

**TITLE 51 – MANAGEMENT OF MARINE RESOURCES**  
**CHAPTER 4 - FISHING ACCESS AND LICENSING**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**FISHING ACCESS AND LICENSING ACT**

**Arrangement of Sections**

Section	Page
<b>PART I - FOREIGN AND DOMESTIC BASED FISHING AND RELATED</b>	<b>3</b>
§401. Short Title. ....	3
§402. General Requirements. ....	3
§403. Access agreement required. ....	4
§404. Fees for licenses for foreign fishing vessels and domestic based fishing vessels. ....	4
§405. Access Agreement; term of validity. ....	4
§406. Access agreement; minimum terms. ....	5
§407. Fisheries management agreements. ....	7
§408. Implementation of multilateral access agreements, fisheries management agreements. ....	8
§409. Transshipment. ....	9
<b>PART II- LICENSES AND REGISTRATION</b>	<b>10</b>
§410. Licenses may be required. ....	10
§411. Activities subject to licenses, authorization. ....	10
§412. Fishing licenses required for domestic-based and foreign fishing vessels. ....	11
§413. License approval and issuance. ....	11
§414. License Denial. ....	13
§415. Suspension, revocation or imposition of conditions or restrictions on a license. ....	14
§416. Licenses - Period of Validity. ....	15
§417. Licensing Period. ....	15
§418. Fees and charges. ....	16
§419. Observation of laws. ....	17

---

§420.	Reporting requirements. ....	17
§421.	Marine scientific research. ....	19
§422.	Fishing plans.....	19
§423.	Mariculture and aquaculture. ....	21
§424.	Registration of fishers and fishing vessels. ....	21
§425.	Fishing or other activity without or in contravention of a license prohibited. ....	22

**TITLE 51 – MANAGEMENT OF MARINE RESOURCES  
CHAPTER 4 - FISHING ACCESS AND LICENSING**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**FISHING ACCESS AND LICENSING ACT**

**AN ACT** to govern the issuance of fishing licensing, access agreements and matters related thereto.

*Commencement:*

*October 13, 1997*

*Source:*

*P.L. 1997-60*

*Amended By:*

*P.L. 2011-63*

**PART I - FOREIGN AND DOMESTIC BASED FISHING AND  
RELATED**

**ACTIVITIES**

**§401. Short Title.**

This Chapter may be cited as the Fishing Access and Licensing Act. [Short title supplied by Commissioner during codification.]

**§402. General Requirements.**

- (1) No person shall use a vessel for entering or remaining within the Fishery Waters in violation of any provision of this Title, any other law of the Republic of the Marshall Islands or an applicable access agreement unless the vessel is entering for innocent passage or force majeure in accordance with international law.
- (2) Each foreign and domestic based fishing vessel in any place in the fisheries waters shall be operated in such a way that the activities of

local and traditional fishermen and fishing vessels are not disrupted or in any other way adversely affected.

- (3) Where any vessel is used in the contravention of Subsection (1), the operator of that vessel commits an offence and upon conviction shall be fined not more than \$1,000,000.
- (4) Where any person contravenes Subsection (2), the operator of that vessel commits an offence, and shall be fined not more than \$500,000. [P.L. 1997-60, §56.]

**§403. Access agreement required.**

- (1) No foreign or domestic-based fishing vessel shall be issued a license to fish in the Fishery Waters unless an applicable access agreement is in force, duly entered into by the Authority in accordance with this Title. [P.L. 1997-60, §57.]

**§404. Fees for licenses for foreign fishing vessels and domestic based fishing vessels.**

- (1) Fees and other forms of compensation for the right to engage in fishing within the Fishery Waters by foreign and domestic based fishing vessels shall be established in access agreements entered into pursuant to Section 403 of this Title.
- (2) The Authority may accept all or a portion of the fee paid under an access agreement pending rebate under such conditions as the Authority may determine in writing or as may be prescribed by regulation, and when the Authority is satisfied that all conditions have been met.
- (3) That portion of a fee that is subject to rebate shall be held in a separate trust account maintained by the Authority until the Authority determines whether the conditions have been met for rebate. [P.L. 1997-60, §58.]

**§405. Access Agreement; term of validity.**

- (1) The term of validity of an access agreement shall not exceed ten years, and the length of the term shall be established taking into account the:
  - (a) likely compliance with the access agreement and this Title;

- (b) potential economic benefits for the Republic of the Marshall Islands;
- and such term may be renewable subject to the approval of the Authority based on the performance of the other party based on the above criteria and such other requirements as the Authority may determine.
- (2) Any access agreement whose validity exceeds one year shall include provision for annual review by the Authority.
- (3) Any access agreement may be terminated by the Authority, according to its terms or upon substantial non-compliance by the other party with any requirement of the access agreement or this Title.
- (4) Fishing under any access agreement may be suspended by the Authority upon a determination by the Authority, based on the best scientific information in the region, that continued fishing at current levels would seriously threaten the fish stocks.
- (5) If fishing is suspended under Subsection (4), the Authority shall make every effort to accommodate the long-term interests of the party to the access agreement and shall rebate proportionately any fees paid for fishing during such suspension. [P.L. 1997-60, §59.]

**§406. Access agreement; minimum terms.**

All access agreements shall have the following minimum terms:

- (1) The sovereign rights and exclusive fishery management authority of the Republic of the Marshall Islands within the Fishery Waters shall be recognized.
- (2) The operator and each member of the crew shall comply with the applicable access agreement, this Title and all other applicable laws and regulations;
- (3) The operator shall:
  - (a) provide an authorized observer, while on board the vessel, at no expense, with officer level accommodation, food and medical facilities;
  - (b) meet the following costs of the authorized observer:
    - (i) full travel costs to and from the vessel;