



REPUBLIC OF NAURU

SEA BOUNDARIES ACT 1997

(No. 16 of 1997)

(Certified: 13/6/97)

ARRANGEMENT OF SECTIONS

1. Short title and commencement
2. Interpretation
3. Internal waters
4. Territorial sea
5. Contiguous zone
6. Exclusive economic zone
7. Continental shelf
8. Rights of other states
9. Proclamation of lines
10. Evidence of charts
11. General regulations



REPUBLIC OF NAURU

(No. 16 of 1997)

FOR AN ACT

To make provision for the demarcation of the sea boundaries of the Republic of Nauru, the maritime zones established by and within those boundaries, the declaration of the rights of the Republic in relation to those zones; and for related purposes.

(Certified: 13/6/97)

Be it enacted by the Parliament of Nauru as follows:

SHORT TITLE AND COMMENCEMENT

1. This Act may be cited as the Sea Boundaries Act 1997 and shall come into force on a date to be notified by the Cabinet in the Gazette.

INTERPRETATION

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

"the baseline of Nauru" means the seaward low-water line of the reef surrounding the Island of Nauru and, where there is an opening in the reef, a straight line across the outer edges of that opening;

"conserving and managing" includes adopting and using all rules, regulations, methods and measures that —

(a) are required to build, restore or maintain, or are useful in rebuilding, restoring or maintaining, any living marine resource or the marine environment; or

(b) are designed to ensure that —

(i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis; and

(ii) irreversible or long-term ill effects on the living marine resources or the environment are avoided; and

(iii) there will be a multiplicity of options available with respect to future uses of these resources;

"median line" means a line every point of which is equidistant from the nearest point of—

(a) the baseline of Nauru; and

(b) the corresponding baseline of any other country;

"mile" means an international nautical mile of 1,852 metres.

INTERNAL WATERS

3. The internal waters of the Republic comprise all waters on the landward side of the baseline of Nauru.

TERRITORIAL SEA

4. (1) The territorial sea of the Republic comprises all that area of the sea within twelve miles measured outwards from the baseline of Nauru.

(2) The sovereignty of the Republic extends over the territorial sea, the airspace over it and the seabed and subsoil beneath it, and may be exercised subject to the rules of international law.

CONTIGUOUS ZONE

5. (1) The contiguous zone of the Republic is contiguous to the territorial sea and extends seawards from the outer limit of the territorial sea for a distance of 24 miles from the baseline of Nauru.

(2) Within the contiguous zone, the Republic may exercise the control necessary to —

- (a) prevent infringement of any customs, fiscal, immigration or sanitary laws within Nauru; and
- (b) punish any infringement of those laws committed within Nauru.

EXCLUSIVE ECONOMIC ZONE

6. (1) Subject to subsections (2) and (3), the exclusive economic zone of the Republic comprises all that area of the sea having as its inner limit the outer limit of the territorial sea, and as its outer limit a line drawn 200 miles seaward from the baseline of Nauru.

(2) Where the median line is less than 200 miles from the baseline of Nauru, the outer limits of the exclusive economic zone extend only to the median line.

(3) The Minister may, by order, 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 the Republic, or any part of the outer limits, extend to a specified line, any point of which does not exceed 200 miles from the baseline of Nauru.

(4) Within the exclusive economic zone, the Republic has —

- (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the seabed, the subsoil under the seabed, and the waters over the seabed; and
- (b) exclusive jurisdiction over the establishment, operation and use of artificial islands, installations and structures; and
- (c) jurisdiction over marine scientific research and the protection and preservation of the marine environment as provided or conferred by international law; and
- (d) such other rights as are conferred or recognised by international law.

CONTINENTAL SHELF

7. (1) All areas of seabed, and the subsoil under the seabed, of the exclusive economic zone shall be treated, for the purposes of any law, as part of the continental shelf of the Republic.

(2) The Republic has and may exercise sovereign and exclusive rights over the continental shelf for the purpose of —

- (a) exploring it and exploiting its mineral and other non-living resources, and living sedentary species on or under the seabed or subsoil; and
- (b) authorising and regulating drilling on the continental shelf for all purposes; and
- (c) such other rights as are conferred or recognised by international law.

RIGHTS OF OTHER STATES

8. (1) Subject to subsection (3), ships of all states shall have, in accordance with the rules of international law, the right of innocent passage through and over the territorial sea.

(2) Subject to subsection (3), all states and their nationals shall enjoy in the exclusive economic zone 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.

(3) The rights and freedoms referred to in this section are subject to —

- (a) all laws of the Republic made in accordance with the rules of international law; and
- (b) the rules of international law.

PROCLAMATION OF LINES

9. (1) The President may, by Proclamation, declare the baseline, and other lines drawn under the provisions of this Act for the purpose of determining the limits of the internal waters, territorial sea, contiguous zone and exclusive economic zone of the Republic, by means of a list of the geographical coordinates of points, specifying the geodetic datum.

(2) A copy of the list referred to in subsection (1) shall be deposited with the Secretary-General of the United Nations.

EVIDENCE OF CHARTS

10. (1) The Minister may give a certificate stating that a specified chart of an area is the chart of that area most suited for the purpose of determining the limits of the internal waters, territorial sea, contiguous zone or exclusive economic zone of the Republic, as the case may be.

(2) In any proceedings before a court or a person acting judicially, a certificate under subsection (1) is evidence of the matters stated in the certificate, and the chart is evidence of the matters set out in it.

GENERAL REGULATIONS

11. Where no other provision is made in or under any other Act for the purpose, the Cabinet may make regulations, in accordance with the rules of international law, for all or any of the following:—

- (a) the passage of ships and the designation of sea lanes and traffic separation schemes in the territorial sea;
- (b) the construction, operation, use and protection of navigational aids, cables and pipelines, artificial islands and other installations and facilities in the territorial sea and the exclusive economic zone;
- (c) the preservation of the environment and the prevention, reduction and control of pollution of the internal waters, the territorial sea and the exclusive economic zone;

- (d) the conduct of marine scientific research and hydrographic surveys in the territorial sea and exclusive economic zone;
- (e) the exploration and exploitation of the exclusive economic zone for the production of energy from waters, currents and winds, and for other economic purposes;
- (f) any other matters that are necessary or convenient to give effect to the rights and obligations of the Republic in relation to the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf, or are necessary to give full effect to the provisions of this Act.

SEA BOUNDARIES BILL 1997

OBJECTS AND REASONS

THE PRIMARY OBJECT OF THIS BILL IS TO ESTABLISH BY LAW THE SEA BOUNDARIES OF NAURU TAKING INTO FULL ACCOUNT THE PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS). A FULL LIST OF GEOGRAPHICAL COORDINATES, EXPRESSED IN TERMS OF THE WORLD GEODETIC SYSTEM 1984, FOR THE BASELINES, TERRITORIAL SEA, CONTIGUOUS ZONE AND EXCLUSIVE ECONOMIC ZONE HAS ALREADY BEEN PREPARED WHICH WILL BE DECLARED BY A PROCLAMATION BY THE PRESIDENT AFTER THE SEA BOUNDARIES BILL 1997 IS PASSED BY THE PARLIAMENT.

CLAUSE 1 - THIS CLAUSE STATES THE TITLE OF THE ACT AND THE COMMENCEMENT BY GAZETTAL NOTICE.

CLAUSE 2 - THIS CLAUSE ESTABLISHES BASIC DEFINITIONS PARTICULARLY THE BASELINE OF NAURU IN ACCORDANCE WITH THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS).

CLAUSE 3 - DECLARES THE INTERNAL WATERS, TO THE LANDWARD SIDE OF THE BASELINE, OVER WHICH THE REPUBLIC HAS FULL SOVEREIGNTY.

CLAUSE 4 - DECLARES THE TERRITORIAL SEA. THE SOVEREIGN RIGHTS OF THE REPUBLIC EXTEND THROUGHOUT THE

SEABED BELOW AND THE AIRSPACE ABOVE THE TERRITORIAL SEA, SUBJECT ONLY TO THE RIGHT OF INNOCENT PASSAGE FOR ALL SHIPS (AS RESERVED IN CLAUSE 8).

CLAUSE 5 - ESTABLISHES A CONTIGUOUS ZONE, EXTENDING A FURTHER 12 MILES OUTWARDS FROM THE OUTER LIMIT OF THE TERRITORIAL SEA, IN WHICH THE REPUBLIC MAY TAKE NECESSARY CONTROL MEASURES IN RELATION TO CUSTOMS, FISCAL, IMMIGRATION AND HEALTH MATTERS.

CLAUSE 6 - DESCRIBES THE EXCLUSIVE ECONOMIC ZONE (EEZ) AND MAKES PROVISION FOR MEDIAN LINES AND INTERNATIONAL AGREEMENTS REGARDING COMMON BOUNDARIES. NAURU SHARES COMMON EXCLUSIVE ECONOMIC ZONE (EEZ) BOUNDARIES WITH KIRIBATI TO THE EAST, AND THE MARSHALL ISLANDS TO THE NORTH.

CLAUSE 7 - ESTABLISHES THE REPUBLIC'S RIGHTS IN RELATION TO A DECLARED AREA OF CONTINENTAL SHELF. ALTHOUGH NAURU DOES NOT HAVE A CONTINENTAL SHELF IN THE STRICT GEOGRAPHICAL SENSE, NEVERTHELESS BY VIRTUE OF ARTICLE 76 OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) IT IS NOW POSSIBLE FOR A NATION TO CLAIM CONTINENTAL SHELF RIGHTS IN RELATION TO A "LEGAL" CONTINENTAL SHELF, COVERING ALL THAT

AREA OF SEABED AND SUBSOIL UNDERLYING THE EXCLUSIVE ECONOMIC ZONE (EEZ).

CLAUSE 8 - MAKES PROVISION FOR THE RIGHTS OF OTHER STATES IN RELATION TO THE TERRITORIAL SEA AND THE EXCLUSIVE ECONOMIC ZONE (EEZ).

CLAUSE 9 - IMPLEMENTS ARTICLE 6 OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS). UPON PROCLAMATION OF THE GEOGRAPHICAL COORDINATES, THE LIST IS LODGED WITH THE SECRETARY-GENERAL OF THE UNITED NATIONS ORGANISATION. THIS SERVES AS OFFICIAL NOTIFICATION OF THE REPUBLIC'S CLAIMS.

CLAUSE 10 - PERMITS CHARTS TO BE DRAWN UP FOR USE IN COURT. ALTHOUGH ARTICLE 16 OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) ALSO ALLOWS FOR THE PROCLAMATION TO BE MADE BY MEANS OF CHARTS, THE MODERN TREND IS TO USE LISTS OF COORDINATES BASED UPON AN INTERNATIONALLY ACCEPTED GEODETIC DATUM, WHICH PERMITS GREATER ACCURACY.

CLAUSE 11 - IS A BASIC REGULATION-MAKING POWER. ALL THE MATTERS CONTAINED IN THE CLAUSE ARE THOSE WHICH THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) PERMITS FOR LEGISLATION BY THE COASTAL STATE. THE CLAUSE IS INTENDED

FOR USE WHERE NO OTHER STATUTE HAS ASSUMED
POWERS IN REGARD TO THE MATTER IN QUESTION.

I hereby certify that the above is a fair print of a Bill for an Act entitled Sea Boundaries Act 1997 that has been passed by Parliament of Nauru and is now presented to the Speaker for his Certificate under Article 47 of the Constitution.



Clerk of Parliament
13th June, 1997

Pursuant to Article 47 of the Constitution, I, KENNAN RANIBOK ADEANG, Speaker of Parliament, HEREBY CERTIFY that the Sea Boundaries Act 1997 has been passed by Parliament of Nauru.



Speaker
13th June, 1997