



SAMOA

MARITIME ZONES ACT 1999

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MARITIME ZONES ACT 1999**1999****No. 18**

AN ACT to make provision with respect to the internal waters, territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of Samoa; and related matters.

[Assent and commencement date: 25 August 1999]

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

**PART 1
PRELIMINARY**

1. Short title and commencement— (1) This Act may be cited as the Maritime Zones Act 1999.

(2) This Act comes into force on the date that it is assented to by the Head of State.

2. Interpretation— (1) In this Act, unless the context otherwise requires:

“baseline” means the line from which:

- (a) the breadth of the territorial sea;
- (b) the outer limits of the following are measured—
 - (i) the contiguous zone;
 - (ii) the exclusive economic zone; and
 - (iii) the continental shelf;

”bay” means a well-marked indentation of the coast such that its area is as large as or larger than that of the area of the semi-circle whose diameter is a line drawn across the mouth of that indentation; and for the purposes of this definition the area of an indentation is taken to be the area bounded by the low-water mark around the shore of the indentation and the straight baseline joining the low-water marks of its natural entrance points; and where, because of the presence of islands, an indentation has more than one mouth the length of the diameter of the semi-circle referred to is the sum of the lengths of the straight baselines drawn across each of the mouths and in calculating the area of an indentation the area of any

- islands lying within it is included as if they were part of the water area of the indentation;
- “exclusive economic zone” means the exclusive economic zone of Samoa as defined in section 19;
- “foreign vessel” means any vessel which is, for the time being, not registered in Samoa;
- “geodetic datum” means the World Geodetic System 1984 (G873) or such other reference system determined by order by the Head of State, acting on the advice of Cabinet;
- “high-water mark” means the line of mean high water and “high tide” has a corresponding meaning;
- “internal waters” means the internal waters of Samoa as defined in section 3;
- “island” means a naturally formed area of land which is surrounded by water and which is above water at high tide;
- “low-water” means lowest astronomical tide and “low-tide” has a corresponding meaning;
- “low-water mark” means the lowest astronomical tide and “low-water line” has a corresponding meaning;
- “low-tide elevation” means a naturally formed area of land which is surrounded by and above water at low tide but is submerged at mean high tide;
- “Minister” means the Minister responsible for Foreign Affairs and Trade;
- “nautical mile” means the international nautical mile of 1,852 meters;
- “official chart” means a chart notified under section 10(3);
- “Official list of geographical coordinates” means a list of geographical coordinates specifying geodetic datum and notified under section 10(3);
- “straight line” means geodesic or such other straight line as determined by order by the Head of State, acting on the advice of Cabinet, and “straight baseline” has a corresponding meaning;
- “territorial sea” means the territorial sea of Samoa as defined in section 4.

(2) For the purpose of assisting in determining the meaning of any words defined in subsection (1), and in the application of any principle or matter provided for by this Act, reference may

be made to any book or reference document prescribed under this Act.

PART 2

INTERNAL WATERS AND TERRITORIAL SEA

3. Internal waters– The internal waters include any areas of the sea that are on the landward side of the baseline of the territorial sea of Samoa.

4. Territorial sea– The territorial sea of Samoa comprises those areas of the sea having, as their inner limits, the baselines described in sections 6 and 7 and, as their outer limits, a line measured seaward from those baselines, every point of which is distant 12 nautical miles from the nearest point of the baseline.

5. Sovereignty– The sovereignty of the Independent State of Samoa extends beyond its land territory and internal waters to the territorial sea and over the airspace of the territorial sea as well as its bed and subsoil.

6. Baseline of the territorial sea– Except as otherwise provided in section 7, the baseline from which the breadth of the territorial sea of Samoa is measured shall be the seaward side of:

- (a) the low-water mark of any reef fringing the coast of any part of Samoa;
- (b) the low-water line of any low tide elevation which is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island; and
- (c) the low-water line along the coast of Samoa, in the case where a fringing reef is not present.

7. Baseline of the territorial sea adjacent to a bay– In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured shall be:

- (a) if the bay has only one mouth and the distance between the low-water marks of the natural entrance points of the bay does not exceed 24 nautical miles, a straight line joining the low-water marks;

- (b) if, because of the presence of islands, the bay has more than one mouth and the sum total of the distances between the low-water marks of the natural entrance points of each mouth does not exceed 24 nautical miles, a series of straight lines across each of the mouths so as to join the low-water marks; or
- (c) if the distance between the low-water marks of the natural entrance points of a bay exceeds 24 nautical miles, a straight baseline of 24 nautical miles drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

8. Ports– For the purposes of this Act, the outermost permanent harbour works which form an integral part of a harbour system are treated as forming part of the coast:

PROVIDED THAT offshore installations and artificial islands shall not be considered as permanent harbour works.

9. Bed of the territorial sea and internal waters vested in Samoa– Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before or after the commencement of this Act), the sea bed and subsoil of the submarine areas bounded on the landward side by the high-water mark along the coast of Samoa including the coast of all islands, and on the seaward side by the outer limits of the territorial sea of Samoa shall be deemed to be and always to have been public land vested in Samoa.

10. Low-water mark, official charts and publicity–

(1) *(Repealed by section 4 of the Maritime Zones Amendment Act, No.6).*

(2) Despite any other law, in any proceedings in any court, tribunal or other adjudicative body (howsoever called), a certificate purporting to be signed by the Chief Executive Officer of the Ministry of Natural Resources and Environment or by a Port Master appointed under the Ports Authority Act 1998 or by the Chief Executive Officer of the Ministry of Works, Transport and Infrastructure that any chart of any area is the official chart

for that area is admissible as sufficient evidence of the matters stated in the certificate.

(3) The Head of State acting on the advice of Cabinet, shall by order, cause all closing lines, baselines and other lines drawn under the provisions of this Act for the purpose of determining the limits of the internal waters, the territorial sea, the contiguous zone, exclusive economic zone and continental shelf of Samoa to be clearly indicated on an official chart prepared on a scale adequate for ascertaining their position, or cause an official list of geographical coordinates, specifying the geodetic datum defining their position, to be produced and shall give due publicity to such charts or list of geographic coordinates by notice in the Savali.

(4) When making an order under subsection (3), the Head of State may also declare, by reference to physical features marked on an official chart or an official list of geographical coordinates, the points to be used for determining the limits of the internal waters, the territorial sea, contiguous zone, exclusive economic zone and continental shelf.

PART 3 INNOCENT PASSAGE

11. Right of innocent passage– (1) A foreign vessel shall enjoy the right of innocent passage through the territorial sea, under this Act and international law.

(2) In this section, “passage” means navigation through the territorial sea for the purpose of:

- (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside the internal waters; or
- (b) proceeding to or from internal waters or a call at such roadstead or port facility.

(3) Stopping and anchoring shall only be permitted insofar as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or in distress.

12. Prohibited passage— Passage of a foreign vessel through the territorial sea shall be prejudicial to the peace, good order and security of Samoa if it engages in any of the following activities:

- (a) a threat or use of force against the sovereignty, territorial integrity or political independence of Samoa or in any other manner in violation of the principles of international law;
- (b) an unauthorised exercised or practice with weapons of any kind;
- (c) an act aimed at collecting information prejudicial to the national security, or defence of Samoa;
- (d) an act of propaganda aimed at affecting the national security or defence of Samoa;
- (e) the launching, landing or taking on board of any aircraft or helicopter or military device;
- (f) the loading or unloading of any commodity, currency or persons contrary to the laws and regulations of Samoa;
- (g) an act of wilful and serious pollution of the marine environment of Samoa;
- (h) fishing activities without a licence issued in accordance with the laws of Samoa;
- (i) the carrying out of scientific research or hydrographic survey activities;
- (j) an activity aimed at interfering with any system of communication or any such facilities or installations of Samoa; and
- (k) any other activity not having a direct bearing on passage.

13. Suspension of innocent passage— (1) The Government may take any steps necessary to prevent passage by any foreign vessel which is prejudicial to the peace good order and security of Samoa under section 12.

(2) The Minister may suspend temporarily in specified areas of its territorial sea, the innocent passage of foreign vessels if such suspension is essential for the protection of national security.

(3) Such suspension referred to in subsection (2) shall only take effect after it has been duly publicised.

14. Obligations of foreign vessels— (1) Submarines and other underwater vehicles shall navigate on the surface and show their flag during their passage through the territorial sea.

(2) Vessels carrying radioactive wastes or other inherently dangerous, noxious or hazardous wastes, or substances harmful to the environment, through the territorial sea must have the prior authorisation of the Minister and any other authority in Samoa vested with relevant lawful authority.

15. Charges which may be levied on foreign vessels—(1) No charges may be levied on foreign vessels by reason only of their passage through the territorial sea.

(2) Despite subsection (1), charges may be levied upon a foreign vessel passing through the territorial sea as payment for specific services rendered to the ship.

PART 4 JURISDICTION OVER FOREIGN VESSELS

16. Criminal jurisdiction— The criminal jurisdiction of Samoa does not extend to crimes committed on board a foreign commercial vessel passing through the territorial sea, except:

- (a) where the consequences of the crime extend to or have any affect in Samoa; or
- (b) if the crime is of a kind to disturb the peace of Samoa or the good order of the territorial sea;
- (c) where the master of the vessel or a diplomatic agent or consular officer of the flag State seeks the assistance of the Government of Samoa; or
- (d) if such measures, in the opinion of the Attorney General, are necessary—
 - (i) for the suppression of illicit traffic in narcotic drugs or psychotropic substances; or
 - (ii) to enforce the Money Laundering Prevention Act 2007 or the Counter Terrorism Act 2014 or like statutes; or
 - (iii) to ensure Samoa meets its obligations under any international or regional convention, treaty or other agreement (howsoever called) to which Samoa is a party.

17. Civil jurisdiction – (1) A foreign vessel passing through the territorial sea shall not be stopped for the purpose of exercising civil jurisdiction in relation to a person on board the vessel.

(2) No person shall levy execution or arrest a foreign vessel passing through the territorial sea in connection with any civil proceedings, except in respect of obligations or liabilities assumed or incurred by the vessel in the course of, or for the purpose of its voyage through the territorial sea.

(3) Despite subsection (2), a person may levy execution against, or arrest a foreign vessel for the purpose of any civil proceedings, if the vessel is lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

PART 5 CONTIGUOUS ZONE

18. The contiguous zone - (1) The contiguous zone of Samoa 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 outer limits of the territorial sea described in section 4, every point of which is distant 24 nautical miles from the nearest point of the baseline.

(2) Within the contiguous zone, the Government may exercise any powers and take any measures necessary to:

- (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within Samoa or the territorial sea; and
- (b) punish infringement of its customs, fiscal, immigration or sanitary laws and regulations committed within Samoa or the territorial sea.

PART 6 EXCLUSIVE ECONOMIC ZONE

19. Exclusive economic zone– The exclusive economic zone of Samoa comprises that area of the sea, seabed, and subsoil that are beyond and adjacent to the territorial sea, having as their outer limits the line every point of which is 200 nautical miles seaward from the nearest point of the territorial sea baseline.

20. Rights and jurisdiction in the exclusive economic zone– (1) In the exclusive economic zone, the Government of Samoa has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources (whether living or non-living) of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to any other activity relating to the economic exploitation and exploration of the zone.

(2) Without limiting subsection (1), the Government has jurisdiction in the exclusive economic zone with regard to all of the following:

- (a) the establishment and use of artificial islands, installations and structures;
- (b) marine scientific research;
- (c) the protection and preservation of the marine environment.

21. Delimitation of the exclusive economic zone– (1) Where the exclusive economic zone of Samoa overlaps with the zone of an opposite or adjacent state, then the delimitation of the outer limits of the exclusive economic zone of Samoa shall be affected 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.

(2) Pending the conclusion of an agreement referred to in subsection (1) between the Government of Samoa and another opposite or adjacent state, the median line shall, without prejudice to any negotiations of an agreement, provisionally constitute the outer limits of the exclusive economic zone of Samoa.

(3) In subsection (2), “median line” means the line every point on which is equidistant from the nearest points on the territorial sea baselines of the coastline of Samoa and the territorial sea baselines of the coastlines of the opposite or adjacent States.

(4) The Minister shall deposit with the Secretary-General of the United Nations a copy of each chart and each official list prepared under this Act and showing the outer limit of the exclusive economic zone.

22. Prohibited activities– (1) No person shall within the limits of the exclusive economic zone engage in any activity

which is inconsistent with the sovereign rights and jurisdiction of the Independent State of Samoa referred to in section 20 unless he or she is first authorised by the Minister or holds any other authorisation under any law in Samoa.

(2) A person who contravenes subsection (1) is liable on conviction to a fine not exceeding 1000 penalty units or to a term of imprisonment not exceeding 5 years, or both.

23. Offences in the exclusive economic zone— An offence against this Act that is committed within the exclusive economic zone is taken to have been committed in Samoa.

PART 7 CONTINENTAL SHELF

24. Continental Shelf - The continental shelf of Samoa comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to a distance of 200 nautical miles from the baselines from which the territorial sea is measured.

PART 8 MISCELLANEOUS

25. Jurisdiction of the Courts – Despite any provision in any enactment, the Supreme Court has exclusive jurisdiction over any matter arising under this Act.

26. International agreements— The Head of State may, on the advice of Cabinet, limit any provision of this Act so far as it is necessary to give effect to any obligations under any treaty to which Samoa is a party.

27. Regulations— The Head of State, acting on the advice of Cabinet, may make regulations for the purpose of carrying out or giving effect to the principles and provisions of the Act, and in particular, but without restricting the generality of the foregoing, may make regulations for all or any of the following:

- (a) regulating the conduct of scientific research within the exclusive economic zone;

- (b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from waters, currents and winds, and for other economic purposes;
- (c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone including requirements for the establishment of safety zones around islands, installations and structures;
- (d) prescribing measures for the protection and preservation of the marine environment of exclusive economic zone waters;
- (e) regulate the passage of vessels in the territorial sea and the exclusive economic zone; and
- (f) providing for such other matters as are necessary or expedient to give effect to the provisions of this Act.

28. Repeals– The following Acts are repealed:

- (a) Territorial Sea Act 1971; and
- (b) Exclusive Economic Zone Act 1977.

REVISION NOTES 2008 – 2020/3 March 2021

This is the official version of this Act as at 3 March 2021.

This Act has been revised by the Legislative Drafting Division from 2008 to 2020/3 March 2021 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes.
- (c) Insertion of the commencement date
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) “Every” and “any” changed to “a”
 - (ii) “shall be” changed to “is” and “shall be deemed” changed to “is taken”
 - (iii) “shall have” changed to “has”
 - (iv) “shall be guilty” changed to “commits”

- (v) “notwithstanding” changed to despite”
- (vi) “pursuant to” changed to “under”
- (vii) “it shall be lawful” changed to “may”
- (viii) “it shall be the duty” changed to shall”
- (ix) Numbers in words changed to figures
- (x) “hereby” and “from time to time” (or “at any time” or “at all times”) removed
- (xi) “under the hand of” changed to “signed by”
- (xii) Part numbers changed to decimal. Part 8 title changed to “MISCELLANEOUS”.

The following amendments were made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*:

By the Maritime Zones Amendment Act 2015, (No.6, commenced on 2 February 2015):

- Section 2** replaced definitions of “high-water mark”, “low water Line” and “low-water mark”.
- Section 10** subsection (1) is repealed; and in subsection (3) deleted and substituted the words “zone and exclusive economic zones” with the words “zone, exclusive economic zone and continental shelf”; and in subsection (4) deleted and substituted the words “sea and exclusive economic zone” with the words “sea, contiguous zone, exclusive economic zone and continental shelf”.
- Section 13** in subsection (1) deleted and substituted the words “order and good government” with the words “good order and security”.
- Section 18** replaced with new section 18.
- Section 24** replaced with new section 24.
- Section 27(d)** deleted and substituted the words “the fishery” with the words “exclusive economic zone”.

*This Act is administered by
the Ministry of Foreign Affairs and Trade.*