

TITLE 51 – MANAGEMENT OF MARINE RESOURCES
CHAPTER 1 - MARSHALL ISLANDS MARINE RESOURCES AUTHORITY



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

MARSHALL ISLANDS MARINE RESOURCES ACT 1997

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AN ACT to establish the Marshall Islands Marine Resources Act (Authority). [This Chapter codifies Parts I, II and XI of P.L. 1997-60]

<i>Commencement:</i>	<i>Not Specified</i>
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<i>Amended By:</i>	<i>P. L. 2001-22 P. L. 2006-64 P. L. 2011-63</i>
	<i>P.L 2016-23 P.L 2018-64</i>

PART I- INTRODUCTION

§101. Short Title.

This Chapter may be cited as the Marshall Islands Marine Resources Act 1997. [P.L. 1997-60, §1.]

§102. Interpretation.

In this Title:

- (1) **“Access agreement”** means a treaty, agreement or arrangement entered into by the Authority pursuant to the Constitution and this Title in relation to access to the Fishery Waters for fishing by foreign or domestic-based fishing vessels, and includes bilateral and multilateral instruments applicable at the national, sub-regional, regional or international level;

- (2) “**administrator**” means the director of a regional fisheries agency or any other organization or person authorized to administer an access agreement or fisheries management agreement;
- (3) “**agent**” includes a person appointed or designated by a foreign fishing company or other entity or person to act as its legal representative within the Republic of the Marshall Islands, pursuant to Section 407 of Chapter 4 of this Title;
- (4) “**aircraft**” means any craft capable of self-sustained movement through the atmosphere and includes helicopters;
- (5) “**artisanal fisheries**” or “**artisanal fishing**” means in-shore fishing by citizens using vessels powered by outboard engines, and which could include commercial fishing;
- (5A) “**areas beyond the fisheries waters**” means areas of high seas and any other waters under the jurisdiction of another coastal State;
- (6) “**atoll**” means a naturally formed coral reef system forming a geographic and ecologic unit which is crowned by at least one island;
- (7) “**Attorney-General**” means the Attorney- General of the Republic of the Marshall Islands;
- (8) “**Authority**” means the Marshall Islands Marine Resources Authority established by Section 111 of this Chapter.
- (9) “**authorized observer**” means any person authorized in accordance with Section 507 Chapter 5 of this Title, to act as an observer on fishing vessels for the purposes of this Title, including any observer authorized pursuant to the provisions of an access agreement or a fisheries management agreement;
- (10) “**authorized officer**” means any person or category of persons designated pursuant to Section 503 as an authorized officer;
- (11) “**based in the Republic of the Marshall Islands**” means using land-based facilities in the Republic of the Marshall Islands to support fishing, including location of the home port of a vessel in the Republic of the Marshall Islands, landing or transshipping all fish harvested within the exclusive economic zone and/or operating under a joint venture arrangement in the Republic of the Marshall Islands, or under arrangements where the operator of a vessel is participating in shore based developments or is otherwise making a

- substantial contribution to the development of the domestic tuna industry;
- (12) “**buy**” includes:
- (a) barter or attempt to barter;
 - (b) purchase or attempt to purchase;
 - (c) receive on account or consignment;
 - (d) purchase or barter for future goods or for any consideration of value;
 - (e) purchase or barter as an agent for another person, and “**buyer**” shall have a corresponding meaning;
- (13) “**citizen**” means a person who is a citizen or legal resident of the Republic of the Marshall Islands, and “**non-citizen**” shall have a corresponding meaning;
- (14) “**closed season**” means a period of time during which fishing is prohibited;
- (15) “**commercial fishing**” means any fishing resulting or intending or appearing to result in selling or trading any fish which may be taken during the fishing operation, and does not include subsistence fishing.
- (16) “**commercial pilot fishing**” means any fishing for the purpose of testing the commercial viability of:
- (a) new fishing methods;
 - (b) developing new stocks of fish: or
 - (c) fishing in previously unexploited areas;
- (16A) “**competent Authority**” means the Authority exercising the functions in accordance with Section 119(1)(g) of this Title;
- (17) “**Court**” means the High Court of the Republic of the Marshall Islands, (18) “**Director**” means the Director of the Marshall Islands Marine Resources Authority;
- (19) “**domestic based fishing**” means any fishing by foreign fishing vessels based in the Republic of the Marshall Islands, but not including commercial pilot fishing;
- (20) “**domestic based fishing vessel**” means any fishing vessel based in the Republic of the Marshall Islands;