

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.

[25th August 1999]

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

1. Short title and commencement-(1) This Act may be cited as the Maritime Zones Act 1999.
(2) This Act shall come 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 -

"Low-water mark" has the meaning assigned thereto by section 10 and "low-water line" shall have the 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" shall mean the Minister responsible for Foreign Affairs:

"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):

"Territorial sea" means the territorial sea of Samoa as defined in section 4 of the Act:

(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.

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;

(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 said low-water marks;

(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 shall be 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) For the purposes of this Act, the low-water mark in any area shall be the low-water mark at low tides either -

(a) As depicted on an official chart; or

(b) As determined by reference to an official list of geographical coordinates.

(2) In any proceedings in any court, a certificate purporting to be signed by the Director of Lands, Surveys and Environment or by a Port Master appointed under the Ports Authority Act 1998 or by the Ministry of Transport that any chart of any area is the official chart for that area, shall be admissible as 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 and exclusive economic zone 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.

sea, in accordance with the provisions of this Act and international law.

(2) 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) Any 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) Any unauthorised exercised or practice with weapons of any kind;

(c) Any act aimed at collecting information prejudicial to the national security, or defence of Samoa;

(d) Any 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;

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

16. Criminal jurisdiction - The criminal jurisdiction of Samoa shall 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 are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

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) Notwithstanding subsection (2), any 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.

18. The Contiguous zone-(1) The contiguous zone of Samoa comprises that part of the sea within 24 nautical miles from the baseline from which the breadth of the territorial sea is measured.

(2) The Government of Samoa may exercise any powers and take any measures in relation to the contiguous zone as may be necessary in order to prevent or punish infringements of its laws that relate to customs, fiscal matters, immigration, environmental protection or health, or any other law as prescribed under this Act.

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 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

Source: http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/1999/Maritime_Zones.html