

**THE UNITED NATIONS CONVENTION ON  
THE LAW OF THE SEA**

**AND**

**BELIZE'S LEGAL AND INSTITUTIONAL  
FRAMEWORK FOR OCEAN AFFAIRS**

**Including Legal and Institutional Requirements  
for**

**Sustainable Marine Fisheries**

**Sustainable Marine Aquaculture**

**Seafood Processing**

**Marine and Coastal Tourism**

**WORKING DRAFT**

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**November 2018**

**The United Nations Convention on the Law of the Sea and Belize National Ocean  
Governance Framework: including legal and institutional requirements for sustainable  
marine fisheries, sustainable marine aquaculture, seafood processing, and marine and  
coastal tourism.**

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## Sustainable Trade of Products and Services in Ocean-based Economic Sectors

This report was produced under the

“Evidence-based and Policy Coherent Oceans Economy and Trade Strategies” project for coastal developing countries and particularly Small Island Developing States (SIDS); implemented by the United Nations Conference on Trade and Development (UNCTAD) in cooperation with the Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs (OLA) of the United Nations, with funding from the United Nations Development Account.

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The author wishes to acknowledge the contributions of UNCTAD, UN/DOALOS and the Government of Belize in the preparation of the present report.

**Recommended Citation:**

Usher, Mark A.; *The United Nations Convention on the Law of the Sea and Belize's Legal and Institutional Frameworks for Ocean Affairs: including requirements for sustainable marine fisheries, sustainable marine aquaculture, seafood processing, and marine and coastal tourism*; the United Nations Conference on Trade and Development (UNCTAD) in cooperation with the Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs (OLA) of the United Nations and the Belize Fisheries Department; 2018.

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## **A. THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA AND BELIZE'S LEGAL AND INSTITUTIONAL FRAMEWORK FOR OCEAN AFFAIRS**

### **1.0 Background**

The present study has been prepared in connection with the project “*Evidence-based and Policy Coherent Oceans Economy and Trade Strategies*” implemented by the United Nations Conference on Trade and Development (UNCTAD) in cooperation with the Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs (OLA) of the United Nations.

The project is aimed at supporting developing countries, including Belize, in realizing economic benefits from the sustainable use of marine resources within the framework of the 1982 United Nations Convention of the Law of the Sea (UNCLOS). It will assist coastal developing countries, particularly SIDS, in promoting the sustainable trade of products and services in ocean-based economic sectors by analyzing, elaborating and adopting evidence-based and policy-coherent ocean economy trade strategies (OETS) and contribute to building national implementing capacities

One component of the project called for a desk study (the results of which are contained in this report) identifying and describing relevant legal (national legislation, regulations and policies) and institutional components (the roles of relevant institutions) of the national ocean governance framework in Belize, including a detailed discussion on relevant legal and institutional components of the ocean governance framework in the following four identified sectors: sustainable marine fisheries, sustainable marine aquaculture, seafood processing and marine and coastal tourism

Another component carried out simultaneously with the legal study, was a trade and economic data analysis and stakeholder mapping of the potential products and services in the four selected ocean-based economic sectors. This study was carried out by Dr. Leroy Almendarez who gathered and synthesized sectorial economic information which will be used for promoting the sustainable trade of products and services in those ocean-based economic sectors.

These studies will inform the National Stakeholder Dialogue Workshop, which will select the specific sectors on which the project will focus.

## **2.0 The International Legal Framework established by the United Nations Convention on the Law of the Sea**

UNCLOS is the international agreement which sets forth the legal framework within which all activities on the oceans and seas must be carried out. It is often regarded as a framework convention as it sets up institutions and balances the rights and obligations of different States, as well as the interests of the international community, and is supplemented by other conventions and protocols.<sup>1</sup>

UNCLOS defines the rights and responsibilities of States with respect to their use of the world's oceans. Its objectives are to facilitate international communication, promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment (Preamble).

The legal framework set forth in UNCLOS includes provisions in relation to defining the limits of maritime zones and establishing the rights of passage and navigation through those maritime zones. It also institutes mechanisms for achieving and maintaining peace and security of oceans and seas, for undertaking the conservation and management of marine living resources, for protecting and preserving the marine environment, for undertaking marine scientific research and for settling disputes regarding activities on the oceans.

Belize signed on to the Convention on 12 September 1982, and was the eighth country to ratify the Convention, on 13 August 1983. UNCLOS came into force on 16<sup>th</sup> November 1994, a year after the sixtieth ratification of the Convention.<sup>2</sup>

## **3.0 The Limits of the Maritime Areas of Belize and Belize's Sovereignty, Sovereign Rights and Jurisdiction in those Areas**

### **3.1 The Limits of Belize's Maritime Areas as Prescribed by the Maritime Areas Act**

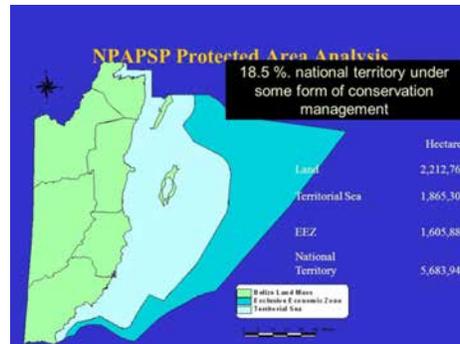
Belize legally established its maritime areas through the *Maritime Areas Act* (MAA) which was passed in the National Assembly and entered into force on 30<sup>th</sup> January 1992.<sup>3</sup>

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<sup>1</sup> Williams, S.O.; Law of the Sea Mechanisms: Examining UNCLOS Maritime Zones; (online) Available at: <https://www.maritime-executive.com/article/Law-of-the-Sea-Mechanisms-Examining-UNCLOS-Maritime-Zones-2014-12-01#qs.qfQetF8>; retrieved 4<sup>th</sup> June 2018.

<sup>2</sup> As a common law, Commonwealth Caribbean State, international treaties such as UNCLOS, form no part of domestic law unless they have been specifically incorporated by the legislature. In order to be binding in municipal law, the terms of a treaty must be enacted by the [Belize] Parliament, with the Belize Senate entrusted by the Belize Constitution (sec. 61 A (2) (a)) to authorize the ratification (including adhesion or accession) of any treaty by the Government of Belize.

Belize has series of coral reefs straddling its coast, roughly 980 ft. offshore in the north and 25 mi. in the south within the country limits. In addition to its barrier reef, Belize also boasts three distinct Caribbean atolls: Turneffe Atoll, Glover's Reef and Lighthouse Reef; with Lighthouse Reef being the most easterly.



Map of maritime areas claimed by Belize (National Protected Areas Secretariat).

Belize's baselines are set out in a Schedule to the MAA as follows: the baseline from which the breadth of the territorial sea is measured extends from Belize's northern coast to the northernmost island of Ambergris Caye – SE, and from Ambergris Caye – SE to Belize's southern border at the Sarstoon River, through a series of loxodromes drawn so as to join successively in the order in which they are there located from north to south, points situated on the low water line on or adjacent to Mauger Caye, Sandbore Caye, Half-Moon Caye, North East Caye, Silk Cayes, Black Rock, Nicholas Caye, Hunting Caye, Ragged Caye, East Snake Caye, South Snake Caye, Moho Caye, Stuart Caye, Rio Grande - South Entrance, Orange Point, Mother Point and then on to the Sarstoon River.

The internal waters of Belize comprise any areas of water that are on the landward side of the baselines from which the maritime zones are measured (sec. 5). The territorial sea of Belize comprises those areas of the sea having, as their inner limits, the baselines of the territorial sea and, as their outer limits, a line measured seaward from that baseline, every point of which is 12 nautical miles from the nearest point of that baseline (sec. 3 (1)); except for the territorial sea between the mouth of the Sarstoon River to Ranguana Caye which is kept at the traditional 3 nautical miles to provide a framework for the negotiation of a definitive agreement on territorial differences with the Republic of Guatemala (sec. 3 (2) and (3)).

The exclusive economic zone of Belize 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 baseline of the territorial sea, every point of which is 200 nautical miles distant from the nearest point of that baseline (sec. 6).

<sup>3</sup> The MAA established for Belize a territorial sea 12 nautical miles from its baselines (sec. 3 (1)), internal waters comprising any areas of water that are on the landward side of the baseline of the territorial sea (sec. 5) and an exclusive economic zone 200 nautical miles from its baselines (sec. 6), all in accordance with UNCLOS.

The MAA however, makes no provisions for a contiguous zone or for the continental shelf.

### **3.2 Sovereignty, Sovereign Rights and Jurisdiction in Belize's Maritime Areas**

In accordance with art. 2 of UNCLOS, Part III (sec. 8) of the MAA establishes Belize's sovereignty in respect of the territorial sea, the airspace over and the seabed under the territorial sea and the subsoil of that seabed. Section 9 (a) of the MAA accords with art. 56 of UNCLOS in spelling out Belize's sovereign rights in respect of the EEZ for the purpose of fishing, navigation with respect to fishing, the exploration for, and exploitation, conservation and management of resources of the waters superjacent to the seabed and of the seabed and subsoil; and for the production of energy from the waters, currents and winds.

Through sec. 9 (b), Belize has jurisdiction in the EEZ with regard to the establishment and use of artificial island, installations and structures; maritime scientific research; and the protection and preservation of the marine environment; while sec. 9 (c) (i) to (iii)) confers on Belize the right to construct and to authorize and regulate the construction, operation and use of artificial islands; installations and structures for the purposes provided for under paragraph 9 (a) above or for any other economic purposes; and installations and structures which may interfere with the exercise by Belize of rights in respect of the exclusive economic zone.

Through the *High Seas Fishing Act, 2013* (HSFA 2013), Belize has established jurisdiction on the high seas to carry out its cooperative responsibility to promote the long-term conservation, management and sustainable use of marine resources on the high seas by implementing the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the FAO Compliance Agreement) of the Food and Agriculture Organization of the United Nations (FAO) adopted by the FAO Conference on 24 November 1993; the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at New York on 4 August 1995 (UNFSA); and by establishing a system for the regulation of Belize-flagged high seas fishing vessels which operate outside the territorial waters and Exclusive Economic Zone of Belize (sec. 2).

### **3.4 The Exercise of Criminal and Civil Jurisdiction by Belize in its Maritime Areas**

Section 17 of the MAA extends the criminal and civil jurisdiction of the courts of Belize to the maritime areas of Belize for the purpose of the MAA and any regulations made under it or any enactment which applies or is applied to the maritime areas of Belize or any part of it.

Section 10 (1) (a) of the MAA prohibits any person from carrying out the following activities within the limits of the exclusive economic zone: exploring for or exploiting the resources; producing energy from the waters, currents or winds; conducting any marine scientific research; or constructing, operating or using any artificial island, or any installation or structure for the

purpose of the exercise of any right or interfering with the exercise of rights belonging to Belize in that area. Similarly, section 10 (1) (b) prohibits the same activities in the territorial seas except when authorized to do so.

The MAA also designates as proscribed activities the infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea (sec. 11 (1) (f)); and where a foreign vessel, while in the territorial sea, without the permission of a competent authority given to the master of the vessel, engage in any proscribed activity, the master of the vessel and any other person on board the vessel participating in that activity are each guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of fifty thousand dollars (sec. 13 (2)). However, no prosecution for an offence against this section shall be brought against a person who is entitled to State or other immunity recognized by law (sec. 13 (3)).

An authorized person, including a Coast Guard member (sec. 4 (2) (b) and (c) *Coast Guard Act*), is therefore empowered by the MAA, within the maritime areas of Belize, to stop, board, inspect and search any vessel, or enter, inspect and search any installation, if there is reasonable cause to believe it is being used for or in connection with the commission of the offence; or to arrest, with or without a warrant, any person on board the vessel, or on the installation, or found elsewhere in Belize, if there is reasonable cause to believe the person has committed an offence; or to detain the vessel if there is reasonable cause to believe that an offence has been committed by the owner or master of the vessel; or enter, inspect and search any installation whose establishment, construction, operation or use would constitute the offence and arrest, with or without a warrant, any person on the installation, or found elsewhere in Belize, if there is reasonable cause to believe the person has committed the offence (section 18 (1) (a) to (d)).

Section 19 of the MAA provides that where an offence is committed on board a foreign vessel (being a merchant ship or government ship operated for commercial purposes) during its passage through the territorial sea, a prescribed power may be exercised, in relation to the offence, on board the vessel during that passage, only if the consequences of the offence extend to Belize; the offence is of a kind likely to disturb the peace of Belize or the good order of the territorial sea; the assistance of the Government or any public officer has been requested by the master of the foreign vessel or by a diplomatic agent or consular officer of the relevant foreign State; or it is necessary to exercise a prescribed power for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substance or weapons.

Finally, section 20 provides that where in any criminal proceedings, a question arises whether or not an act or omission occurred within the limits of internal waters, the territorial sea, or the exclusive economic zone; a certificate purporting to be signed by the Minister of Foreign Affairs to the effect that the act or omission did or did not so occur shall be received as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

In terms of Belize exercising its civil jurisdiction in its maritime areas, section 21 (1) provides that all questions and disputes of a civil nature concerning or arising out of acts or omissions which occur within the limits of the exclusive economic zone in connection with the exploration for or exploitation of resources; the conduct of any research activities; the establishment, construction, operation or use of any artificial islands, installation or structure; the laying of cables or pipelines; or the production of energy from the waters, currents or winds, may be dealt with by a court of competent jurisdiction.

Section 22 (1), however, provides that no foreign vessel passing through the territorial sea shall be stopped or diverted for the purpose only of the exercise of any civil jurisdiction in relation to a person on board the vessel; and section 22 (2) prohibits any person from arresting or levying execution against a foreign vessel passing through the territorial sea for the purpose of any civil proceedings, except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the vessel in the course or for the purpose of its voyage through the territorial sea; or except where that foreign vessel, is lying in or passing through the territorial sea after leaving internal waters (sec. 22 (3)).

### **3.5 The Institutions Administering Belize's Maritime Areas**

The institutions administering Belize's maritime areas include the Minister of Foreign Affairs, the Belize Fisheries Department, the Belize High Seas Fisheries Unit, the Belize Port Authority, the Coast Guard, the Coastal Zone Management Authority and Institute, the Department of the Environment and the International Merchant Marine Registry of Belize (IMMARBE).

The Minister of Foreign Affairs is responsible for administering the MAA and in so doing may, *inter alia*, designate, or revoke the designation of any area, as internal waters (sec. 11 (3)); or through Regulations, suspend for such period as is specified in the Regulation, the right of innocent passage through the territorial sea, or through any part of the territorial sea identified in the Regulation, if she or he is satisfied that it is essential to do so for the protection of the security of Belize, including for weapons exercises (art. 12 (4)). Finally, the Minister of Foreign Affairs may extend to the maritime area of Belize, or any part thereof, the application of any enactment, subject to the limitations (if any); and modifications (if any) to facilitate the application or enforcement of the enactment, as may be prescribed in the regulations, and the enactment shall apply accordingly (sec. 23 (1)); or make Regulations to govern the activities allowed in the territorial seas and the EEZ (sec. 24).

The Belize Fisheries Department was established in 1987 through the Fisheries Act and is responsible for conservation and sustainable use of fishery resources, registration and licenses, fisheries research, education, liaising with fishing cooperatives, management of marine reserves, fisheries law enforcement, fisheries export and research permits within Belize's territorial sea and EEZ.

The Belize High Seas Fisheries Unit (BHSFU within the Ministry of Finance), established by the *High Seas Fishing Act, 2013* is the primary authority responsible for the regulation and control of Belize-flagged vessels which engage in fishing or related activities on the high seas pursuant to the *High Seas Fishing Act, 2013*.

The Belize Port Authority was established in July 1980 through the *Belize Port Authority Act* and is responsible for maritime safety, port security, licencing and registration of vessels, licencing of masters, port state control, and regulatory oversight for ports and is the designated authority for the implementation of the International Ship and Port Facility Security Code (ISPS).

The Port Authority does its part in promoting maritime safety through the National Maritime Communications Center (NMCC) which was inaugurated on the 28 June 2004. The center is equipped with VHF and HF radios, telephones and email/internet services. The Communication Center is manned twenty-four (24) hours a day and monitors distress calls. The Center serves as the nerve to which all international commercial vessels report their arrival into Belize's maritime areas, provides a link to NEMO (National Emergency Management Organization) with a view to disseminating accurate and updated information to mariners during an emergency and to coordinating response to support stranded/distressed vessels to the Belize National Coast Guard Service.<sup>4</sup>

The Belize Coast Guard was established by the *Belize Coast Guard Service (Amendment) Act, 2016* and is primarily employed as a military service organization, being the naval force for the defence of Belize and protection of its sovereignty and territorial integrity and rights in relation to the maritime areas of Belize.

The Coastal Zone Management Authority and Institute was established as an autonomous public statutory body charged with the responsibility of implementing and monitoring policies that govern the use and development of the coastal zone in Belize; while the Institute's main functions are to conduct marine research, maintain a data centre, provide information as required by the Authority, organize training courses, support other agencies involved in coastal zone management (CZM), maintain coastal monitoring programmes, and to assist with preparation of a national CZM plan.

The Department of the Environment, established by sec. 3 of the *Environmental Protection Act* as amended by the *Environmental Protection (Amendment) Act* is responsible *inter alia*, for the prevention and reduction of pollution of the air and water including streams and rivers (sec. 7 (1) (i)); protecting the coastal and marine resources of Belize (sec. 7 (1) (k)); preserving and protecting the barrier reef and prohibiting the dumping of wastes in the marine environment (sec. 7 (1) (l)); and controlling and minimizing the transboundary movement of toxic and hazardous wastes (sec. 7 (1) (m)) which implies such movement at sea as well.

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<sup>4</sup> *Ibid.*

The International Merchant Marine Registry of Belize IMMARBE, established by the *Merchant Ships Registration Act, 2010* for the registration under the flag of Belize of vessels of any type, class, size or weight, engaged in any kind of trade, service or international maritime activity, including pleasure vessels (sec. 3).

#### **4.0 Innocent Passage as Prescribed by the Maritime Areas Act**

Belize's domestic legislation on the rights of passage and navigation mirrors almost identically the provisions of UNCLOS (sec. 3) on this subject. The MMA provides for innocent passage through Belize's territorial seas. Section 12 (1) provides that every foreign vessel may, subject to and in accordance with that section and international law, exercise the right under international law of innocent passage, that is to say, the right of passage by navigating through the territorial sea for the purpose of traversing the territorial sea without entering internal waters or calling at a roadstead or port facility outside internal waters; proceeding to or from internal waters or a call at any such roadstead or port facility, where the passage is innocent; or traversing internal waters, to or from the territorial sea, which had not previously been considered as such, where the passage is innocent.

Section 12 (2) (a) defines innocent passage as the passage of a foreign vessel so long as it is not prejudicial to the peace, good order or security of Belize; and conversely, such passage is deemed to be prejudicial to the peace, good order or security of Belize if the vessel, in the territorial sea, engages in any proscribed activity (sec. 12 (b)).

A vessel in exercising the right of innocent passage also has the responsibility to comply with generally accepted international regulations, procedures and practices for safety at sea which have effect in the territorial sea, or any part thereof (sec. 12 (3) (a)). Such ships must also comply with the provisions of the Regulations, and any enactment, order or direction, which have effect in the territorial sea, or any part thereof, for or with respect to the safety of navigation and the regulation of maritime traffic, including the use of sea lanes and the operation of traffic separation scheme; the protection of navigational aids and facilities, and other facilities or installations; the protection of cables and pipelines; the conservation of resources; fishing and fisheries regulations; the preservation of the environment and the prevention, reduction and control of pollution; marine scientific research and hydrographic surveying; and controls or prohibitions in relation to customs, excise, immigration or sanitation (sec. 12 (3) (b)).

Section 13 (1) of the MAA prohibits any foreign vessel, while in the territorial sea, without the permission of a competent authority given to the master of the vessel, from engaging in any proscribed activity. Such activities is defined in section 11 (1) and include any threat or use of force against the sovereignty, territorial integrity or political independence of Belize, or acts in any other manner in violation of the principles of international law embodied in the Charter of the United Nations; any exercise or practice with weapons of any kind; any act aimed at collecting information to the prejudice of the defence or security of Belize; any act of

propaganda aimed at affecting the defence or security of Belize; the launching, landing or taking on board of any aircraft or military device; the loading or unloading of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws; any willful act of pollution calculated or likely to cause damage or harm to Belize, its resources or its marine environment; any fishing activities; the carrying out of research or survey activities; any act aimed at interfering with any system of communication or any other facilities or installations of Belize; or such other activity as may be prescribed by law.

Where a foreign vessel, engages in any proscribed activity, the master of the vessel and any other person on board the vessel participating in that activity are each guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of fifty thousand dollars (sec. 13 (2)); but no prosecution for an offence against this section shall be brought against a person who is entitled to State or other immunity recognized by law (sec. 3 (3)).

## **5.0 Promoting Maritime Safety in Belize's Maritime Areas**

In doing its part in promoting maritime safety at sea, Belize depends on its membership in various international agreements of the IMO. These include the International Convention for the Safety of Life at Sea (SOLAS) with the main objective of specifying minimum standards for the construction, equipment and operation of ships, compatible with their safety; the International Convention on Load Lines (CLL) pertaining specifically to a ship's load line (also referred to as the "waterline"), a marking of the highest point on a ship's hull that can safely meet the surface of the water; and the Convention on the International Regulations for Preventing Collisions at Sea (COLREG), 1972 which sets out, *inter alia*, the "rules of the road" or navigation rules to be followed by ships and other vessels at sea to prevent collisions between two or more vessels.

These and other Conventions are enforced in Belize through domestic legislation. The International Regulations for Preventing Collisions at Sea 1972 (COLREGs) has effect in Belize as sec. 10 of Belize's *Harbour and Merchant Shipping Act* provides that the provisions of the British *Merchant Shipping Act, 1894*, and any Act or Acts amending it, has the force of law in Belize. Section 418 of the *British Merchant Shipping Act, 1894* empowers Her Majesty to make regulations for the prevention of collisions at sea, and in 1965, the English Parliament adopted the COLREGs to have effect as the Collision Regulations for the purposes of the *Merchant Shipping Act, 1894* as amended.

In relation to sea lanes and traffic separation schemes; the MAA at sec. 3 (b) (1) provides enabling authority for regulations to be made under the Act in respect of the safety of navigation and the regulation of maritime traffic, including the use of sea lanes and the operation of traffic separation schemes. Therefore, any sea lane or traffic separation scheme wholly or partially in Belize's maritime areas recognized by the COLREGs (rule 10) and the International Maritime Organization (IMO), has the effect of law in Belize.

Again, the MAA contains enabling provisions for the Minister responsible for foreign affairs to prepare such charts and/or lists of geographical co-ordinates as he/she thinks fit showing the sea lanes and traffic separation schemes in Belize's territorial seas and to give due publicity to such charts (sec. 14). No such charts have been prepared to date.

The *Belize Port Authority Act*, besides providing for the establishment and management of ports in Belize (sec. 19 (3) (a) to (d)), gives the Port Authority the broad powers to exercise the duties and functions relating to shipping and navigation exercisable under the provisions of any other law (sec. (19) (3) (e)), including the responsibility for maritime safety.

Maritime safety in Belize's maritime areas and in oceans and seas is also promoted by the *Merchant Ships Registration Act, 2010* and its regulations which establishes the International Merchant Marine Registry of Belize (IMMARBE) for the registration under the flag of Belize of vessels of any type, class, size or weight engaged in any kind of trade, service or international maritime activity, including pleasure vessels (sec. 3).

One Regulation in force aimed at maritime safety is the *Registration of Merchant Ships (Vessels under 500 Gross Registered Tons, in Service outside the Territorial Waters of Belize) Regulations 1991* as amended in 1997, which provides for the efficient operation of the International Merchant Marine Registry of Belize to make rules to ensure that all Belizean Cargo vessels of less than 500 Gross register tons (GRT) which are in service outside the territorial waters of Belize are so constructed, equipped, operated and inspected as to attain the highest standards of safety of life and property at sea (Chapeau).

Another Regulation in force aimed at maritime safety achieving and maintaining security of oceans and seas is the *Registration of Merchant Ships (Pleasure Vessels) Regulations, 1991* which provides for the efficient operation of the International Merchant Marine Registry of Belize to make rules to ensure that all pleasure vessels registered in Belize are so constructed, equipped and inspected as to highest standards of safety of life at Sea (Chapeau).

A third Regulation dedicated to maritime safety is the *Registration of Merchant Ships (Fishing Vessels of 24 Meters in Length and above) Safety Regulations, 1995*, brought into force as a growing number of fishing vessels were being Registered with the International Merchant Marine Registry of Belize which were not subject to any specific safety regulations and inspections, and it was therefore necessary to ensure that fishing vessels of Belize of 24 meters in length and above were so constructed, equipped, operated and inspected as to attain the highest level of safety of life and property at sea (Chapeau).

The *Registration of Merchant Ships (Cargo Vessels Operating in the Caribbean) Safety Regulations* is a fourth Regulation treating with safety on ocean and seas. It was promulgated to ensure that all cargo vessels registered under the Belize flag and engaged on voyages in the Caribbean Trading Area are operated and inspected as to comply with the minimum

requirements necessary for the achievement of a regional safety standard set out for small ships trading in the referred area (Chapeau).

The Regulations make provisions for surveys and certification; construction and equipment; subdivision, stability and bilge pumping arrangement; loadline requirements for ships of less than 24 m in length; machinery installations; electrical installations; machinery and electrical installations for ships propelled by mechanical means, additional requirements for ships with periodically unattended machinery spaces; fire safety measures; fire safety measures for ships carrying crude oil or petroleum products of low flashpoint and dangerous goods in bulk; lifesaving appliances, etc.; radio communications; and safety of navigation (Arrangement of Regulation).

Then there is the fifth regulation, the *Regulation of Merchant Ships Disciplinary Regulations*, which was promulgated as it was necessary to implement the foregoing and any other disciplinary powers vested in IMMARBE as specified in section 24, 25 and 26 of the ACT (Chapeau).

The Disciplinary Regulations apply to: all vessels registered by IMMARBE;<sup>5</sup> all owners of vessels enrolled under the Belize flag, and all crew members sailing on board these vessels; all inspectors authorized to perform safety inspections on behalf of IMMARBE; all companies and recognized organizations (authorized) to act on behalf of IMMARBE and to any of their surveyors or representatives acting under such authorization; and all those empowered to perform as Deputy Registrars or representatives of IMMARBE (reg. 3 (a) to (e)).

The sixth regulation is the *Registration of Merchant Ships (Safe Manning, Hours of Work and Watchkeeping) Regulations, 1999*, promulgated in compliance with the *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978* which required that all signatories should submit for the approval of the International Maritime Organization (IMO), the procedures and policies for the issuance of documents to all seafarers working on board their flagged vessels; and so that the vessels registered with the International Merchant Marine Registry of Belize are properly manned, the crew be appropriately trained, tested, certified, well rested and free of fatigue for watchkeeping so as to attain the highest level of safety of life and property at sea and the protection of the marine environment (Chapeau).

The seventh and final regulation investing in maritime safety is the *Registration of Merchant Ships (Ship Security Regulations), 2004* which make provisions for, *inter alia*, the implementation of:

- *the International Bulk Chemical Code (IBC Code) for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by the Marine Environment

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<sup>5</sup> While Disciplinary regulation refers to vessels registered with IMMARBE it does not apply to those aspects and activities of fishing vessels that fall under the jurisdiction of the HSFA 2013 and the HS Sanctions Regulations.

Protection Committee of the IMO by resolution MEPC.19(22), as may be amended and adopted by the IMO and brought into force in accordance with the amendment procedures in MARPOL applicable to an appendix to an Annex; the International Gas Carrier Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, 1983, as amended;

- *the International Gas Carrier Code (IGC Code) for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, 1983, as amended;*
- *the International Safety Management Code (ISM Code) for the Safe Operation of Ships and for Pollution Prevention as adopted by the IMO by Resolution A.741 (18), together with any amendments which may be in effect with respect to Belize;*
- *the International Ship and Port Facility Security Code (ISPS Code), as adopted on 12 December 2002, by resolution 2 of the Conference of Contracting Governments to the Convention and any amendments that may be in effect for Belize; and*
- *International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended.*

## **6.0 Belize's Contribution to Maintaining Peace and Security for Oceans and Seas**

The Belize Port Authority, through *the Belize Port Authority Act*, is responsible for maritime security, port state control, licencing shipping agents, administering the requirements for entering Belize ports, requirements for registration and licencing of vessels, and requirements for boat master licences.

The Act (sec. 19 (3)) empowers the Belize Port Authority to operate the ports as appears to it best calculated to serve the public interest; to regulate and control navigation within the limits of such ports and their approaches; to maintain, improve and regulate the use of such ports and services and facilities therein as it considers necessary or desirable; to provide for such ports and the approaches thereto such pilotage services, beacons, buoys and other navigational services and aids as it considers necessary or desirable; and to exercise the duties and functions relating to shipping and navigation exercisable under the provisions of any other law.

The Port Authority is also responsible for Port State Control (PSC) which is the inspection of foreign ships in Belize's ports to verify that the condition of the ship and its equipment comply with the requirements of international regulations and that the ship is manned and operated in compliance with these rules.<sup>6</sup>

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<sup>6</sup> Belize Port Authority (BPA); Port State Control; (online) Available at <http://www.portauthority.bz/index.php?section=4>; retrieved 7<sup>th</sup> August 2018.

The Port Authority is assisted in enforcing the provisions of its legislations by the Coast Guard. The Coast Guard is established by the *Belize National Coast Guard Service Act* as amended by the *Belize National Coast Guard Service (Amendment) Act, 2016*, sec. 3. The Coast Guard is primarily employed as a military service organization, being the naval force for the defence of Belize and protection of its sovereignty and territorial integrity and rights in relation to the maritime areas of Belize (sec. 4 (1)). The Coast Guard enjoys investigatory, prosecutorial and law enforcement powers in that they have, enjoy and exercise all the powers, authorities, privileges and immunities of the police under section 4 of the Police Act, and when acting as such are deemed to be police for the purposes of that section; the powers of arrest, apprehension and detention conferred upon authorized persons under section 18 of the Maritime Areas Act; and the prescribed powers of arrest, investigation, inspection and detention specified in section 19 of the Maritime Areas Act.

The investigatory, prosecutorial and law enforcement powers of the Coast Guard are for the purpose of the enforcement of Belize's maritime laws, maritime security, maritime safety and marine resource protection in relation to the maritime areas of Belize, and in particular: the enforcement, or assistance in the enforcement of the provisions of any law relating to customs and revenue collection; immigration and nationality; quarantine; ports and harbours; fisheries protection; marine resources and environmental protection; safety of navigation including inland waterways and aids to navigation; marine pollution; Maritime Search and Rescue (SAR); port security; recreational boating safety; Port State Control; Port Safety; maritime crime and violence; drug trafficking; arms or ammunition trafficking; human smuggling or human trafficking; transnational criminal activity; maritime terrorism; maintaining territorial integrity and sovereignty of Belize sea spaces; and the naval defence of Belize.

These powers are also for the purpose of enforcement of all maritime conventions that Belize is party to including, but not limited to: Safety of Life at Sea (SOLAS), Maritime Pollution (MARPOL), Oil Spill Prevention Response and Cooperation (OPRC), the International Load Lines Convention (ILA), United Nations Convention on the Law of the Sea (UNCLOS), Standards of Training Certificate and Watch Keeping for Seafarers (STCW), the International Safety Management Code (ISM Code), the International Ship and Port Facility Security Code (ISPS Code), and the Tonnage Convention.

In executing these powers, the Coast Guard is expected to act in consultation and coordination with the responsible department of the Government of Belize, except in a case of emergency (sec. 4 (4)).

The Coast Guard also assists the Minister of Foreign Affairs in policing Belize's maritime areas in that section 19 (1) of the MAA empowers the Coast Guard to lawfully arrest any person or to conduct an investigation into any alleged offence, or to undertake a physical inspection of a vessel for matters relating to a violation, or to detain a vessel where the offence of illicit trafficking in narcotic drugs or psychotropic substance or weapons is committed on board a

foreign vessel (being a merchant ship or government ship operated for commercial purposes) during its passage through the territorial sea.

## **7.0 Sustainable Use and Conservation of Marine Living Resources in Belize's Maritime Areas**

### **7.1 The Legal Framework for the Sustainable Use and Conservation of Marine Living Resources in Belize's Maritime Areas**

In accordance with articles 61 and 62 of UNCLOS, the Fisheries Act, with numerous amendments over the years, regulates fishing in Belize in terms of the types of commercial activities that are allowed; the different types of licences that are granted; scientific research; export of marine products; and the use of poison, explosives and the types of nets allowed for fishing. The Act also establishes, controls and regulates marine reserves.<sup>7</sup>

The Fisheries Act also provide for necessary measures, including boarding, inspection, arrest and judicial proceedings, to ensure compliance with its laws and regulations for sustainable use and conservation of living resources within its maritime areas.

Section 5 of the Fisheries Act empowers any fishery officer and police officer with or without a warrant to stop, to board and search any boat, vehicle or aircraft which he/she reasonably suspects is being used or employed in fishing or carrying fish contrary to the provisions of this Act or any regulations made under this Act; to search and examine any fishing nets which he/she reasonably suspects have been used in commercial fishing; to arrest any person found committing or attempting to commit or abetting the commission of any offence under the Act or any regulations made under the Act; to seize and detain any boat used in the commission or attempted commission of any offence listed above; to seize and detain any fishing tackle used in the commission or attempted commission of any offence under this Act or any Regulation made under this Act; to enter during normal working hours any business premises in which fish cooked or uncooked is sold and search refrigerators, ice boxes, freezers, or any container which may, in the opinion of the officer searching, be used for the storing or keeping of fish; and to exercise any power conferred upon the officer by regulations.

Section 6 of the Act prohibits the employment of any boat for commercial fishing without a licence while section 7 prohibits any person from engaging in commercial fishing or be engaged or employed in or on any boat while in use for commercial fishing unless he/she is the holder of a valid "fisherman's licence" issued under the regulations made under the Act. Section 8 prohibits any person from conducting or being engaged or employed in any scientific or research operations in Belize's maritime areas which involve the taking, killing or capturing of any fish,

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<sup>7</sup> Usher, Mark A.; *Strengthening Policy, Legislative and Institutional Measures for Improved Biodiversity Conservation, Sustainable Use and Benefit Sharing in Belize*; Belize Forest Department; Ministry of Agriculture, Forestry, Fisheries, Climate Change, Environment and Sustainable Development; Belize, 2016; p. 8.

or any interference or disturbances of fish, or with the seabed, unless there is in force in respect of such operations a licence granted under the regulations made under the Act; while section 9 prohibits any person from exporting, attempting to export or purchase with a view to export any fish unless she or he is the holder of a valid fish exporter's licence issued under the regulations made under the Act.

Section 11 makes it an offence to use poison of any description or any explosive with intent to stupefy, poison, take, or kill fish; and a person who commits this offence is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

Section 12 is concerned with the inspection and forfeiture of illegal nets used for fishing while sec. 13 empowers the Minister responsible for fisheries to make regulations for carrying out the provisions of the Act.

In relation to regulations to the Fisheries Act, the *Fisheries Regulations* of 1 October 1977 were introduced which centered on the commercial species fished in Belize's maritime areas. Regulation 3 specifies the criteria for the possession of crawfish while reg. 4 prohibits the removal of eggs from female lobsters and the taking of soft shell crustaceans (reg. 5).

Regulation 5:01 (1) fixes the period for fishing for shrimp as officially opened on July 15 of any year inclusive, for a period not exceeding eight months in any one year, but which period may be less than eight months provided that one month's notice is given in advance. In the event that stocks are low or not mature however, the Fisheries Administrator on consultation with the Fisheries Advisory Board and with scientific data shall close the shrimp season for a stipulated period of time as advertised in at least three (3) local newspapers.

Regulation 6 stipulates the criteria for the possession of conch while reg. 7 prohibits the use of scuba equipment for fishing without a special permit and the taking of fish by means of any beach seine, trap, weir or stop net in all areas outside the barrier reef and within a radius of two miles of the mouth of the Belize River, Haulover Creek and Sibun River.

Regulation 9 prohibits the buying or selling of bonefish and reg. 10 prohibits any person from fishing for in the water of Belize or buying, selling or having in possession any Hawksbill Turtle, Loggerhead Turtle, Green Turtle, Leatherback Turtle, Kemp Ridleys Turtle, or Olive Ridleys Turtle. These regulations protecting marine turtles are tied to the IUCN list of threatened species, as well as Appendix I and Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

In relation to the species *Dermatemy mawaii*, or Hicatee as it is commonly called, persons are prohibited by reg. 12:02 from having in their possession more than three such turtles at any one time; transporting on any vehicle more than five such turtles; fishing for such turtles during the period from 1 May to 31 May inclusive in any year; fishing for females of such turtles greater

than 43cm (17.2 in) and smaller than 38cm (15.2 in); fishing for such turtles in any specified areas; or selling or purchasing such turtles.

Regulation 14 prohibits anyone from importing, bringing into Belize in-transit or exporting any turtle or turtle products. The regulations go on to prohibit the wanton waste of fish; prohibit the use anesthetics in the waters of Belize except under special permit from the Fisheries Administrator; and prohibit the buying or selling any coral. Regulation 26:01 makes it an offence to catch or kill in the waters of Belize any whale shark.

The Minister responsible for fisheries, on the recommendation of the Fisheries Administrator, may issue a foreign fishing licence to a foreign fishing vessel authorizing the use and operation of such vessel in any areas of the waters of Belize which may be specified in the licence if the Minister is satisfied that the issue of such licence is consistent with the applicable fisheries management plan, and that the amount of fish authorized to be taken by such foreign fishing vessel in the fisheries management plan will not be exceeded by or through the issue of such licence; the issue of such licence shall not cause unreasonable harm to the local fishing industry, consideration being taken in this respect to whether the licence is issued for operations in the territorial sea, the exclusive economic zone of Belize, the internal waters of Belize or any inland waters of Belize; the issue of such licence shall be beneficial to the Belizean economy and shall be in the public interest; the applicant for such licence has provided sufficient financial and other guarantees for the fulfillment of all his obligations under the Act and Regulations made thereunder; there is in force between the Government of the Flag State of the foreign fishing vessel, or any other organization or association to which the Flag State has delegated power and authority over the registration of ships and fishing vessels, or any association of which the applicant is a member, and the Government of Belize, a valid fisheries agreement entered into by both parties, or to which both parties subscribe and are members (reg. 28 (i) to (iii)).

2009 was a very successful year for Belize in further strengthening the sustainable use and conservation of marine living resources in Belize's maritime areas by the passage of a number of Statutory Instruments. Statutory Instrument No. 49 of 2009, *Fisheries (Nassau Grouper and Species Protection) Regulations* prohibits any person from taking in Belize's maritime areas, or buying, selling or having in his possession, any nassau grouper, less than 20 inches in total length or greater than 30 inches in total length, between 1 December and 31 March inclusive in any year, except for the nassau grouper taken from the sites of Maugre Caye at Turneffe Islands and Northern Two Caye at Lighthouse Reef (reg. 3 (1) and (2)).

Regulation 6 prohibits any person from taking in Belize's maritime areas, or buying, selling or having in possession any grazers.

Fishing for any sea cucumber is restricted by Statutory Instrument No. 67 of 2009, *Fisheries (Sea Cucumber) Regulations, 2009*, reg. 2, which restricts any person from engaging or attempting to engage, or assisting a person to engage or attempting to engage in any fishing, of any kind, for

any sea cucumber without a special license from the Fisheries Administrator. Since 1<sup>st</sup> January 2017, the Government of Belize has issued a moratorium on the harvesting and trade of sea cucumber in Belize.

*The Fisheries (Species Designation and Protection) Regulations* contained in Statutory Instrument No. 114 of 2009, Gazetted on 26 September 2009, prohibits any person, save and except in the act of catch and release, or establishment from have in his possession any bonefish, permit fish or tarpon or any of its product forms (reg. 3 (1) and (2)); as these species (others included in the Schedule) are designated for sport fishing (reg. 4).

The *Coastal Zone Management Authority (Sport Fishing) Regulations*, 2009 contained in Statutory Instrument No. 115 of 2009, which was gazetted on 26<sup>th</sup> September 2009, prescribes the requirement for any person conducting sports fishing within Belizean territorial waters to obtain a license and further outlines the terms and conditions under which sport fishing licenses are issued, and fees are collected.

*The Fisheries Act (Extension of Application) Order* of 25 April 1987 extended the provisions of the Fisheries Act to all rivers, streams, watercourses, lakes, lagoons and other inland waters of Belize.

*The Fisheries (Amendment Regulations) 2011* which came into force on 4 April 2011 prohibits any person from engaging in any form of trawling in the internal waters, territorial sea, and exclusive economic zone of Belize (reg. 7:01 (1)). Also in 2011, the use a trap to take fish from the internal waters, unless prior authority from the Fisheries Administrator to take fish from a particular fishery is obtained was prohibited by Statutory Instrument No. 78 of 2011, Fisheries (Amendment) (NO. 2) Regulations, 2011, reg. 8:01. This same Regulation went on to prohibit the possession or use of a net to take the turtle of the species *Dermatemys mawaii* commonly known as Hicatee from a freshwater body (reg. 14:02); and prohibit taking of fish in the internal waters of Belize by, using a gill net that is greater than 100 metres in length, or joining gill nets, the total length of which exceed 100 metres (reg. 15:02 (1)).

The *Fisheries (Amendment)(No.2) Regulation, 2011* also:

- prohibits the employment or attempt to employ a gill net to take fish from the shorelines of Monkey River or Placencia (reg. 15:01 (4));
- prohibits the taking of fish in the freshwater bodies of Belize by, using a gill net that is greater than 100 meters in length, or joining gill nets the total length of which exceed 100 meters (reg. 15:02 (1));
- prohibits the use a gill net to take fish from the New River Lagoon and its tributaries including Lemonal Creek, Irish Creek, Dawson Creek, Ramgoat Creek or Crab Catcher Lagoon (reg. 15:02 (4));

- prohibits setting a gill net, seine net, stop net, or long line in a river, creek, or stream that is more than one-fourth of the distance across that river, creek or stream but which shall not exceed 200 meters in total length (reg. 15:03 (1));
- prohibits setting a gill net, seine net, stop net or long line in a lagoon that is more than one-tenth of the distance across the lagoon but which shall not exceed 200 meters in total length;
- prohibits the buying, selling, possession, or export whelk of the species *Cittarium pica* (commonly known as the West Indian Top Shelf Whelk) unless that whelk is at least 62 millimetres or 2.44 inches in diameter (reg. 20:01 (1));
- prohibits the landing of whelk shell without its meat (reg. 20:04);
- prohibits taking, buying, selling, the possession, or export of shark meat or fins during the period 1<sup>st</sup> August to 31<sup>st</sup> October in any year (reg. 26:02 (1));
- and prohibits the taking or killing of any shark of the species *Ginglymostoma cirratum* (commonly known as nurse shark) in the waters of Belize and engaging in shark finning (reg. 26:03 (1) and (2)).

Finally, the Fisheries (Amendment) Regulations 2012, Statutory Instrument No. 24 of 2012, empowers the Minister responsible for fisheries on an annual basis, to determine catch quota, export quota, areas of extraction and season of extraction for any fish (reg. 24 A (1)).

## **7.2 The Institutional Framework for the Sustainable Use and Conservation of Marine Living Resources in Belize's Maritime Areas**

Fisheries management in Belize began in 1965 with the Fisheries Unit Laboratory (FUL). FUL evolved into the Belize Fisheries Department, established in 1987 which has been sustainably managing Belize's fisheries resources within its maritime areas through the Fisheries Act of [1948] as amended and its subsidiary legislation.<sup>8</sup>

Through the *Fisheries Officers (Appointment Order)* of 28<sup>th</sup> October 1989, the Belize Fisheries Department was legally operationalized when the persons holding the office of Fisheries Administrator, Fisheries Officer, Assistant Fisheries Officer, Fisheries Inspector, all officers of the Maritime Wing of the Belize Defense Force (BDF) and conservation and other scientific officers of Hol Chan Marine Reserve, Bacalar Chico Marine Reserve and Glovers Reef Marine Reserve were officially appointed Fishery Officers.

The Belize Fisheries Department has grown into five administrative and technical units tasked with overseeing the sustainable use and preservation of Belize's living resources in its territorial waters. The Administrative Unit is the support arm of the Department that is tasked with the primary responsibility of human resource management, financial resource management, inventory management, licensing and carrying out the general administrative functions of the

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<sup>8</sup> Belize Fisheries Department; About Us; (online) Available at <http://www.fisheries.gov.bz/about-us/>; retrieved 20<sup>th</sup> June 2018.

department. These licensing responsibilities includes licences for sea cucumbers, fisherfolk, vessel, shark fin, seafood permit, renewal and replacement of lost licence, black coral and aquarium collector.<sup>9</sup>

The other four units are technical in nature and include the Capture Fisheries Unit (CFU), the Ecosystem Management Unit (EMU), the Policy and Planning Unit (PPU) and the Conservation Compliance Unit (CCU). Of these, the Capture Fisheries Unit is the main technical arm of the Department with the responsibility of managing the fishing industry in a sustainable manner. It does this by fisheries research, monitoring and data collection that informs management decisions for sustainable use and conservation of wild caught fisheries resources – both marine and freshwater.

With respect to high seas areas, the Belize High Seas Fisheries Unit (BHSFU) was established on 12 November 2013 pursuant to High Seas Fishing Act 2013 (sec. 5 (1)) and is the primary authority responsible for the regulation and control of Belize flagged vessels which engage in fishing or related activities on the high seas.

The main functions of the BHSFU are as follows:

- a) Manage and sustainably develop all resources in accordance with the principles and provisions of the *High Seas Fishing Act, 2013* (HSFA 2013) and in sub-regional, regional and international instruments to which Belize is a Party.
- b) Establish management plans and programs to manage the resources.
- c) Issue licenses in accordance with the HSFA, 2013 and relevant regulations.
- d) Implement conservation and management measures taken from relevant resolutions and recommendations of those Regional Fisheries Management Organizations (RFMOs) and international treaties to which Belize subscribes.
- e) Coordinate and manage fisheries monitoring, control and surveillance for Belize flagged vessels.
- f) Appoint authorized officers and inspectors in accordance with the HSFA, 2013.
- g) Conduct summary administrative proceedings in accordance with the Sanctions Regulations S.I. No.32 of 2014.
- h) Cooperate in the conservation and management of highly migratory fish stocks as appropriate with other States and participate in sub-regional, regional and international organizations or arrangement relating to fisheries.
- i) Participate in the planning and execution of projects, programs or other activities related to fisheries or fishing or the exploration of the non-living resources of the high seas.
- j) Perform such other duties and functions as may be necessary to carry out the purposes of high seas fisheries.

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<sup>9</sup> Belize Fisheries Department, (online); *supra*.

- k) Perform such other duties and functions as may be necessary to carry out the purposes and provisions of the HSFA, 2013 (sec. 5 (3) (a) to (k)).<sup>10</sup>

### **7.3 Belize's Sustainable Use and Conservation of Marine Living Resources on the High Seas**

*The High Seas Fishing Act, 2013* applies to all Belize-flagged high seas vessels which engage in fishing or fishing related activities; to any Belize-flagged fishing vessel and any act or omission occurring on or by such a vessel wherever that vessel may be; and to any act or omission by an authorized officer on board a Belize-flagged high seas fishing vessel (sec. 3).

Belize asserts its exclusive jurisdiction over the management and control of living and non-living marine resources on Belize-flagged vessels on the high seas in sec. 6 of the Act and entrusts the BHSFU with taking measures which are consistent with applicable national and international standards for the conservation and management of Belize's high seas fisheries sector (sec. 7). Such measures includes declaring an open or closed season in accordance with mandatory international treaties to which Belize adheres for any specified area and for any fish and any period of time or at all times; prohibiting the taking of fish from any area by a specified method, gear, equipment or instrument or by a specified class of persons or by a specified class of vessels; prohibiting the landing, transporting, transshipping, receiving or possession of fish; and prohibiting any fishing operation or activity related to fishing which may have an adverse effect on the marine resources (sec. 7 (a) to (d)).

The BHSFU may set quotas with respect to any fish stock, not in contravention of the total allowable catch of that same fish stock as determined by the relevant regional fisheries management organization (RFMO) having jurisdiction over that particular fish stock (sec. 8) and the BHSFU may determine participatory rights in the fishery, such as allocations of allowable catch or levels of fishing effort, including restrictions as to vessel type, species, gear type, season of operation, areas in which the fishing can take place, or any other restrictions relevant to fisheries conservation and management (sec. 9).

Section 10 (1) (a) to (d) mandates the BHSFU to consult as appropriate with foreign governments, and in particular with governments of coastal States having jurisdiction over the waters in which Belize flagged high seas fishing vessels operate with a view to ensuring the closest practicable harmonization or coordination of their respective fisheries management and development plans and regulations; ensuring harmonization in the collection of statistics, the carrying out of surveys and procedures for assessing the state of the fisheries resources; providing, as appropriate, for the formulation of regional fisheries management and development plans including monitoring control and surveillance for the allocation of fishing effort and catch

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<sup>10</sup> Belize High Seas Fisheries Unit; (Online) Available at <http://www.bhsfu.gov.bz/about-us/>; retrieved 3<sup>rd</sup> July 2018.

among States fishing the same stocks and for taking joint conservation measures; and establishing, on a bilateral or regional level as appropriate, arrangements regarding fishing rights with other States in accordance with the provisions of the relevant fisheries management and development plan.

Section 11 (1) ensures that the obligations and requirements relating to the activities and practices of fishing vessels provided for in any international treaty are obligations and requirements applying to vessels in relation to the provisions for fisheries conservation, management and development, regardless of whether those vessels are operating on the high seas or in the jurisdiction of another State; while sec. 11 (2) empowers the Registrar to make regulations for adding any other international treaty or convention to those which Belize adheres to; and specifically identifying which parts of an international treaty or convention, or which obligations and requirements stated in an international treaty, are imposed on or must be observed by vessels in relation to the provisions for fisheries conservation, management and development.

Section 12 (1) (a) to (b) of the Act imposes some prohibitions, many of which apply to fisheries activities within Belize's internal waters.<sup>11</sup> These include prohibiting persons from permitting to be used, using or attempting to use any explosive, poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish, or in any way rendering fish to be more easily caught; or carrying or having in their possession or control any explosive, poison or other noxious substance in circumstances indicating an intention to use such substance for any purpose referred to above.

Vessels, including those holding a valid registration issued pursuant to the laws of Belize, are prohibited from engaging in driftnet fishing on the high seas (sec. 12 (8) and (9)); while the finning of sharks by Belize-flagged fishing vessels is prohibited (sec. 12 (11)). Section 13 prohibits the use or having on board a Belize-flagged vessel on the high seas any net, the mesh size of which does not conform to the minimum mesh size for that type of net that is required or prescribed pursuant to the Act; any fishing gear which does not conform to standards required pursuant to this Act for that type of fishing gear; and any fishing gear which is prohibited by the Act, including without limitation a driftnet.

Section 14 (1) requires that Belize-flagged vessels used for fishing or fishing related activities on the high seas or in the jurisdiction of another State shall have on board a valid high seas fishing license and relevant fishing permissions from other States as may be necessary; and in a case where a vessel intends to fish or carry out fishing related activities in the EEZ of another State, that vessel shall hold a valid authorization for such operation from that State in addition to the licence required under subsection (1) above (sec. 14 (2)).

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<sup>11</sup> The Fisheries Department and legislation has full oversight of Belize's internal waters.

Activities subject to licenses and authorizations under the Belize flag includes fishing; transshipment and other related activities; fish processing; sport fishing; commercial pilot fishing; marine scientific research; exploration and exploitation of non-living marine resources; and activities that may be in support of fishing or any fishing related activities (sec. 15 (a) to (h)). All licences under this Act are issued by the Director with the approval of the Registrar (sec. 16 (1)).

Section 24 (1) (a) to (c) of the Act empowers the Director to investigate the fishing and related activities of any Belize-flagged fishing vessel licensed or operating on the high seas under the Belize flag, if a complaint is made to the Director concerning a Belize-flagged vessel by a person responsible for the implementation and enforcement of any international treaty; or a complaint is received from the competent authority of any other flag State; or the Director has any other reason to believe that a breach of any condition of an international authorization to fish may have been committed by a vessel licensed or operating on the high seas under the Belize flag.

To ensure that Belize flagged-fishing vessels do not conduct unauthorized fishing in the exclusive economic zone, territorial seas, archipelagic waters (or other zone of extended fisheries jurisdiction) of any foreign State, the Registrar, may on the recommendations of the Director, make regulations requiring the recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other fisheries data; requiring that owners/operators receive prior authorization from the Flag State authorizing their activity within the jurisdiction of another State; requiring the owners, operators, charterers or masters of such vessels to provide copies of licenses and evidence that such operations are duly authorized; authorizing and establishing procedures for the provision of evidence to a foreign State which alleges that such a vessel has engaged in such unauthorized fishing; and any other regulations that may be relevant (sec. 28 (a) to (e)).

Section 30 (1) makes provisions a Fisheries Monitoring Center under the Director having primary responsibility for 24 hour monitoring control and surveillance of the activities of Belize-flagged high seas fishing vessels and the enforcement of the Act as it pertains to matters of the high seas.

Section 44 (1) prohibits the use of a Belize-flagged fishing vessel to undertake transshipment of fish without the authorization of the Director.

Section 46 (1) makes it unlawful for any person to import, export, transport, sell, receive, acquire or purchase any fish or fish products, possessed, transported or sold in violation of any law or regulation of another State upon implementation, on a reciprocal basis, of a fisheries management agreement between the Government of Belize and such other State or States, in which such activities are agreed to be unlawful.

Sanctions are governed by sec. 48 which gives the Director the power to take disciplinary or pecuniary actions in accordance with the Sanction Regulations after examining the facts relating

to a violation or serious violation, with the maximum penalty that may be imposed for any offence under the Act being three million U.S. dollars (sec. 49 (2)).

Finally, sec. 50 empowers the Registrar, on the recommendations of the Director and with the approval of the Minister of Finance, to make regulations for carrying out the purposes and provisions of this Act. Regulations made to date includes the *High Seas Fishing Sanctions Regulations, 2014* which empowers the Director to take disciplinary proceedings against any [Belize-flagged] vessel, its owner, operator, charterer, master, legal representative, person and/or crew, who is alleged to have contravened any provisions of the Act or the regulations made thereunder (reg. 4 (1)); with each minor or serious violation fined separately and the total fine for the series of violations may exceed the maximum of three million U.S. dollars prescribed for a serious violation and one million U.S. dollars prescribed for a minor violation (reg. 5 (1)).

When calculating the value of the impact on the environment of a violation of the Act and its regulations, an environmental impact assessment shall be used in determining the level of fine and/or accompanying sanctions to be imposed (reg. 8 (2)); and if a vessel commits a minor or a serious violation in the exclusive economic zone of another State and is sanctioned accordingly by that State, it is the responsibility of Belize as the Flag State to ensure that the overall sanctions taken against the vessel fully deprive and sufficiently deter the owners of the benefits of the illegal catch or damage to the environment. Belize shall evaluate the nature and circumstances of the minor or serious violation to determine if the sanctions taken against the vessel are adequate and shall impose additional sanctions as necessary (reg. 12).

Another regulation made under the High Seas Fishing Act is the *High Seas Fishing (Licensing) Regulations, 2014* which empowers the Director, with the approval of the Registrar, to issue a licence to the owner and/or operator of a vessel authorizing it to be used for fishing on the high seas; for fishing in the waters under the jurisdiction of another State subject to the laws of that State; or for all other activities which are subject to licences and authorizations under section 15 of the High Seas Fishing Act (reg. 5 (1) (a) to (c)).

Regulation 10 prohibits the transfer of a licence; reg. 11 (4) provides that a licence may be refused if a background search of the history of the vessel or its owner(s) and/or operator(s) indicates that there is a history of illegal, unreported and unregulated (IUU) activities; and reg. 21 entrusts the Belize High Seas Fisheries Unit with the responsibility for notifying all regional fisheries management organizations of any licence issued in accordance with the Regulations.

Finally, the High Seas Fishing (Monitoring, Control and Surveillance) Regulations, 2014 provides for:

1. Catch and Effort Data Reporting in which –
  - a) All licence holders shall complete and provide to the BHSFU, catch, effort and landing data for each particular type of activity using the prescribed format (reg. 4).

- b) All fishing vessels, regardless of their length, operation and area, shall install on board the prescribed electronic reporting system (e-log) to report their operations (reg.5).
  - c) Data shall be reported in real-time after each fishing operation. If no operation occurs on a particular day or period, a nil return shall be submitted on the type of activity that is carried out as may be required by the e-log system (reg. 6).
  - d) All fishing vessels shall keep on board a bonded logbook to record daily fishing operational activities. The logbook shall be filled in by the master or his designate on board the vessel for the period from 1st January to 31st December of each year and shall be returned to the BHSFU no later than 30 days after the end of the year (reg.7).
2. An Observer Program established by the BHSFU for the purpose of collecting and reporting reliable and accurate information for scientific, management and compliance purposes including the species, quantity, size, age and condition of fish taken; the methods by which, the areas in which, and the depths at which, fish are taken; the effects of fishing methods on fish and the environment; all aspects of the operation of any vessel; processing, transportation, transshipment, storage, or disposal of any fish; and any other matter that may assist the Director to obtain, analyze or verify information for the purposes of scientific, management, and compliance purposes (reg. 15 (1) (a) to (f)).
  3. Vessel Monitoring through which the Fisheries Monitoring Center (FMC), established under the authority of the Belize High Seas Fisheries Unit, shall be responsible for 24 hour monitoring of all vessels regardless of their geographical location (reg. 27); and through which the FMC shall, through the use of satellite based vessel monitoring system (VMS), closely monitor the activities of a vessel, from the date and time of entry to the date and time of exit for the following areas: any maritime areas where specific rules on access to waters and resources apply; the regulated areas of the regional fisheries management organizations of which Belize is a party; the jurisdictional waters of another country; and any other area, restricted or otherwise, which may be designated by Belize (reg. 28 (4) (a) to (d)).
  4. Transshipment in which the transshipments at sea are prohibited and shall be allowed only subject to authorization and at a designated port under the control and inspection of the competent authority of that port State and/or an authorized fisheries inspector of Belize (reg. 37 (1)).
  5. Port Inspection in which the landing of all fisheries products shall be inspected at port by an authorized fisheries inspector and/or the competent authority of the port (reg. 44 (1) and in which inspections conducted by an authorized inspector of the competent authority are carried out in accordance with any bilateral agreement or arrangement with that country which allows for cooperation between States for the exchange of information (reg. 44 (2)).

## 7.4 Belize's Participation in Regional and International Cooperation in Sustainable Use and Conservation of Marine Living Resource

Belize has signed on to various international agreements and conventions and is a member of various regional management organizations for the sustainable use and conservation of marine living resources. These organizations and their objectives are listed below.

**The Central American Fisheries and Aquaculture Organization (Organización del Sector Pesquero y Acuícola del Istmo Centroamericano, OSPESCA)** aims to encourage the development and the coordinated management of regional fisheries and aquaculture activities, such as marine capture, inland capture and aquaculture fish stocks in national waters, inland waters and EEZs of its Member States, helping to strengthen the Central American integration process.<sup>12</sup>

**The Caribbean Regional Fisheries Mechanism (CRFM)** is aimed at promoting and facilitating the responsible utilization of the region's fisheries and other aquatic resources, in internal waters, territorial seas, continental shelves and exclusive economic zones (EEZs) of member states, for the economic and social benefits of the current and future population of the region. The objectives of the CRFM as enunciated by its founding document are threefold: (a) the efficient management and sustainable development of marine and other aquatic resources within the jurisdictions of Member States; (b) the promotion and establishment of co-operative arrangements among interested States for the efficient management of shared, straddling or highly migratory marine and other aquatic resources; and (c) the provision of technical advisory and consultative services to fisheries divisions of Member States in the development, management and conservation of their marine and other aquatic resources. As indicated in objective (b) above, CRFM also has competence over transboundary resources beyond the jurisdiction of its Member States.<sup>13</sup>

**The Inter-American Tropical Tuna Commission (IATTC)** has as its objectives the long-term conservation and sustainable use of tuna and tuna-like species and other species of fish taken by vessels fishing for tunas and tuna like species in the Eastern Pacific Ocean, in accordance with the relevant rules of international law. The IATTC area of application comprises the area of the Pacific Ocean bounded by the coastline of North, Central, and South America and by the following lines: the 50°N parallel from the coast of North America to its intersection with the 150°W meridian; the 150°W meridian to its intersection with the 50°S parallel; and the 50°S parallel to its intersection with the coast of South America.<sup>14</sup>

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<sup>12</sup> Central America Fisheries and Aquaculture Organization (OPESCA); (Online) Available at <http://www.fao.org/fishery/rfb/ospesca/en>; retrieved 3<sup>rd</sup> July 2018.

<sup>13</sup> Caribbean Regional Fisheries Mechanism; (Online) Available at <http://www.fao.org/fishery/rfb/crfm/en>; retrieved 3<sup>rd</sup> July 2018.

<sup>14</sup> Inter-American Tuna Commission (IATTC); (Online) Available at <http://www.fao.org/fishery/rfb/iattc/en>; retrieved 3<sup>rd</sup> July 2018.

**The International Commission for the Conservation of Atlantic Tunas (ICCAT)** is responsible for the conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas. Currently ICCAT is conducting full assessment of the following stocks: Yellowfin tuna (*Thunnus albacores*) (Atlantic stock); bigeye tuna (*Thunnus obesus*) (Atlantic stock); skipjack tuna (*Katsuwonus pelamis*) (East and West Atlantic stocks); albacore tuna (*Thunnus alalunga*) (North and South Atlantic and Mediterranean stocks); Atlantic bluefin tuna (*Thunnus thynnus t.*) (West Atlantic stock and East Atlantic and Mediterranean stock); swordfish (*Xiphias gladius*) (North and South Atlantic and Mediterranean stocks); sailfish (*Istiophorus albicans*) (East and West Atlantic stock); blue marlin (*Makaira nigricans*) (Atlantic stock); white marlin (*Tetrapturus albidus*) (Atlantic stock); blue shark (*Prionace glauca*) (North and South Atlantic stocks); shortfin mako shark (*Isurus oxyrinchus*) (North and South Atlantic stocks); portbeagle (*Lamna nasus*) (Northwest, Northeast and Southwest Atlantic stocks).<sup>15</sup>

**The International Whaling Commission (IWC)** has as its main objective the establishment of a system of international regulations to ensure proper and effective conservation and management of whale stocks. These regulations must be “such as are necessary to carry out the objectives and purposes of the Convention and to provide for the conservation, development, and optimum utilization of whale resources; must be based on scientific findings; and must take into consideration the interests of the consumers of whale products and the whaling industry.” The International Convention for the Regulation of Whaling also applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.<sup>16</sup>

**The Latin American Organization for Fisheries Development (Organización Latinoamericana de Desarrollo Pesquero, OLDEPESCA)** has as its main purpose meeting Latin American food requirements adequately by making use of Latin American fishery resource potential for the benefit of Latin American peoples through concerted action in promoting the constant development of the countries and the permanent strengthening of regional cooperation in this sector. The area of competence of OLDEPESCA extends to the national waters, inland waters and EEZs of its Member States and covers marine capture, inland capture and aquaculture fish stocks.<sup>17</sup>

**The Western Central Atlantic Fishery Commission (WECAFC)** has as its main objective the promotion of the effective conservation, management and development of the living marine resources of the area of competence of the Commission, in accordance with the FAO Code of Conduct for Responsible Fisheries, and addressing common problems of fisheries management

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<sup>15</sup> International Commission for the Conservation of Atlantic Tunas; (Online) Available at <http://www.fao.org/fishery/rfb/iccat/en>; retrieved 3<sup>rd</sup> July 2018.

<sup>16</sup> International Whaling Commission; (Online) Available at <http://www.fao.org/fishery/rfb/iwc/en>; retrieved 3<sup>rd</sup> July 2018.

<sup>17</sup> Latin American Organization for Fisheries Development (OLDEPESCA); (Online) Available at <http://www.fao.org/fishery/rfb/oldepesca/en>; retrieved 3<sup>rd</sup> July 2018.

and development faced by members of the Commission. The work of the Commission is guided by the following three principles: promote the application of the provisions of the FAO Code of Conduct on Responsible Fisheries and its related instruments, including the precautionary approach and the ecosystem approach to fisheries management; ensure adequate attention to small-scale, artisanal and subsistence fisheries; and coordinate and cooperate closely with other relevant international organizations on matters of common interest.<sup>18</sup>

Belize is also a signatory to a number of international agreements geared towards safeguarding biodiversity and marine turtles in particular. These include the Convention on International Trade of Endangered Species (CITES), the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC), the Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region (Cartagena Convention) and its Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol), the Convention for the Protection of Biodiversity and Protection of Priority Areas in Central America and the Convention on Biological Diversity (CBD).<sup>19</sup>

Belize is not however a party to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). The objective of the PSMA is to prevent, deter and eliminate IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches. In this way, the PSMA reduces the incentive of such vessels to continue to operate while it also blocks fishery products derived from IUU fishing from reaching national and international markets. The PSMA applies to fishing vessels seeking entry into a designated port of a State which is different to their flag State.

## **8.0 Belize's Efforts in the Protection and Preservation of the Marine Environment**

The *Environmental Protection Act*, as amended by the *Environmental Protection (Amendment) Act, 2009*, sec. 11 (1) prohibits the emission, importation, discharge, deposit, disposal of or dumping of any waste that might directly or indirectly pollute water resources or damage or destroy marine life; while sec. 13 (1) prohibits the dumping or disposal of or deposit any garbage, refuse, toxic substances or hazardous wastes in any place that may directly or indirectly damage or destroy flora or fauna, or pollute water resources or the environment; with “dumping” meaning the deliberate disposal at sea from ships, aircraft, tankers, floating craft or other marine vessels, or other man-made structures, and includes disposal by incineration or other thermal degradation of any substance (sec. 12).

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<sup>18</sup> The Western Central Atlantic Fishery Commission; (Online) Available at <http://www.fao.org/fishery/rfb/weca/c/en>; retrieved 3<sup>rd</sup> July 2018.

<sup>19</sup> Belize Marine Turtle Report; (online) Available at <https://drive.google.com/file/d/0B5Cldk JW1XLRNFllaHZFLTRxWk0/view>; p. 18.

Dumping does not include however, any disposal that is incidental to or derived from the normal operations of a ship, aircraft, tanker, floating craft or other marine vessel or other man-made structure or of any equipment on a ship, aircraft, tanker, floating craft or other marine vessel or other man-made structure other than the disposal of substances from a ship, aircraft, tanker, floating craft or other marine vessels or other man-made structures operated for the purpose of disposing of such substances at sea (sec. 12 (a)); and any discharge that is incidental to or derived from the exploration for, exploitation of, and associated offshore processing of sea-bed mineral resources (sec. 12 (b)).

Aircrafts, ships, tankers, floating crafts or other marine vessel are restricted from dumping any garbage, refuse, or chemical substances into the harbours or sea [territorial sea; internal waters, any fishing zone or reserve prescribed under the Fisheries Act and the exclusive economic zone] of Belize (sec. 14 (1)); and it is prohibited to load any hazardous substance on a ship, aircraft, tanker, floating craft or other marine vessel in Belize for the purpose of dumping such substance except in accordance with a permit (sec. 15 (1)). It is also prohibited to dispose of any ship, aircraft, tanker or other manmade structure in any area of the sea except in accordance with a permit (sec. 16 (1)).

Section 29 (1) makes it an offence to (a) negligently or carelessly cause a disaster that results in a loss of the use of the environment; or (b) show wanton or reckless disregard for the lives or safety of other persons and thereby causes a risk of death or harm to another person, and a person so convicted is liable on summary conviction to a fine of not less than twenty-five thousand dollars and not exceeding two hundred thousand dollars, or, in the case of a conviction under paragraph (a), to three times the assessed value of the damage caused, whichever is the greater, or to imprisonment for a term of not less than two years and not exceeding ten years, or to both the fine (or the assessed value of the damage), and the term of imprisonment.

Also, any person who causes or permits any damage to the Belize Barrier Reef System or any significant coral formation commits an offence and shall be liable on summary conviction to a fine not less than five thousand dollars and not exceeding twenty five thousand dollars per square meter of damage (sec. 29 (3)).

Finally, the Minister responsible for the Environment is empowered to make regulations for such measures as are necessary to ensure that activities in the maritime zone are so conducted as not to cause damage by pollution to the natural environment; the control and prevention of pollution from vessels, crafts, and other engines used in the maritime zone; the control and prevention of pollution from installation devices used in the exploration or exploitation of the natural resources of the sea-bed and subsoil of the maritime zone; the control and prevention of pollution of the maritime environment from land-based sources including rivers, estuaries, pipelines and outfall structures; and the control and prevention of pollution of the marine environment arising from or in connection with seabed activities and from artificial islands, installations and structures in the maritime zones (sec. 45 (2) (v) to (z)).

Regulations made to date under the *Environmental Protection Act* include the *Environmental Protection (Effluent Limitations) Regulations* which apply to discharges of effluent into any inland waters or the marine environment [territorial sea; internal waters, any fishing zone or reserve prescribed under the Fisheries Act and the exclusive economic zone] (reg. 3). Regulation 10 prohibits the discharge of any flammable liquid or any tar or other related liquids into any inland waters or into the marine environment [territorial sea; internal waters, any fishing zone or reserve prescribed under the Fisheries Act and the exclusive economic zone].

Regulation 16 (a) to (d) provides that where due to any accident or unforeseen event in any industry, any poisonous, noxious or polluting matter is discharged or likely to be discharged into any land or inland waters, or the marine environment [territorial sea; internal waters, any fishing zone or reserve prescribed under the Fisheries Act and the exclusive economic zone], the owner or operator of any such industry shall promptly notify the Department of the Environment (DOE) of any such occurrence and provide the Department with a description of the discharge of poisonous, noxious or polluting matter; an assessment of any damage or potential damage to the public health or the environment associated with the discharge of poisonous, noxious or polluting matter; a description of the resources allocated or to be allocated to deal with the discharge; and evidence that steps have been taken to mitigate damage or contamination resulting from the discharge of poisonous, noxious or polluting matter.

Regulations 22 ensures that a person who discharges effluent into any inland waters, the marine environment [territorial sea; internal waters, any fishing zone or reserve prescribed under the Fisheries Act and the exclusive economic zone] or onto any land shall, in connection with such discharge, install such sampling test point or points inspection chambers, flow-meters, and recording and other apparatus as may, from time to time, be prescribed.

Finally, schedule 2, reg. 8 of the *Environmental Impact Assessment Regulations*, as amended by the *Environmental Impact Assessment (Amendment) Regulations, 2007*, schedule 2, reg. 8 provides that the clearing of mangrove forest on islands adjacent to marine reserves may require an environmental impact assessment or environmental impact studies.

There is also the *Environmental Protection (Pollution Regulations)* which prohibits the dumping or discharging or causing or permitting the dumping or discharge of any waste in any inland waters or in the marine environment [territorial sea; internal waters, any fishing zone or reserve prescribed under the Fisheries Act and the exclusive economic zone] (reg. 28:03). The *Pollution Regulations* also prohibits the dumping, depositing, placing, throwing or leaving rubbish, refuse, debris, bilge, filthy or odouriferous objects, substances or other trash, from a marine craft on any waters or the shorelines of any waters of Belize [territorial sea; internal waters, any fishing zone or reserve prescribed under the Fisheries Act and the exclusive economic zone]; or the removal, placement, abandonment or discharge or causing to be removed, placed, abandoned or discharged any container of inadequately treated waste water in any waters of Belize [territorial sea; internal waters, any fishing zone or reserve prescribed under the Fisheries Act and the

exclusive economic zone] by any person, whether or not he/she is the owner, operator, guest or occupant of a boat.

Finally in relation to the *Pollution Regulations*, any marine toilet on any vessel operated upon the waters of Belize [territorial sea; internal waters, any fishing zone or reserve prescribed under the Fisheries Act and the exclusive economic zone] must be constructed and operated so as not to permit the discharge of any inadequately treated waste water into the waters of Belize [territorial sea; internal waters, any fishing zone or reserve prescribed under the Fisheries Act and the exclusive economic zone], whether directly or indirectly (reg. 30 (1)).

Like the Department of the Environment which, through the *Environmental Protection Act*, works to protect the coastal and marine resources of Belize (sec. 7 (1) (k)), the Coastal Zone Management Authority, established by sec. 3 of the *Coastal Zone Management Authority and Institute Act* does the same by advising the Minister responsible for agriculture and fisheries on all matters relating to the development and utilization of the resources of the coastal zone in an orderly and sustainable fashion; advising the Minister responsible for agriculture and fisheries on the formation of policies in regard to the coastal zone; assisting in the development and implementation of programmes and projects that translate the marine and related policies of the Government into activities that contribute to sustainable development of coastal resources; assisting in the development and execution of programmes and projects that foster and encourage regional and international collaboration in the use of marine and other related areas of the environment; reviewing the Coastal Zone Management Plan and furnish recommendations thereon, if any, to the Minister responsible for agriculture and fisheries; commissioning research and monitoring in any coastal area or in relation to any activity which may impact on such areas; promoting public awareness of the unique nature of the Belize coastal zone and of the importance of its effective conservation and the sustainable management and utilization of its resources for the benefit of present and future generations of Belizeans; in consultation with governmental agencies, nongovernmental agencies and the private sector, assisting in the preparation of guidelines for developers for coastal zone development; co-operating with government departments, statutory boards, non-governmental organizations and the private sector on matters that are likely to have an impact on the ecology of the coastal zone; in collaboration with government and private sector agencies, maintaining a national coral reef monitoring programme and coastal water quality monitoring programme and any other technical monitoring programmes; and advising the Minister responsible for agriculture and fisheries on any other matters relating to the coastal resources that may be referred to the Authority by the Minister (sec. 5 (1) (a) to (k)).

## **9.0 Marine Scientific Research in Belize's Maritime Areas**

The Belize Fisheries Department by virtue of the *Fisheries Regulations*, reg. 38 (1), has jurisdiction to enable the owner, master, charterer or operator of a vessel to undertake research in

the waters of Belize [internal waters, territorial sea and EEZ implied], through the grant of research permit which must be applied for and the applicable fees paid.

A person engaging in or employed in any scientific or research operations in the internal and territorial waters and EEZ of Belize, which involve the taking, killing or capturing of any fish, or any interference or disturbances of fish, or with the seabed, must also hold a valid research permit (sec. 8 Fisheries Act). The research can take more than one year and as a result, the researcher needs to get a permit renewal by submitting an update report. Researchers also need to apply for the export of specimen at least one week before departure from Belize and the Belize Fisheries Department will issue a CITES certificate when the specimen to be exported are under any of the CITES Appendices. Finally, researchers need to submit a copy of their research findings to the Belize Fisheries Department at the time of publication.

A research permit is accompanied by the following conditions: such scientific observers or other personnel as the Fisheries Administrator may designate shall be allowed on board the licensed vessel and shall be allowed to participate fully in the research project both on board the vessel and on shore; copies of any raw data generated by the research operations shall be submitted to the Fisheries Administrator at the end of the operations or at any other time as the Fisheries Administrator may require; the results and conclusions of the research operations shall be submitted to the Fisheries Administrator as soon as practicable following the completion of the operations and in any case not later than the time specified in the research permit for this purpose; and no result of the research operation shall be published or otherwise made available outside Belize without the prior agreement in writing of the Fisheries Administrator (sec. 38 (2) (a) to (d)).

Similarly, marine biodiversity research in Belize for the use of biotechnology is undertaken by way of a marine bioresearch licence (sec. 39 (1)). A marine bioresearch licence also has terms and conditions which include that any use of genetic materials shall be of public interest and natural patrimony and the Belize Fisheries Department shall be the direct custodian for all marine-related prospecting, and a transfer agreement will need to be signed between the Belize Fisheries Department and interested parties; an entity engaged in bio-prospecting shall train Belizean citizens and permanent residents in related fields; an organization deriving revenue from the use of bio-diversity in Belize shall enter into a written agreement with the Government of Belize, acting through the Belize Fisheries Department, crediting at least ten percent of such revenue to the Consolidated Revenue Fund; no bio-prospecting with a negative environmental impact shall be allowed; and all bio-research conducted in the waters of Belize shall require a transfer agreement (sec. 39 (2) (a) to (e)).

A bioresearch licence is granted by way of application and payment of the required fees.

Marine scientific research in Belize is also governed by the *Coastal Zone Management Act*. According to the Act, “coastal zone management” includes the conservation of the Barrier Reef

and other coastal resources, and the planning, management and sustainable development of resources within the coastal zone; “coastal waters” means the sea, and those waters adjacent of the landward line of the adjoining land, or of land connected permanently or intermittently with the sea, which contain a measurable quantity of seawater, including but not limited to sounds, bays, lagoons, ponds and estuaries; and “coastal zone” includes the area bounded by the shoreline up to the mean highwater-mark on its landward side and by the outer limit of the territorial sea on its seaward side, including all coastal waters (sec. 2).

It is the Coastal Zone Management Institute however, established by sec. 8 of the Act that is responsible for marine scientific research. The objects of the Institute are to stimulate and advance the conduct of marine scientific research in Belize; to promote the utilization and conservation of the marine resources for the economic and social benefit of Belize, and to enhance the national capabilities of Belize in the conduct of marine scientific research; to promote a public understanding of the appreciation for all aspects of the marine and related environment; and to do all such things as are incidental or conducive to the attainment of the above objects (sec. 9 (a) to (d)).

The Institute is to achieve the above objectives by carrying out its functions which are *inter alia*, to conduct research and development on the marine environment of Belize, the Caribbean and adjacent regions (sec. 10). It does this by maintaining a data centre, providing information as required by the Authority, organizing training courses, supporting other agencies involved in CZM, maintaining coastal monitoring programmes, and assisting with preparation of a national CZM plan.<sup>20</sup>

The relevant competent authority responsible for administering and overseeing marine scientific research in the territorial sea is the Belize Fisheries Department and the Coastal Zone Institute; and the Belize Fisheries Department in the EEZ.

## **B. LEGAL AND INSTITUTIONAL REQUIRMENTS IN THE FOUR SELECTED ECOMOMIC SECTORS IN BELIZE**

### **1.0 Sustainable Marine Fisheries**

UNCLOS recognizes Belize’s sovereignty over its territorial sea, which extends to the airspace over the territorial sea as well as to its bed and subsoil; and prescribes that this sovereignty over the territorial sea is to be exercised subject to its provisions and to other rules of international law (art. 2 (1) to (3)). In accordance with UNCLOS, Belize has the obligation to promote the objective of “optimum utilization” of the living resources in its EEZ, without prejudice to its obligation to ensure through proper conservation and management measures based on the “best

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<sup>20</sup> Coastal Zone Authority and Institute, CZM Institute; (online) Available at <http://www.coastalzonebelize.org/about-czmai/czm-institute>; retrieved 8<sup>th</sup> July 2018.

scientific evidence available” that the maintenance of the living resources in its EEZ is not endangered by over-exploitation (UNCLOS art. 62 (1)). Such conservation and management measures shall also be designed to maintain or restore populations of harvested species at levels which can produce “the maximum sustainable yield” (UNCLOS art. 61 (3)).

As described in section A.7 above, Belize has a broad legal framework governing the conservation and sustainable use of marine living resources. The present section highlights in greater detail the sections most relevant to the management of marine fisheries in Belize.

The legal basis for sustainable marine fisheries in Belize is to be found in the *Fisheries Act* and its regulations which make provision for subsistence as well as for commercial fishing in the inland waters, territorial seas and EEZ of Belize by way of licences granted by the Fisheries Administrator.

A person desiring to engage in commercial fishing in Belize must apply to the Fisheries Administrator for a Fisher folk Licence (reg. 37, sub-reg. (2:01) Fisheries Regulations) and must be at least 18 years of age; be a Belizean by birth or naturalization (if applicable); be a permanent resident in Belize and is in possession of a Permanent Resident Card or proof of possession thereof (if applicable); and must have been residing in Belize for a continuous period of at least six months prior to the date of the application. The person applying to engage in commercial fishing must also satisfy the Fisheries Administrator that the marine product will be for sale in Belize, and must provide original receipts as proof of sale in Belize where application for renewal of fisherman's licence is being made (reg. 37, sub-reg. (3:01) (a) to (e) Fisheries Regulations). A licence so issued by the Fisheries Administrator expires on 31st December of each year and is subject to renewal upon payment of the prescribed fee (sub-reg. 3:02 Fisheries Regulations).

A person engaging in commercial fishing in Belize using a boat must have a valid commercial fisher folk license and the vessel must have vessel licence and a valid sea worthy certificate issued by the Belize Port Authority (sec. 6 (1) Fisheries Act). Any person engaging in commercial fishing or engaged or employed in or on any boat while in use for commercial fishing must also holder of a valid fisher folk licence (sec. 7 Fisheries Act).

Implied conditions of a local fishing vessel licence include that the vessel must comply with the laws of Belize relating to safety of navigation and such safety standards as the fisheries Administrator may require from time to time; that the vessel shall display the identification markings assigned to it by the Fisheries Administrator in accordance with the prescribed specifications; that the master of the vessel shall, if so required by the Fisheries Administrator, cause a logbook to be maintained on a daily basis in such form as the Fisheries Administrator may from time to time require for the purpose of recording the fishing operations of the vessel; that any logbook so maintained shall be transmitted in its original and unaltered form to the Fisheries Administrator at such time or times as may be required in writing; that the master and

each member of the crew of the vessel shall comply with the directions given to them or each of them orally or in writing by the Fisheries Administrator or a fisheries officer at such time as the aforesaid officers or any of them may require; and that the master of the vessel shall allow any person designated in writing by the Fisheries Administrator to board and remain on board the vessel as an observer (reg. 35 (2) (c) to (h)).

On the recommendation of the Fisheries Administrator or any interested government department, the Minister of Fisheries may issue a foreign fishing vessel licence to a foreign fishing vessel authorizing the use and operation of such vessel in any areas of the waters of Belize which may be specified in the licence (reg. 28 (2) Fisheries Regulations), if the Minister is satisfied that either the issue of such licence is consistent with the applicable fisheries management plan, and that the amount of fish authorized to be taken by such foreign fishing vessel in the fisheries management plan will not be exceeded by or through the issue of such licence; or the issue of such licence shall not cause unreasonable harm to the local fishing industry, consideration being taken in this respect to whether the licence is issued for operations in the territorial sea, the exclusive economic zone of Belize, the internal waters of Belize or any inland waters of Belize; or the issue of such licence shall be beneficial to the Belizean economy and shall be in the public interest; or the applicant for such licence has provided sufficient financial and other guarantees for the fulfillment of all his/her obligations under the Act and Regulations made thereunder; or there is in force between the Government of the Flag State of the foreign fishing vessel, or any other organization or association to which the Flag State has delegated power and authority over the registration of ships and fishing vessels, or any association of which the applicant is a member, and the Government of Belize, a valid fisheries agreement entered into by both parties, or to which both parties subscribe and are members (reg. 28 (3) (a) to (e)).

No licence shall be issued to a foreign fishing vessel unless the master, owner, charterer or operator thereof has appointed in Belize a local representative who is authorized to act on behalf of such master, owner, charterer or operator, and to accept on their behalf all legal responsibility for any legal or other action which may be taken by or against the vessel and its operations while in the waters of Belize (reg. 31 Fisheries Regulations).

Implied conditions applicable to every foreign fishing vessel licensed include that the master of each foreign fishing vessel and each crew member, shall while in the waters of Belize pursuant to the licence, comply at all times to the lawful directions given to them or each of them by the Fisheries Administrator or any fisheries officer or other officer of the Government duly authorized in writing by the Minister responsible for fisheries in that behalf, and in particular, they or each of them shall upon the request of any of the aforesaid officers stop the vessel; or permit such officer to board the vessel and carry out any inspection thereof, and fully cooperate with and assist such officer during the inspection; or permit and allow such officer to have access to all documents and information relating to the licensing, registration and other particulars of the vessel and its operations; and bring the vessel into port, or order it to another point at sea (reg. 29 (2) (c) (i) to (iv) *Fisheries Regulations*).

It is also implied in every foreign fishing licence that the master and crew members of the foreign fishing vessel shall, while in the waters of Belize, comply fully with all the environmental and other laws of Belize, and take reasonable measures and precautions to avoid causing any damage to or endangering the marine environment, barrier reef or the viability of the local fishing industry (reg. 29 (2) (d) *Fisheries Regulations*).

Every foreign fishing vessel licenced in Belize must also ensure that the vessel while in the waters of Belize fly the flag of its Flag State; clearly display its name in English in large letters painted on its bows and stern; and clearly display the identification markings in accordance with the prescribed specifications (reg. 29 (4) (a) (i) to (iii) *Fisheries Regulations*).

Furthermore, the *Fisheries Regulations* require that the masters of foreign fishing vessels licenced to operate in Belize must also maintain a logbook on a daily basis and record in such logbook all the fishing operations undertaken by the vessel while in the waters of Belize (reg. 29 (4) (b)); and report to the Fisheries Administrator concerning or relating to the international radio call sign or the number assigned to the vessel under any national or regional register; the position of the vessel at the time of reporting; the total fish catch on board the vessel, segregated by species at the time of reporting; the areas fished while in the waters of Belize; and such other information relating to the operations of the foreign fishing vessel while in the waters of Belize as the Fisheries Administrator may from time to time require (reg. 29 (4) (d)).

Also, in providing for the enforcement of these regulations, the master of the foreign fishing vessel shall, while in the waters of Belize, allow any person designated in writing by the Fisheries Administrator to board and remain on board the vessel as an observer and shall allow the observer full access to all equipment, including navigation and communication equipment, records, documents and any fish on board the vessel; allow the observer to make such tests, observations and records, and to take or remove such samples as he/she may reasonably require in connection with the vessel's operations while within the waters of Belize; provide, without any charge whatsoever to the observer or to the Government of Belize, food and accommodation at least equal to that provided to officers on board the vessel; and proceed directly to port, if or when requested to do so by the Fisheries Administrator or the observer, for the purpose of allowing the observer or the fisheries officer designated in that behalf by the Fisheries Administrator to board or disembark from such vessel, or to carry out an inspection for the purposes of monitoring compliance by such vessel with the provisions of the Act or any Regulations made thereunder, or with any fisheries agreement applicable to such vessel entered into pursuant to the Regulations (reg. 29 (4) (f) (i) to (iv)).

Finally, that all catch landed by the foreign fishing vessel licenced in Belize shall be processed in Belize; and any supplies and services which may be necessary for the operation of the vessel shall be procured in Belize, except if unavailable locally (reg. 29 (4) (g) and (h)).

The Conservation Compliance Unit of the Belize Fisheries Department (CCU) is responsible for prosecution and enforcement of the Fisheries Laws in the internal and territorial waters and EEZ of Belize. The specific responsibilities/objectives of the CCU include the enforcement of the fisheries laws and regulations throughout the country of Belize; conducting educational sessions with fisher folks in order to increase awareness on the responsible fishing practices and enhancing their ability to understand the disadvantages of unacceptable fishing practices; delivering lectures in educational institutions and other relevant organizations, in regards to fishing activities and fisheries legislation; suggesting amendments to certain regulations for improved fisheries management, which may include limited entry, species protection, seasonal closure of commercial stocks, fishing gear restrictions, regulating category of fishing licenses, and landing of products; working along with all marine protected areas and non-governmental organizations (NGOs) to discourage illegal harvesting of marine products from within the reserves; and assisting in the management and protection of the coastal zone and the reef system of Belize.<sup>21</sup>

The CCU also provide support on joint patrols with other regulatory agencies such as the Belize Coast Guard, Police Department, Port Authority, Customs Department and the Belize Defence Force; and provides assistance in educational programs to transport students to and from the marine reserves.<sup>22</sup>

Other activities requiring a licence include where a person or entity wishing to export, attempting to export or purchasing with a view to export any fish, must be the holder of a valid fish exporter's licence (sec. 9 (1) Fisheries Act). An export duty is paid by the exporter on all fish taken within the waters of and exported from Belize (order 2 *Fish (Export Duty) Order*).

Any person engaged in the purchase of fish for export shall keep a record of purchases and of disposals of such fish in such manner as the Fisheries Administrator may recommend. Such records shall be made available at all reasonable times for inspection by the Fisheries Administrator or any person so appointed (reg. 21 *Fisheries Regulations*).

Since the mid-1980's, the Fisheries Administration realized that fisheries were collapsing worldwide due to over exploitation, bad management strategies, habitat destruction and climate change and therefore decided that fisheries management in Belize should incorporate an ecosystems management approach. As a result, the Belize Fisheries Department started to declare marine reserves as fisheries management tools. Studies of marine protected areas in tropical waters indicate that they can increase population size, increase average individual fish size, lead to the restoration of natural species diversity, and increase population reproductive

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<sup>21</sup> Conservation Compliance Unit; Belize Fisheries Department; (online) Available at <http://www.fisheries.gov.bz/units/conservation-compliance-unit-ccu-pg/>; retrieved 31<sup>st</sup> July 2018.

<sup>22</sup> *Ibid.*

capacity. Studies also indicate that subsequent spillover benefits to harvested areas outside and adjacent to closed areas often occur.<sup>23</sup>

As a result, a network of nine marine reserves enacted as fisheries management tools have been established by the Belize Fisheries Department under sec. 14 of the Fisheries Act which empowers the Minister responsible for fisheries to declare any area within the fishing limits of Belize and as appropriate any adjacent surrounding land, to be a marine reserve. The marine reserves are multiuse having a general use area (80%), conservation area (15%) and preservation area (5%). The reserves are found from the border with Mexico on the north to the border with Guatemala and Honduras in the south.<sup>24</sup>

Section 14 (1) of the Fisheries Act empowers the Minister responsible for fisheries to declare any area within the fishing limits of Belize and as appropriate any adjacent surrounding land, to be a marine reserve to afford special protection to the aquatic flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life; to allow for the natural regeneration of aquatic life in areas where such life has been depleted; to promote scientific study and research in respect of such area; and to preserve and enhance the natural beauty of such areas.

The marine reserve network is managed by the Ecosystem Management Unit of the Belize Fisheries Department which has as its specific goal, the “*holistic ecosystems management of the aquatic resources through a marine reserve network and international commitments*”.

Strategic objectives supporting the main goal of EMU includes promoting a sustainable fishery through ecosystems management especially by finalizing zoning legislation for those marine reserves that need adjustment and the rolling out of the managed access program; enforcing the *Fisheries Regulations* by continuing coordination of enforcement exercises with CCU, the Coast Guard and co-management partners; assisting the other units such as the Policy, Planning Resource Mobilization and Environmental Stewardship (PPRMES) and the Capture Fisheries Unit (CFU) in data collection and manpower whenever necessary; enhancing biodiversity by protecting undisturbed areas and expanding replenishment zones; prioritizing research and monitoring geared towards the Mesoamerican Barrier Reef System Action Plan and the Central American Integration System/Caribbean Regional Fisheries Mechanism (SICA/CRFM) integration of regional management strategies for commercially exploited species; promoting recreation via properly managed tourism by installing more mooring and marker buoys, upgrading nature trails, erecting more signs and upgrading visitor centers; promoting bio-prospecting through practical agreements with interested entities; fine tuning the implementation of the marine reserves financing mechanism and the implementation of the National Protected

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<sup>23</sup> Justification; Ecosystem Management Unit; Belize Fisheries Department; (online) Available at <http://www.fisheries.gov.bz/ecosystem-management-unit/>; retrieved 31<sup>st</sup> July 2018.

<sup>24</sup> Marine Reserve Network; Ecosystem Management Unit; Belize Fisheries Department; (online) Available at <http://www.fisheries.gov.bz/ecosystem-management-unit/>; retrieved 31<sup>st</sup> July 2018.

Areas System Plan; conducting environmental education to all user groups specifically to the fishers through a sensitization campaign coordinated with NPAS, Rare and WCS; maintaining the Belize Fisheries Department's website; assisting the Department of the Environment and other line agencies in conducting EIAs for development and dredging operations; maintaining its membership commitments to the various committees, working groups and organizations; strengthening co-management agreements by encouraging more community participation; assisting the National Emergency Management Organization (NEMO) in disaster preparedness and emergencies as well as search and rescue operations; continuing the training for staff members in GIS, monitoring, research, proposal writing, marine protected areas management and data analysis; and continuing to comply with the obligations of the Belize Fisheries Department with international commitments.

This marine reserve network involves monitoring for reef health, commercial species populations, seagrass and mangrove productivity and enforcement of the reserves and fisheries regulations.<sup>25</sup>

A licence issued by the Fisheries Administrator is required in a marine reserve for engaging in fishing; damaging, destroying or removing any species of flora or fauna from its place; engaging in any scientific study or research; or damaging, destroying or disturbing the natural beauty of such area (sec. 14 (3) (a) to (d) Fisheries Act).

Enforcement of the reserves regulations is primarily conducted by the reserve staff specifically the rangers. In order to capitalize on manpower, all reserves staff is declared Fishery Officers including co-manager personnel, and is trained intensively on enforcement procedures and protocols. To further strengthen the enforcement capabilities the reserves staff are established as Police Special Constables. To maximize results, patrols are prioritized especially on illegal activity hotspots and are designed to intercept marine products onboard fishing vessels and campsites. The Conservation Compliance Unit (CCU) personnel assist the marine reserves by providing various officers to cover for personnel on vacation, sick leave and training thus continuing the enforcement presence. Joint enforcement patrols are also conducted by the EMU, CCU, the Belize Coast Guard, Port Authority and other enforcement agencies. The Belize Coast Guard and the Police Force are mandated by law to enforce the Fisheries Regulations. Once these two agencies make arrests on fisheries infractions, the persons arrested are handed over to the Belize Fisheries Department for prosecution. The Belize Fisheries Department has in-house prosecutors who take the cases before the courts.<sup>26</sup>

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<sup>25</sup> The reserves regulations are administrative rules, some of which may have the force of law, for interacting with the marine reserves. The fisheries regulations are detailed laws made by the Minister responsible for fisheries and approved by the National Assembly to assist in carrying out the provisions of the Fisheries Act.

<sup>26</sup> Enforcement Program; Ecosystem Management Unit; Belize Fisheries Department; (online) Available at <http://www.fisheries.gov.bz/ecosystem-management-unit/>; retrieved 31<sup>st</sup> July 2018.

Other conservation activities of the CCU includes monitoring of commercial species aimed at maintaining viable populations of those species such as Queen Conch, lobster, finfish, and turtles. A Synoptic Monitoring Program was also developed to continuously monitor the health of the Belize Barrier Reef and its associated habitats; as well as spawning aggregation monitoring at seven sites including Rocky Pt. (Bacalar Chico Marine Reserve), Dogflea Caye (Turneffe Islands), Sandbore (Lighthouse Reef), Emily/Caye Glory, Gladden Spit (Gladden Spit and Silk Cayes Marine Reserve), Northeast Point (Glover's Reef Marine Reserve) and Nicholas Caye (Sapodilla Cayes Marine Reserve).

The Belize Fisheries Department has also taken action to stop environmentally destructive fishing practices such as outlawing trawling in 2011 with the promulgation of reg. 7:01 of the *Fisheries Regulations* prohibiting any person from engaging in any form of trawling in the internal waters, territorial seas and exclusive economic zone of Belize.

## 2.0 Sustainable Marine Aquaculture

Aquaculture in Belize formally began in 1982 with the development of ten acres (4 ha) of experimental ponds by a private company, in the southern part of the country. Since that time, the industry has developed rapidly and has become firmly established as a significant contributor to the Belizean economy in terms of foreign exchange earnings, income generation, employment, nutrition, and food security.<sup>27</sup>

Surprisingly however, there is no governing legislation for the aquaculture industry which is governed by default through various laws and regulations in other economic sectors. The fact that there is no governing legislation for the aquaculture industry is not as a result of not trying however. An attempt was made in the form of the *Aquaculture Development Act* of 9 June 2007; however, this Act generated much controversy because of the tax concessions it proposed to offer the industry and as a result it has not been brought into force to date.

Aquaculture activities are considered a form of commercial fishing and are therefore governed by the Fisheries Act and the Belize Fisheries Department; where commercial fishing means the taking, breeding, producing, killing or capturing of any fish by any means whatever or the attempt or preparation to do so, for the purpose of the sale or other disposition of such fish for money or money's worth (sec. 2 *Fisheries Act*).

As such, any person wishing to engage in aquaculture in Belize must have a licence from the Fisheries Administrator in accordance with sec. 7 of the Fisheries Act. The Second Schedule to the Fisheries Regulations (Form G1) sets out the application requirements to conduct aquaculture operations in Belize. These requirements include that the applicant state the name of the

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<sup>27</sup> Belize National Aquaculture Sector Overview; Food and Agriculture Organization of the United Nations; Fisheries and Aquaculture Department; (online) Available at [http://www.fao.org/fishery/countrysector/naso\\_belize/en](http://www.fao.org/fishery/countrysector/naso_belize/en); retrieved 2<sup>nd</sup> August 2018.

aquaculture farm and its location, the species to be farmed and stocking densities, the pure live seed or fingerlings per acre in the total acreage of production ponds, the place where seedstock will be obtained from, by whom processing will be done, and the amount of production cycles per year.

The Belize Fisheries Department also offer technical advice to aquaculture farmers and potential farmers, undertake environmental and compliance monitoring, and enforce pertinent fisheries related laws.

It is also a requirement that the applicant desiring to conduct aquaculture operations in Belize would have signed an Environmental Compliance Plan with the DOE. This is so as the *Environmental Impact Assessment Regulations*, Schedule I requires an environmental impact assessment (EIA) for aquaculture projects including any research or commercial scale aquaculture project within wetlands and floodplain areas; construction or expansion of a research or commercial facility with production capacities of 75 tons per annum or more of unprocessed aquaculture produce; *any sea-bed based marine culture* or fresh water cage culture aquaculture facility to be established within 15 acres of production area for the purpose of producing any aquaculture produce; *any marine aquaculture* facility to be established within 5 miles radius of the Belize Barrier Reef or any major coral reef system; any aquaculture facility or operation involving the culture of any aquatic flora or fauna not native or not commercially cultured in Belize; or any freshwater aquaculture facility either utilizing a total pond production area of 50 acres or more, or a total daily water abstraction rate greater than 5 million gallons per day.

An EIA may also be required where a person desiring to conduct aquaculture operations in Belize intends to develop over 500 acres of land or less than 500 acres of land if in the discretion of the Minister of Lands an EIA is required (sec. 9 (4) National Lands Act).

Other laws relevant to aquaculture operations in Belize include the *Environmental Protection (Effluent Limitation Regulations)* which applies to the discharges of effluent into any inland waters or the marine environment (reg. 3). The operator of an aquaculture facility has to obtain a licence from the DOE for the discharge of effluents (reg. 14 (1)); and is prohibited from causing or permitting to be made, any material change to the premises or in the matter of running, using, maintaining or operating the premises or in any operation or process carried on at the premises, which change causes, or is intended or is likely to cause, a material increase in the quantity or quality of effluent or both discharged from the premises, unless prior written approval of the Department has been obtained for the change (reg. 18 (1)).

The point or points of discharge of effluent must be approved by the DOE (reg. 21 (1)); and the installation of sampling test point or points inspection chambers, flowmeters, and recording and other apparatus as may, from time to time, be prescribed must be undertaken (reg. 22).

The Fisheries Regulations, Part IV, which deals with the processing of fish and fish products also applies to the aquaculture industry. These regulations provide for quality assurance (section II);

labeling requirements (section III); construction of and equipment for fish processing establishments (section IV) and operating requirements (section V).

Aquaculture activities in Belize is also governed by the Coastal Zone Management Act which requires that a Coastal Zone Management Plan be developed which includes *inter alia*, proposals, including existing proposals from Government agencies, relating to the coastal zone which deal with the following subjects: monitoring of the environment and natural resources, mineral extraction, living resources, human settlements, agriculture, aquaculture, and industry (sec. 23 (1) (c) (v)).

In response in 2002, the Coastal Zone Management Authority and Institute (CZMAI) and the Belize Fisheries Department collaborated to prepare an advisory National Aquaculture Policy and Zoning Plan for Aquaculture in Belize. This document has the following principles regarding a national policy for aquaculture development: management should encompass broad geographic areas and should cross institutional boundaries: including enhanced sector management, integrated coastal zone management, and water shed management; development options should be evaluated on the basis of the costs or consequences, as weighed against the benefits to be derived from undertaking a certain activity or sets of activities: assessments must include financial, economic, social and environmental evaluations; impacts of developments should be within the absorptive or regenerative capacity of nature, and that this issue should be integrated into development decisions: carrying capacity is used interchangeably with environmental capacity; best management principles should be exercised to assist the effective husbandry of aquatic stocks and conserve the environment.<sup>28</sup>

Belize's aquaculture industry also benefits from its involvement in the development of and participation in the International Standards for Responsible Tilapia Aquaculture (ISRTA) which reassure buyers, retailers and consumers that the impacts related to aquaculture are minimized and provide aquaculture industry stakeholders, as well as consumers, with the confidence that compliance with government and intergovernmental requirements has been achieved.<sup>29</sup>

In 2015, five shrimp farms in Belize attained Aquaculture Stewardship Council (ASC) shrimp certification. This process was facilitated by the World Wildlife Fund and included Compete Caribbean and Belize Shrimp Growers Association. With ASC certification shrimp farms in Belize gain a competitive advantage in high-quality international markets since it demonstrates that shrimps were produced with minimal impact to the environment and communities where farms are located. Opportunities available from ASC shrimp certification include: reduction of adverse environmental impacts through wetland and mangrove preservation, improved water and management, responsible use of feed, disease control and addressing biodiversity issues;

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<sup>28</sup> Coastal Zone Management Authority and Institute (CZMAI). 2016. Belize Integrated Coastal Zone Management Plan. CZMAI, Belize City; p.88.

<sup>29</sup> International Standards for Responsible Tilapia Aquaculture; Tilapia Aquaculture Dialogue; World Wildlife Fund, 2009; p. 5.

potential improvements to coastal zone and fisheries management; future food security; improved social conditions; and improved production methods and technology. With this certification, Belizean shrimp farms will set the standards for best practices in shrimp production and processing for this region, enhancing the sustainability of the industry.<sup>30</sup>

Finally, the aquaculture industry is considered developing and very susceptible to international price deflations and is therefore supported with various tax concessions and other development incentives through the *Fiscal Incentives Act*. Also, as aquaculture products are exclusively for export, each aquaculture farm and production facility is treated as an export processing zone under the *Export Processing Zone Act*.

### **3.0 Sustainable Seafood Processing**

Seafood Processing in Belize is regulated by Part IV of the *Fisheries Regulations* which is administered by the Belize Fisheries Department. The *Fisheries Regulations* Part IV treats with the processing of fish and fish products including providing for quality assurance (section II); labeling requirements (section III); construction of and equipment for fish processing establishments (section IV) and operating requirements (section V).

As mentioned above, there is a requirement that all catch landed by the foreign fishing vessel licenced in Belize shall be processed in Belize; and any supplies and services which may be necessary for the operation of the vessel shall be procured in Belize, except if unavailable locally (reg. 29 (4) (g) and (h)).

In providing for quality assurance in fish processing, the *Fisheries Regulations* require that fish or fish products must be packed and exported in new, clean and sound containers (reg. 59) and the owner of fish or fish products or a person acting on his/her behalf shall make readily accessible to a fishery officer any fish or fish containers for which inspection or re-inspection is required under (reg. 61).

A fishery officer is empowered to detain any fish in any container for the purpose of preserving the identity of the fish (reg. 63) and where the fishery officer is satisfied that the fish or fish product complies with the requirements of the Regulations, issue a Certificate of Inspection. On the other hand, fish or fish products failing to comply with the requirements will be condemned by the fishery officer (reg. 64).

A fishery officer is empowered to direct the owner of any decomposed or unwholesome fish or fish product on its proper disposal in such a way as to prevent the possibility of the fish or the fish product being marketed or used for human consumption (reg. 65), usually within 5 days of the inspection (reg. 66).

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<sup>30</sup> CZMAI *supra* at pg. 88 and 89.

Regulation 71 require that establishments in which fish is dressed, packed, graded or held in refrigerated storage must be registered, and a Certificate of Registration issued when the establishment meets the requirements of the Regulations (reg. 72). A Certificate of Registration may be cancelled where the land and installations forming part of that establishment are not maintained in accordance with the requirements of the Regulations; or any serious contamination is found in that establishment (reg. 74 (a) and (b)).

Quality assurance regulations also require that fish is only to be transported in a boat or any other carrier only if the requirements of the Regulations are fulfilled (reg. 75) and all conveyances including vehicles, boxes, tubes or any containers used to transport fish to or from any fish dressing establishment shall be clean, and when necessary, disinfected (reg. 76).

Regulations 77 to 83 concern the labeling of fish and fish product in that every container of fish and every wrapper and label must be correctly and legibly marked in English in addition to any other language to indicate the local name of the fish or fish product; the net weight of the fish or fish product; the grade, size and count of the fish or fish product; the name and address of the distributor and/or exporter; the ingredients in each container, where there is more than one ingredient, and where food additive or preservative chemicals are present, either by listing them in descending order or their proportion in the container; or by stating the proportion of each ingredient in the container (reg. 77 (1) (a) to (e)).

Except for labels showing the ingredient, the labelling or marking must be shown on the main panel of every package containing one pound or more of fish and must be not less than one quarter of an inch in height (reg. 77 (2)).

Regulation 78 require that containers or wrappers in which fresh frozen or dressed fish is packed shall be clean and of good presentation, and may only be marked with the designation “Processed under Government Supervision” or “Government Inspected” or words to that effect with the authority of the Minister responsible for fisheries (reg. 79). Similarly, quality designations may only be marked on any container, wrapper or label for fish or fish products if such standards or provisions have been approved by the Minister responsible for fisheries (reg. 81).

Finally, all master containers for packaged fish shall be legibly marked in such a manner that the name of the processing plant and the day, month and year of packaging can be determined by an inspector (reg. 82); and it is prohibited to mark, label or package any fresh, frozen or dressed fish or fish product in a manner that is false, misleading or deceptive (reg. 79).

Regulation 83 enumerates the requirements that must be adhered to for the export or attempted export of crawfish, dressed fish, fillet, “market clean” conch and whole or headless frozen shrimp.<sup>31</sup> Regulations 84 to 102 provides for the construction requirements and the equipment

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<sup>31</sup> See the Fourth Schedule to the *Fisheries Regulations*, Tables A to D.

used in fish processing establishments and regulations 103 to 127 provides for the operating requirements that must be adhered to in processing fish or fish product.

The Cooperative Societies Act provides for the obligatory registration of fishing cooperatives in Belize (sec. 7 (1)). There are presently 4 fishing cooperatives operating in Belize. These are Northern Fishermen Society Limited, National Fishermen Society Limited, Caribena Producers Cooperative Society Limited and Placencia Producers Cooperative Society Limited. Each cooperative has its own receiving station and processing plant, where hired employees (usually women) wash, package, and freeze the delivered [fish and fish product]. Operational decisions are made by the managing committee, who are fishers elected at each cooperative's annual meeting to oversee production. The managing committee negotiates with foreign buyers for prices and shipment schedules. Usually, a cooperative will establish a relationship with a particular buyer, working exclusively with him/her for several years, but the contract is renegotiated each year. Northern Cooperative, for example, has sold its frozen [lobster] tails to the Red Lobster Inn restaurant chain since 1983.<sup>32</sup>

#### **4.0 Sustainable Marine and Coastal Tourism in Belize**

Over 40% of the Belizean population live and work in the coastal zone, which supports thriving fisheries, aquaculture and tourism industries. As a result of the multiple uses and increasing demand for coastal lands, the Coastal Zone Management Authority and Institute (CZMAI) developed a National Integrated Coastal Zone Management (ICZM) Plan.<sup>33</sup>

The *Coastal Zone Management Act* mandates that the Integrated Coastal Zone Management Plan is to include *inter alia*, proposals, including existing proposals from Government agencies, relating to the coastal zone which deal with the following subject[s]: recreation and tourism (sec. 23 (1) (c) (iv)). Tourism is the single largest contributor to the country's economic growth. Important attractors include natural features found within the coastal zone such as the barrier reef, atolls, and several hundred cays. For this reason, Belize has become a major ecotourism destination. Major tourism activities in the coastal zone include diving and snorkeling with the most frequented sites being Hol Chan Marine Reserve, Blue Hole Natural Monument, and Goff's Caye Marine Managed Area (BTB 2008).<sup>34</sup>

Besides tourism however, there are other conflicting uses of the coastal zone. In order to address these kinds of conflicts among competing interests in a sound ICZM Plan, the CZMAI established a partnership with the World Wildlife Fund (WWF) and the Natural Capital Project to bring together critical information about the benefits coastal and marine ecosystems provide for people and the impacts human activities have on them. Starting with two major challenges,

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<sup>32</sup> Price, M.D.; *Cooperatives and Development: The Lobster Fishermen of Belize*; Yearbook (Conference of Latin Americanist Geographers), Vol. 13, 1987; University of Texas Press.

<sup>33</sup> CZMAI *supra* at p. iv.

<sup>34</sup> *Ibid* at p. 40.

(i) the lack of good information about the health of the coastal zone and the many existing uses it supports; and (ii) the competing interests among stakeholders for conflicting resource uses, the team set up an advisory committee of regional experts to guide the process.<sup>35</sup>

The team spent several months gathering existing data about biodiversity, habitats, and marine and coastal uses in collaboration with universities, government agencies, industry associations, citizens' groups, and non-governmental organizations. This information was mapped comprehensively for both the coastal and marine environment for the first time in Belize. Coastal Advisory Committees and other stakeholder groups in the nine planning regions communicated their values and goals for marine and coastal management through meeting minutes, surveys, and interviews. With this information, CZMAI determined how to group marine and coastal uses into useful zoning categories, which could be used by government agencies and stakeholders to guide implementation of the ICZM Plan. Zones included locations set aside for marine protected areas, as well as areas prioritized for fishing, coastal development, marine tourism, aquaculture, and transportation, and other human uses.<sup>36</sup>

Tourism activities are however causing significant stress to the fragile, interconnected ecosystems of the coastal zone. Consequently, this situation emphasizes the need for sustainable methods of conducting tourism and recreational activities to ensure the viability of the tourism industry. As a step towards this, in 2001 the CZMAI published the *Tourism and Recreation: Best Practices for Coastal Areas in Belize* (CZMAI 2001).<sup>37</sup>

The guiding principles for tourism and recreation, as included in the best practice guide are: adequate tourism planning, responsible promotion and marketing, compliance with legislation, tourism and coastal zone management strategies and related CZM policies, reducing tourism impact, investigating and investing in appropriate technologies, local community involvement and working and supporting coastal and marine protected areas.

Marine and Coastal Tourism Activities are also regulated by other legislation primarily focused on the operational aspects of the tourism industry. The primary legislation for tourism is the *Belize Tourism Board Act* which establishes a governing body, the Belize Tourism Board for the following purposes (sec 3 (1):

- to develop all aspects of the tourist industry of Belize and to promote the efficiency of the industry; to adopt all such measures, as it may deem fit,
- to advertise and publicize Belize as a tourist resort throughout the year; to promote and secure such increased airline and shipping facilities as will tend to increase tourist traffic to Belize;

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<sup>35</sup> *Ibid* at p. 12.

<sup>36</sup> *Ibid*.

<sup>37</sup> *Ibid* at p. 110.

- to secure the most favourable arrangements for the entry of tourists into Belize; to encourage, by such measures as it may deem fit, the development of such amenities in Belize as may be calculated to enhance the attractiveness of Belize to tourists with special reference to entertainment, local culture, conservation of local flora and fauna, deep sea fishing, scuba diving and handicrafts;
- to undertake such research, experiments and operations as may appear to it to be necessary to improve the basis of the tourist industry and to control and eliminate any undesirable factors that may affect the industry;
- to foster an understanding within Belize of the importance and economic benefit of the tourist industry;
- to encourage and promote training facilities for hotel staff;
- to classify hotels according to the standard of amenities provided;
- to make all such enquiries and to collect all such information as it may think necessary for the purpose of carrying out its duty;
- to foster understanding within Belize of the importance of environmental protection and pollution control and the conservation of natural resources;
- and generally to take all such other lawful measures as it may consider likely to assist it in carrying out most effectively the purposes of the Act (sec. 11 (a) to (l)).

Then there are the *Belize Tourism Board (Tour Guide) Regulations* which establishes the Tour Guide Committee to receive and review applications for [tour guide] licences; provide advisory and information services to licence holders; assist licence holders in any matters affecting the discharge of their functions; perform any other functions for the better carrying out of the provisions of the Regulations; and make recommendations to the Board for the recognition of local tour guide associations (reg. 4).

Similarly, there is the *Belize Tourism Board (Tour Operators) Regulations* which establishes a Tour Operators Committee (sec. 3 (1) which has as its functions, receiving, considering and determining application for licences, providing advisory information and other related services to licence holders; assisting licence holders in any matters affecting the discharge of their functions; and performing any other functions for the better carrying out of the objects and purposes of the Regulations including but not limited to defining policy guidelines for the tour operators industry, setting and revising on a continuous basis the licencing criteria for tour operators and developing rules and regulations for the training of tour operators and other related activities (sec. 4).

Finally, there are the *Belize Tourism Board (Local Water Passenger and Water Sports Vessels) Regulations* which establishes the Local Water Passenger Vessels and Local Watersports Vessels Committee (reg. 4 (1) which has as its function, receiving, considering and determining applications for licences under the Regulations; providing advisory information and other related services to licence holders; assisting licence holders in any matters affecting the discharge of

their functions; and performing any other functions for the better carrying out of the objects and purposes of these Regulations, including but not limited to defining policy guidelines for the operation of local water passenger vessels and local watersports vessels, and setting and revising on a continuous basis the licensing criteria for operators, and developing rules and regulations for the training of operators and other similar activities (reg. 5).

The *Hotel and Tourist Accommodation Act* makes provisions for the appointment of a Registrar of Hotels and Tourist Accommodations (sec. 3 (1) and a Register of Hotels and Tourist Accommodation (sec. 4); stipulating at sec. 5 (1) that no premises shall be used for the purposes of the business of a hotel or tourist accommodation unless such premises and the proprietor of such business are registered under the Act and a licence is obtained by the proprietor from the Registrar in that behalf. Also, Section 22 (1) of the Act levies a tax at the rate of seven per centum of all the accommodation charges in regards to lodging.

The *Cruise Tourism Passenger Tax Act* applies to each manifested cruise ship passenger on a cruise ship entering and leaving Belize and which tenders its passengers to the Fort Street Tourism Village (reg. 3), and is levied on each such passenger (reg. (4) (1)) at a rate determined by the Belize Tourism Board (reg. 4 (2)).

Finally, there is the Belize National Tourism Council Act which establishes the Belize National Tourism Council (sec. 3 (1) with the objective of, *inter alia*, developing, establishing and monitoring plans and policies, procedures and guidelines, legislative measures and educational and training programmes; promote marketing of and investment in Belize as an international tourist destination; and developing draft legislative measures to regulate the growth and overall management of the tourism sector in a manner beneficial to the public, tourists and members of the tourism industry, and submitting such proposed legislation to the appropriate branches of Government for enactment.

The Duties of the Council under section 10 includes, but is not limited to of the Act enumerates the duties and functions of the Council, which include the implementation and monitoring of the Belize National Tourism Policy Plan, in a manner that maximizes the contribution of tourism to the economic growth of Belize; advocating the generation of employment for Belizean citizens in the tourism industry and promoting and encouraging the safe movement of tourists in Belize in an environment free from criminal activity and the fears arising therefrom by advocating the strict enforcement of the laws of Belize as they relate to criminal interferences with tourists, in a manner which is not prejudicial to the general public.

## Conclusions and recommendations

[To be provided, as appropriate, taking into account any relevant discussions at the National Stakeholder Workshop]

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