

Deep Sea Minerals (DSM) Project

National Legal Framework
(Samoa, 8th March 2012)

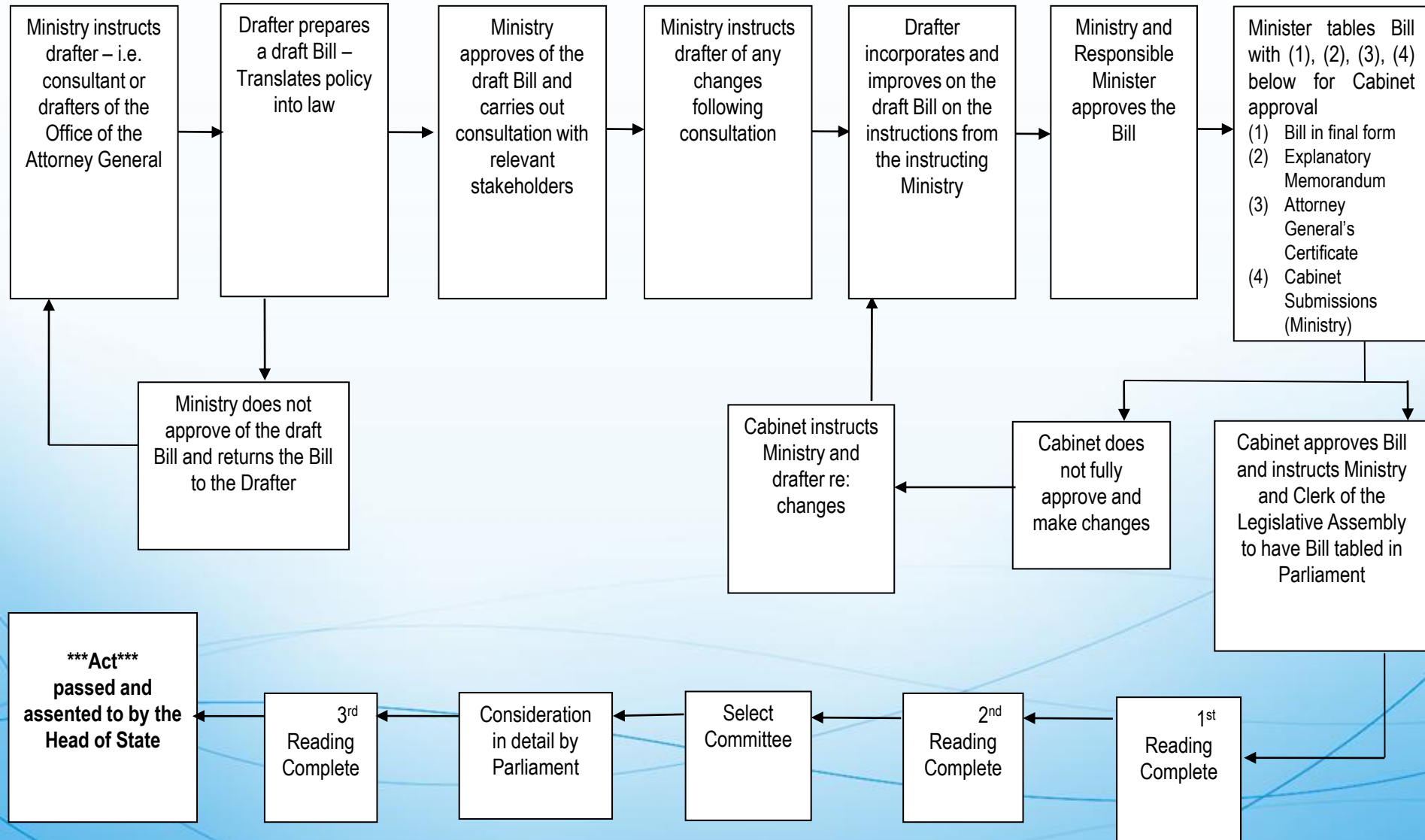
LEGAL SYSTEM

Samoa practices a Westminster legal system (based on the English system) adopted by many Commonwealth countries.

- I. Executive – Head of State, Prime Minister, Cabinet Ministers, Executive Council
- II. Legislative – Parliament (49 members elected by universal suffrage every 5 years)
- III. Judiciary – 2 parallel components
 - * Mainstream: Court of Appeal, Supreme Court, District Court
 - * Land and Titles: Land and Titles Appellate Court & Land and Titles Court

Legislative Process

FLOW CHART - FROM INSTRUCTIONS TO ACT OF PARLIAMENT



Legislation

* Constitution

- Fundamental Human Rights
- Head of State
- The Executive
- Parliament
- Emergency Powers
- Public Service
- Finance
- Land and Titles

* Available from:

- Legislative Assembly (hardcopy) or www.parliament.gov.ws/
- PacLII Website www.paclii.org/



INTERNATIONAL MARITIME CONVENTIONS

United Nations Convention on the Law of the Sea (14 August 1995)

Maritime Zones Act 1999

Samoa is a Signatory of

| Convention | Legislation |
|---|--------------------------------------|
| Convention Establishing the International Maritime Organisation (IMO), 1947; | |
| International Convention for the Safety at Sea (SOLAS); | Shipping Act 1998 |
| Convention on Standards of Training, Certification and Watch-keeping for Seafarers, 1978 (STCW); | |
| Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention); | Marine Pollution Prevention Act 2008 |
| Convention for the Protection of Pollution from Ships (1973) and its Protocol 1978 (MARPOL); | |
| International Convention on Oil Pollution Preparedness, Responses and Cooperation, 1990 (OPRC); | |
| International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS); | |
| International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001. (Bunkers Convention) | |

* Maritime Zones Act 1999

“In [EEZ] 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”.

“... [T]he Government of Samoa has jurisdiction in the [EEZ] with regard to... [m]arine scientific research; and [t]he protection and preservation of the marine environment”.



REGULATION OF MARINE RESOURCES

* Fisheries Act 1988

“An Act for the conservation, management and development of Samoan fisheries, for the licensing and control of foreign fishing and for related matters. ”

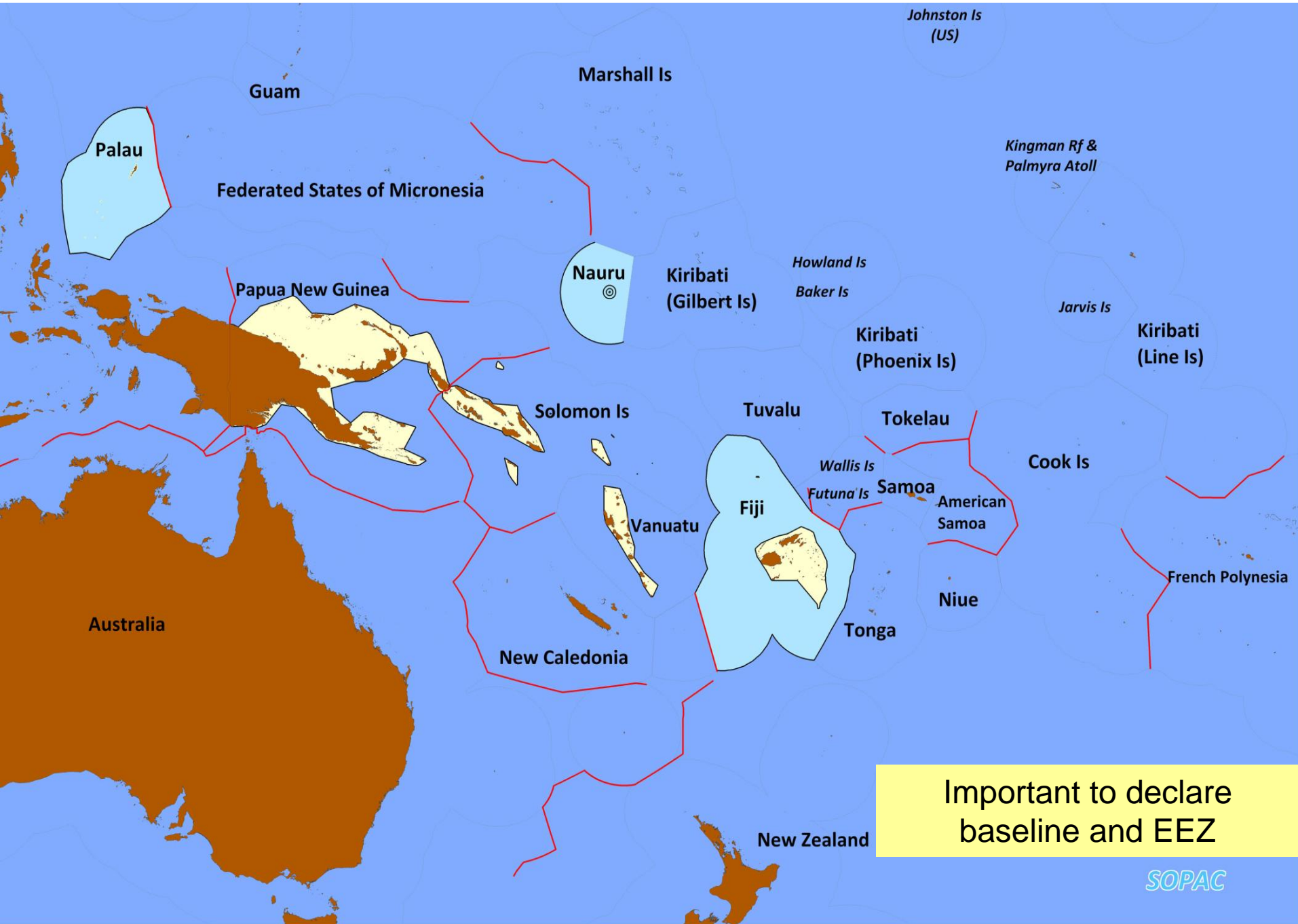


**REGULATION
OF MARINE
RESOURCES**

Maritime Zones

1. International Law: *United Nations Convention on the Law of the Sea 1982 (UNCLOS)* – provides for specific maritime zones. Example: Internal Waters, Territorial Sea, Contiguous Zone, Exclusive Economic Zone and Continental Shelf.

2. National Law: *Maritime Zones Act 1999*
 - i. Internal Waters – section 3
 - ii. Territorial Sea – section 4
 - iii. Contiguous Zone – section 18
 - iv. Exclusive Economic Zone – section 19
 - v. Continental Shelf – section 24



Important to declare
baseline and EEZ

Current Status

- * To date, Samoa has not confirmed any of its' functional maritime zones beyond the territorial sea under the *United Nations Convention on the Law of the Sea 1982 (UNCLOS)*.
- * Samoa is effectively 'zone locked' by the surrounding territorial waters of Tonga and territories American Samoa (USA), Tokelau (NZ) and Wallis and Futuna (France).
- * Negotiation and agreement is needed.

MARINE ENVIRONMENTAL PROTECTION

- * *Who is responsible?*

- * *Ministry of Natural Resources and Environment*
- * *Ministry of Works, Transport and Infrastructure*
- * *Ministry of Agriculture and Fisheries*
- * *Ministry of Foreign Affairs and Trade*

FA'AFETAI TELE LAVA.

Constance Tafua-Rivers
Principal Legislative Drafter
Office of the Attorney General
Ph: 20295 | Email: constancetr@ag.gov.ws