waters comprise any areas of the sea that are on the landward side of the baseline of the territorial sea of the Cook Islands.”¹¹ This provision is consistent with Articles 6 and 8 of the Convention.¹²

¹¹ *Maritime Zones Act 2018*, *supra* note 3 and Annex 1 of this study, sec. 7.

¹² Regarding Article 6, see 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.”).



Map 3. Maritime limits and boundaries of the Cook Islands. Land areas of the Cook Islands are shown in maroon, surrounded by territorial sea and contiguous zone limits. Maritime limits claimed by some neighboring States are also shown for context. Maritime zone limits and boundaries depicted are described in the pages that follow. Scale, 1:22,000,000.

The validity of the Cook Islands' internal waters claims depends upon the validity of its territorial sea baselines set forth in its *2020 Regulations*. As discussed above, the baseline points of the Cook Islands appear to be consistent with international law, as reflected in Articles 5 and 6 of the Convention. Accordingly, the Cook Islands' internal waters claims appear to be valid, and its maritime zone limits are measured from its baseline, as set forth in its *2020 Regulations*.

Territorial Sea, Contiguous Zone, and Exclusive Economic Zone

The *Maritime Zones Act 2018* provides for a territorial sea with a breadth of 12 M, a contiguous zone extending 24 M from the baseline, and an EEZ extending 200 M from the baseline.¹³

In 2020 and 2021, the Cook Islands issued regulations that set forth geographical coordinates of fixed points delineating the outer limits of its territorial sea, contiguous zone, and EEZ.¹⁴ Except where outer limits are formed by maritime boundaries with neighboring States, the outer limits are formed by geodesic lines connecting 7066, 7392, and 2073 points for the territorial sea, contiguous zone, and EEZ limit lines, respectively. Typical point-spacing along the outer limit lines is approximately 0.2 M for the territorial sea, 0.3 M for the contiguous zone, and 0.9 M for the EEZ. Consistent with the Convention, the outer limits of the territorial sea, contiguous zone, and EEZ of the Cook Islands extend 12, 24, and 200 M, respectively, from the baselines (see Map 3). The Cook Islands has deposited these maritime zone limits with the United Nations.¹⁵

The provisions of the *Maritime Zones Act 2018* pertaining to the territorial sea, contiguous zone, and EEZ appear to be consistent with Parts II and V of the Convention.¹⁶ These provisions specify, *inter alia*, the sovereign rights and jurisdiction of the Cook Islands in its EEZ pertaining to natural resources; artificial islands, installations, and structures; protection and preservation of the marine environment; and marine scientific research.¹⁷

Continental Shelf

The *Maritime Zones Act 2018* describes the geographic extent of the Cook Islands' continental shelf in a manner consistent with Article 76 of the Convention.¹⁸ Regarding the outer limits of its continental shelf beyond 200 M, the Cook Islands made a submission to the Commission on

¹³ *Maritime Zones Act 2018*, *supra* note 3 and Annex 1 of this study, secs. 8, 10, and 11.

¹⁴ *Maritime Zones (Territorial Sea Outer Limits) Regulations 2020*, *Maritime Zones (Contiguous Zone Outer Limits) Regulations 2020*, and *Maritime Zones (Exclusive Economic Zone Outer Limits) Regulations 2021*, *supra* note 4.

¹⁵ *Maritime Zone Notification M.Z.N.153.2021.LOS*, *supra* note 10.

¹⁶ *Maritime Zones Act 2018*, *supra* note 3 and Annex 1 of this study, secs. 8, 10, 11, 16, and 18.

¹⁷ *Id.*, sec. 18 (referring also to the authorities of the Cook Islands pertaining to the continental shelf).

¹⁸ *Id.*, sec. 12(1) (referring to the outer edge of the continental margin or 200 nautical miles).

the Limits of the Continental Shelf (Commission) in April 2009 concerning the Manihiki Plateau.¹⁹

In August 2016, the Commission issued recommendations with respect to the submission of the Cook Islands.²⁰ Thereafter, the Cook Islands communicated its substantive and procedural concerns relating to these recommendations,²¹ and subsequently filed a revised submission with the Commission concerning the Manihiki Plateau.²² These outer limits are shown on Map 3. As of the date of this publication, the Commission had not yet issued recommendations pertaining to the revised submission of the Cook Islands.

The *Maritime Zones Act 2018* also describes the sovereign rights and jurisdiction of the Cook Islands over its continental shelf in a manner that appears to be consistent with the Convention.²³ These provisions specify, *inter alia*, the sovereign rights and jurisdiction of the Cook Islands within its continental shelf pertaining to natural resources; drilling; artificial islands, installations, and structures; protection and preservation of the marine environment; and marine scientific research.²⁴

Sea-Level Rise

In connection with the 2021 deposit pertaining to its baselines and maritime zone limits, the Cook Islands communicated the following to the United Nations:

“... the Cook Islands notes that the applicable international law as reflected in [the United Nations Convention on the Law of the Sea (UNCLOS)] bestows maritime zones to coastal States, and many small island developing States, such as the Cook Islands, have planned their development in reliance on the sovereignty, sovereign rights, and

¹⁹ *Submission by the Cook Islands to the Commission on the Limits of the Continental Shelf concerning the Manihiki Plateau*, Executive Summary, 2009, available on the [DOALOS website](#) pertaining to this submission.

²⁰ *Summary of Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Submission Made by the Cook Islands in respect of the Manihiki Plateau*, available on the DOALOS website, *supra* note 19.

²¹ Note from the Government of the Cook Islands addressed to the Secretariat of the United Nations dated 30 November 2016, available on the DOALOS website, *supra* note 19.

²² *Revised Submission to the Commission on the Limits of the Continental Shelf concerning the Manihiki Plateau*, Executive Summary, 2021, available on the [DOALOS website](#) pertaining to this revised submission.

²³ *Maritime Zones Act 2018*, *supra* note 3 and Annex 1 of this study, sec. 18.

²⁴ *Id.* (referring also to the authorities of the Cook Islands pertaining to the EEZ).

jurisdiction generated by such maritime zones. Sea-level rise and climate change challenge this careful planning, including in terms of their effects on relevant geophysical features. The Cook Islands, a country made up of 15 islands, many of which are low-lying islands and atolls, is specially affected by such sea level rise and climate change.

The Cook Islands states its understanding that it is not obliged to keep under review the maritime zones reflected in the present official deposit of lists of geographical coordinates of points and accompanying illustrative maps, delineated in accordance with UNCLOS, and that the Cook Islands intends to maintain these maritime zones in line with that understanding, notwithstanding climate change-induced sea-level rise.”²⁵

U.S. policy on this issue states that sea-level rise driven by human-induced climate change should not diminish the maritime zones on which island States and other coastal States rely, including for food and livelihoods, and that the United States will not challenge the baselines and maritime zone limits, such as those of the Cook Islands, that are established in accordance with international law and not subsequently updated despite sea-level rise caused by climate change.²⁶

Navigation and other Jurisdictional Issues

The *Maritime Zones Act 2018* recognizes the rights of other States within the maritime zones of the Cook Islands. In particular, the *Act* recognizes that ships of all States have the right of innocent passage through the territorial sea of the Cook Islands, and that all States enjoy 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, in the EEZ of the Cook Islands.²⁷ These provisions appear to be consistent with Parts II (Territorial Sea and Contiguous Zone), V (EEZ), and VI (Continental Shelf) of the Convention. With respect to innocent passage, the *Act* states that this right is subject to compliance with any sea lanes and traffic separation schemes prescribed by the Cook Islands for foreign ships. Article 22 of the Convention addresses sea lanes and traffic separation in the territorial sea, including requirements for their designation.

²⁵ For the full statement, see *Maritime Zone Notification* M.Z.N.153.2021.LOS, *supra* note 10.

²⁶ U.S. Policy on Sea-level Rise and Maritime Zones, available on the [Department of State website](#).

²⁷ *Maritime Zones Act 2018*, *supra* note 3 and Annex 1 of this study, secs. 19(1) and (2) pertaining to innocent passage and 19(3) and (4) pertaining to high seas freedoms in the EEZ.

Maritime Boundaries of the Cook Islands

The Cook Islands has concluded maritime boundary agreements with France (French Polynesia), Kiribati, New Zealand (Tokelau), Niue, and the United States (American Samoa). It appears that the Cook Islands has completed its maritime boundary delimitations with its neighbors with respect to maritime areas within 200 M of the territorial sea baselines. The maritime boundaries of the Cook Islands are shown on Map 3.

Cook Islands-France

The Cook Islands' maritime boundary agreement with France (French Polynesia), concluded in 1990, establishes an EEZ and continental shelf boundary on the basis of equidistance that is composed of geodesic lines connecting eight points.²⁸ The boundary separates the maritime zones generated by the southeasternmost of the Cook Islands and the French Polynesian islands of Motu One, Manuae, Maupihaa, and Maria. The length of the boundary is approximately 645 M.

Cook Islands-Kiribati

The Cook Islands' maritime boundary agreement with Kiribati, concluded in 2012, establishes an EEZ and continental shelf boundary on the basis of equidistance that is composed of geodesic lines connecting 14 points.²⁹ The boundary separates the maritime zones generated by Penrhyn in the Cook Islands and the Kiribati islands of Starbuck, Vostok, and Flint. The length of the boundary is approximately 480 M.

Cook Islands-New Zealand

The Cook Islands' maritime boundary agreement with New Zealand (Tokelau), concluded in 2010, establishes an EEZ and continental shelf boundary on the basis of equidistance that is composed of geodesic lines connecting four points.³⁰ The boundary separates the maritime

²⁸ *Agreement on Maritime Delimitation between the Government of the Cook Islands and the Government of the French Republic*, Aug. 3, 1990, entered into force Aug. 3, 1990, available on the DOALOS website, *supra* note 3.

²⁹ *Agreement between the Government of the Cook Islands and the Government of the Republic of Kiribati concerning the Delimitation of the Maritime Boundaries between the Cook Islands and the Republic of Kiribati*, Aug. 29, 2012, entered into force Jan. 17, 2014, available on the DOALOS website, *supra* note 3.

³⁰ *Agreement between the Government of the Cook Islands and the Government of New Zealand Concerning the Delimitation of the Maritime Boundaries between the Cook Islands and Tokelau*, Aug. 4, 2010, entered into force Nov. 12, 2012, available on the DOALOS website, *supra* note 3.

zones generated by Pukapuka in the Cook Islands and Fakaofu in Tokelau. The southernmost boundary point is an equidistant tripoint between the Cook Islands, Tokelau, and American Samoa. The length of the boundary is approximately 110 M.

Cook Islands-Niue

The Cook Islands' maritime boundary agreement with Niue, concluded in 2012, establishes an EEZ and continental shelf boundary on the basis of equidistance that is composed of geodesic lines connecting 12 points.³¹ The boundary separates the maritime zones generated by Palmerston in the Cook Islands and Niue. The northernmost boundary point is an equidistant tripoint between the Cook Islands, Niue, and American Samoa. The length of the boundary is approximately 126 M.

Cook Islands-United States

The Cook Islands' maritime boundary agreement with the United States, concluded in 1980, establishes an EEZ and continental shelf boundary on the basis of equidistance that is composed of geodesic lines connecting 25 points.³² The boundary separates the maritime zones generated by the westernmost of the Cook Islands and the American Samoan islands of Rose Island, Ta'ū Island, and Swains Island. The southernmost boundary point is an equidistant tripoint between the Cook Islands, American Samoa, and Niue. The northernmost boundary point is an equidistant tripoint between the Cook Islands, American Samoa, and Tokelau. The length of the boundary is approximately 559 M.

³¹ *Agreement between the Government of the Cook Islands and the Government of Niue concerning the Delimitation of the Maritime Boundaries between the Cook Islands and Niue*, Aug. 29, 2012, entered into force May 6, 2013, available on the DOALOS website, *supra* note 3.

³² *Treaty between the United States of America and the Cook Islands on Friendship and Delimitation of the Maritime Boundary between the United States of America and the Cook Islands*, June 11, 1980, entered into force Sept. 8, 1983, available on the DOALOS website, *supra* note 3. See also, [Limits in the Seas No. 100](#), "Maritime Boundaries: United States – Cook Islands and United States – New Zealand (Tokelau)," U.S. Dep't of State (1983).

Conclusion

The provisions of the Cook Islands' legislation pertaining to its maritime zones appear to be consistent with international law as reflected in the Convention. The Cook Islands' extensive baseline system also appears to be consistent with the Convention (Articles 5 and 6), as do the outer limits of the Cook Islands' maritime zones established in its regulations. The Cook Islands has deposited geographical coordinates describing its baselines and maritime zone limits with the United Nations and stated that these baselines and limits will be maintained, notwithstanding climate change-induced sea-level rise.

Annexes

Annex 1: Cook Islands' Maritime Zones Act³³

An Act to declare the territorial sea, contiguous zone, exclusive economic zone, and continental shelf of the Cook Islands as the maritime zones of the Cook Islands, and to provide for related matters.

The Parliament of the Cook Islands enacts as follows—

1 Title

This Act is the Maritime Zones Act 2018.

2 Commencement

This Act comes into force on the day after the date on which it receives the assent of the Queen's Representative.

Part 1: Preliminary matters

3 Purpose

The purpose of this Act is to provide an effective legal framework that declares, and expresses the rights of the Cook Islands and other States in relation to, the maritime zones of the Cook Islands consistently with international law.

4 Interpretation

In this Act, unless the context otherwise requires,—

contiguous zone means the contiguous zone of the Cook Islands described in section 10

continental shelf means the continental shelf of the Cook Islands described in section 12

exclusive economic zone means the exclusive economic zone of the Cook Islands described in section 11

geodetic datum means World Geodetic System 1984 (WGS84), which is a geocentric datum with a major (equatorial) radius of 6378137 metres and a flattening of 100/29825.7223563

³³ Annex 1 is a reproduction of Cook Islands' law, available from DOALOS, *supra* note 3, and cannot be adjusted to fully meet accessibility standards.

laws, where used in this Act in the context of the laws of the Cook Islands, includes any regulations or other laws made under any Act

low-water mark means the line of low water at the lowest astronomical tide

maritime zone means a maritime zone described in Part 2

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 the Cook Islands and of any opposite or adjacent State or territory are measured

Minister means the Minister for the time being responsible for the administration of this Act who is duly appointed under Article 13 of the Constitution

nautical mile means the international nautical mile of 1,852 metres

territorial sea means the territorial sea of the Cook Islands described in section 8

UNCLOS means the United Nations Convention on the Law of the Sea, 1982.

5 Act binds the Crown

This Act binds the Crown.

Part 2: Maritime zones

Territorial sea

6 Baseline of territorial sea

The baseline from which the breadth of the territorial sea is measured is—

- (a) the low-water mark along the coast of the Cook Islands; or
- (b) where there is a coral reef along any part of the coast of the Cook Islands, the low-water mark along the outer edge of the coral reef.

Internal waters and territorial sea

7 Internal waters

The internal waters comprise any areas of the sea that are on the landward side of the baseline of the territorial sea of the Cook Islands.

8 Territorial sea

The territorial sea comprises those areas of the sea having,—

- (a) as their inner limits, the baseline described in section 6; 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 the baseline.

9 Internal waters and territorial sea vested in Crown

The seabed and subsoil of the internal waters and territorial sea are, and are taken always to have been, vested in the Crown.

Contiguous zones

10 Contiguous zone

The contiguous zone 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 6, every point of which is distant 24 nautical miles from the nearest point of the baseline.

Exclusive economic zone

11 Exclusive economic zone

The exclusive economic zone of the Cook Islands 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 6, every point of which line is not more than 200 nautical miles from the nearest point of the baseline.

Continental shelf

12 Continental shelf

- (1) The continental shelf comprises those areas of the seabed and subsoil of the submarine areas that extend beyond and adjacent to the territorial sea throughout the natural prolongation of the land territory of the Cook Islands—
 - (a) to the outer edge of the continental margin; or
 - (b) where the outer edge of the continental margin does not extend up to that distance, to a distance of two hundred nautical miles from the baselines of the territorial sea.
- (2) However, if an agreement is in force between the Cook Islands and an opposite or adjacent coastal State providing for the delimitation of a continental shelf boundary, the relevant area and limits of the continental shelf of the Cook Islands must be delimited in accordance with that agreement.

Part 3: General and miscellaneous provisions

Charts

13 Official charts

- (1) The Cabinet may endorse any charts that it considers fit showing any matter relating to the baseline of the territorial sea or the limits of the territorial sea, contiguous zone, exclusive economic zone, or continental shelf.
- (2) For the purpose of any proceedings in a court, the Minister may provide a certificate stating that a chart is a chart that is endorsed under this section and stating any other relevant matters as to the contents of the chart.
- (3) A certificate under subsection (2) is admissible as evidence of the matters stated in the certificate, in the absence of evidence to the contrary.

Limits of maritime zones

14 Declaration of limits of maritime zones

- (1) The limits of the maritime zones under this Act may be declared by regulations made under section 20.
- (2) Any regulations declaring limits, or amending the limits, of maritime zones must–
 - (a) be consistent with UNCLOS and other relevant rules of international law; and
 - (b) either–
 - (i) be made by reference to lists of geographical coordinates expressed in terms of the geodetic datum; or
 - (ii) be shown on charts of a scale or scales adequate for ascertaining their position; and
 - (c) be deposited with the Secretary-General of the United Nations.

Harbour works

15 Permanent harbour works

- (1) For the purposes of this Act, permanent harbour works forming an integral part of a harbour system are taken to form part of the coast of the Cook Islands.
- (2) The outermost permanent harbour works which form an integral part of a harbour system are taken to form part of the coast, but this section does not apply to off-shore installations or artificial islands.

Sovereignty and control

16 Sovereignty over internal waters, territorial sea, and related land and airspace

The sovereignty of the Cook Islands extends to its internal waters, its territorial sea, the airspace over them, the seabed and subsoil under them, and the resources contained in them.

17 Control that may be exercised in the contiguous zone

- (1) Within the contiguous zone,—
 - (a) any authorised officer of the Government of the Cook Islands may exercise the control necessary to prevent infringement of the customs, fiscal, immigration, or sanitary laws within the Cook Islands or the territorial sea; and
 - (b) any court or other judicial authority may punish any infringement of the customs, fiscal, immigration, or sanitary laws committed within the Cook Islands or the territorial sea.
- (2) All relevant laws of the Cook Islands extend to the contiguous zone accordingly.

Rights of Cook Islands and other States

18 Rights in the exclusive economic zone and continental shelf

- (1) Within the exclusive economic zone, the Cook Islands has sovereign rights—
 - (a) for the purposes of exploring, exploiting, conserving, and managing the natural resources, whether living or non-living, of—
 - (i) the seabed; and
 - (ii) the subsoil under the seabed; and
 - (iii) the waters over the seabed; and
 - (b) in relation 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 Cook Islands has—
 - (a) sovereign rights for the purposes 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 Cook Islands has the exclusive right to construct, authorise, and regulate the construction, operation, and use of—
 - (a) artificial islands; and
 - (b) installations and structures for the purposes provided in section 15, 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 Cook Islands exercise of its rights in the exclusive economic zone or continental shelf.
- (4) Within the exclusive economic zone and continental shelf, the Cook Islands has exclusive jurisdiction over the artificial islands, installations and structures referred to in subsection (3), including jurisdiction in relation to the customs, fiscal, health, safety, and immigration laws.
- (5) Within the exclusive economic zone and continental shelf, the Cook Islands—

- (a) has jurisdiction with in relation 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 Cook Islands has such other rights as are conferred or recognised by international law.

19 Rights of other States in maritime zones

- (1) The Minister may, by public notice, prescribe sea lanes and traffic separation schemes for foreign ships exercising the right of innocent passage through the territorial sea.
- (2) Ships of all States have, in accordance with international law, the right of innocent passage through the territorial sea of the Cook Islands, but this right is subject to compliance with any notice given under subsection (1).
- (3) All States 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, but this right is subject to this Act, the other laws of the Cook Islands, and international law.
- (4) All States may lay submarine cables and pipelines on the continental shelf in accordance with international law, but this right is subject to this Act and the other laws of the Cook Islands.

Regulations

20 Regulations

- (1) The Queen's Representative may, by Order in Executive Council, make regulations providing for the following purposes–
 - (a) declaring or amending the limits of any maritime zone, in accordance with section 14:
 - (b) providing for any other matters contemplated by this Act, necessary for its full administration, or necessary for giving it full effect.

Repeals and savings

21 Repeals and amendments

- (1) The following Acts are repealed–
 - (a) the Continental Shelf Act 1964:
 - (b) the Territorial Sea and Exclusive Economic Zone Act 1977.
- (2) The Acts referred to in the Schedule are amended as indicated in the Schedule.³⁴

³⁴ Schedule is not reproduced here and is available from DOALOS, *supra* note 3.

22 Transitional provisions

- (1) Any proceedings commenced under any Act repealed by this Act, but not completed before the commencement of this Act, must be completed under the former Act as if this Act had not been enacted.

Annex 2: Map Details

Software: Maps were created in ArcGIS Pro 3.1.2.

Map Parameters:

- Projection: Mercator
- Datum: WGS 1984

Data sources:³⁵

- Administrative boundaries: National Geospatial-Intelligence Agency
- Maritime limits & boundaries: National Geospatial-Intelligence Agency
- General Bathymetric Chart of the Oceans (GEBCO)
- ESRI, Maxar, Earthstar Geographics, and the GIS User Community
- Natural Earth: SRTM Plus Prisma SR-50

Map 1: Regional view of the Cook Islands and neighboring States.

- Map scale, 1:32,000,000

Map 2: Aitutaki, with baseline points located on the reef edge at or near the wave break.

- Map scale, 1:150,000
- Locator map scale, 1:60,000

Map 3: Maritime limits and boundaries of the Cook Islands.

- Map scale, 1:22,000,000

³⁵ Data sources listed do not include the maritime limits and boundaries of the Cook Islands, for which official sources are cited in the text of this study.