

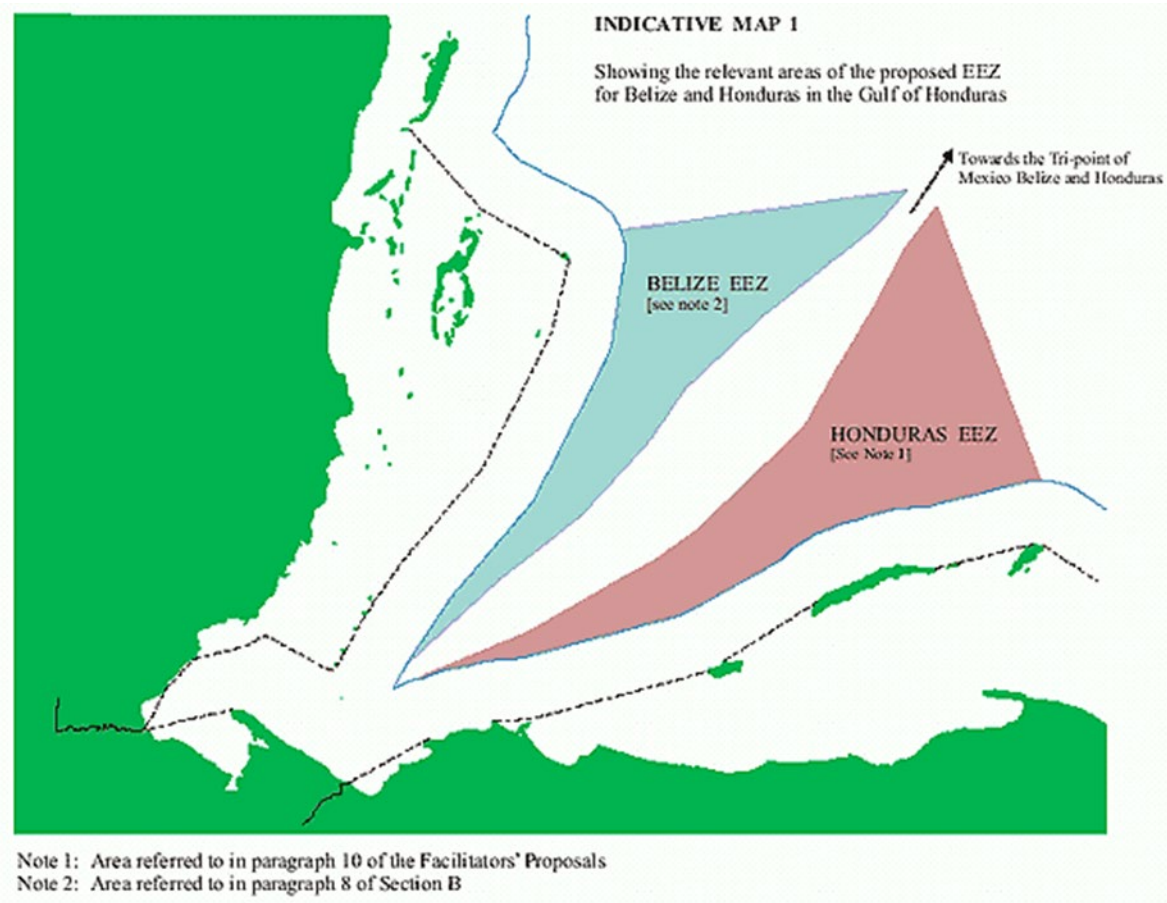
Oceans Economy and Trade Strategies (OETS) Project - Belize

The United Nations Convention on
the Law of the Sea and Belize's
Oceans Governance Framework

The Maritime Areas Act of 1992

- Belize's maritime areas are established by the Maritime Areas Act of 1992.
- As a consequence of having islands situated on atolls or islands having fringing reefs, Belize's the baseline for measuring the breadth of the territorial sea is the seaward low-water line of the reef (Art. 6 UNCLOS)
- The internal waters of Belize comprise any areas of water that are on the landward side of the baseline of the territorial sea (sec. 5 UNCLOS).

The Maritime Areas Act of 1992 cont'd



The Maritime Areas Act of 1992

cont'd

- The internal waters of Belize comprise any areas of water that are on the landward side of the baseline of the territorial sea (sec. 5 UNCLOS).
- The territorial sea of Belize comprises those areas of the sea having, as their inner limits, the baseline 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) UNCLOS).

The Maritime Areas Act of 1992

cont'd

- The territorial sea of Belize comprises those areas of the sea having, as their inner limits, the baseline 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) UNCLOS); except for the territorial seas 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 Maritime Areas Act of 1992

cont'd

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

The Maritime Areas Act of 1992

cont'd

- Belize had not delimited its EEZ with Guatemala and Honduras or Mexico.
- The High Seas Fishing Act of 2013 establishes Belize's jurisdiction on the high seas to:
 - Implement the FAO Agreement to Promote Compliance with International Conservation and Management Measures by fishing vessels on the high seas adopted by the Conference of the Food and Agriculture Organization of the United Nations 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 4th August 1995; 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).

Institutions Administering Belize's Maritime Areas cont'd

- - The Minister of Foreign Affairs who may designate or revoke any areas of internal waters (sec. 11 (3); suspend innocent passage through the territorial sea for the protection of the security of Belize; and make Regulations to govern the activities allowed in the territorial seas and the EEZ (sec. 24).

Institutions Administering Belize's Maritime Areas cont'd

- The Fisheries Department, established in 1987 through the Fisheries Act, 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.

Institutions Administering Belize's Maritime Areas cont'd

- 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*.

Institutions Administering Belize's Maritime Areas cont'd

- 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).

Institutions Administering Belize's Maritime Areas cont'd

- 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.

Institutions Administering Belize's Maritime Areas cont'd

- The Coastal Zone Management Authority and Institute: the Authority 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.

Institutions Administering Belize's Maritime Areas cont'd

- 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.

Institutions Administering Belize's Maritime Areas cont'd

- The International Merchant Marine Registry of Belize IMMARBEL, 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).

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.

Maritime Safety in Belize's Maritime Areas cont'd

- 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.

Maritime Safety in Belize's Maritime Areas cont'd

- 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 cont'd

- The Port Authority does its part in promoting maritime safety through the National Maritime Communications Center (NMCC), 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.

Maritime Safety in Belize's Maritime Areas cont'd

- 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).

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.

Sustainable Use and Conservation of Marine Living Resources in Belize's Maritime Areas cont'd

- 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.

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.

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's Sustainable Use and Conservation of Marine Living Resources on the High Seas cont'd

- The Belize High Seas Fisheries Unit (BHSFU) was established on 12th 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.

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

- The Central American Fisheries and Aquaculture Organization (Organización del Sector Pesquero y Acuícola del Istmo Centroamericano, OSPESCA).
- The Caribbean Regional Fisheries Mechanism (CRFM).
- The Indian Ocean Tuna Commission (IOTC).
- The Inter-American Tropical Tuna Commission (IATTC).

Belize's Participation in Regional and International Cooperation in Sustainable Use and Conservation of Marine Living Resources cont'd

- The International Commission for the Conservation of Atlantic Tunas (ICCAT).
- The International Whaling Commission (IWC).
- The Latin American Organization for Fisheries Development (Organización Latinoamericana de Desarrollo Pesquero, OLDEPESCA).
- The Western Central Atlantic Fishery Commission (WECAFC).

Marine Scientific Research in Belize's Maritime Areas

- The 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.

Marine Scientific Research in Belize's Maritime Areas cont'd

- The Coastal Zone Management Institute, established by sec. 8 of the Coastal Zone Management Act is also 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)).

Legal and Institutional Requirements for Sustainable Marine Fisheries

- 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.

Legal and Institutional Requirements for Sustainable Marine Aquaculture

- The Aquaculture Development Act of 9th June 2007 generated much controversy because of the tax concessions it proposed to offer the industry and as a result has not been brought into force.

Legal and Institutional Requirements for Sustainable Marine Aquaculture cont'd

- Aquaculture activities are considered a form of commercial fishing and are therefore governed by the Fisheries Act and the 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).

Legal and Institutional Requirements for Sustainable Marine Aquaculture cont'd

- The Environmental Impact Assessment Regulations, Schedule I requires an 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;

Legal and Institutional Requirements for Sustainable Marine Aquaculture cont'd

- 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.

Legal and Institutional Requirements for Sustainable Marine Aquaculture cont'd

- 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 Fisheries Regulations, Part IV which deal with the processing of fish and fish products also apply 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).

Legal and Institutional Requirements for Sustainable Marine Aquaculture cont'd

- Aquaculture activities in Belize is also governed by the Coastal Zone Management Act which requires that a Coastal Zone Management Plan be developed (sec. 23 (1) (c) (v)). The aquaculture industry is supported with various tax concessions and other development incentives through the Fiscal Incentives Act each aquaculture farm and production facility is treated as an export processing zone under the Export Processing Zone Act.

Legal and Institutional Requirements for Sustainable Seafood Processing

- Seafood Processing in Belize is regulated by Part IV of the Fisheries Regulations which is administered by the 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).

Legal and Institutional Requirements for Sustainable Marine and Coastal Tourism

- 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 recreation and tourism (sec. 23 (1) (c) (iv)).

Legal and Institutional Requirements for Sustainable Marine and Coastal Tourism cont'd

- **Marine and Coastal Tourism Activities are also regulated by the Belize Tourism Board Act which establishes a governing body, the Belize Tourism Board (sec 3 (1) and its regulations.**

Legal and Institutional Requirements for Sustainable Marine and Coastal Tourism cont'd

- 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).
- 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)).