



THE UNITED NATIONS CONVENTION ON
THE LAW OF THE SEA AND THE LEGAL
AND INSTITUTIONAL FRAMEWORK FOR
OCEAN AFFAIRS **IN BELIZE:**

Sustainable Marine Fisheries, Marine
Aquaculture, Seafood Processing,
Marine and Coastal Tourism

© 2019, United Nations Conference on Trade and Development

This work is available open access by complying with the Creative Commons licence created for intergovernmental organizations, available at <http://creativecommons.org/licenses/by/3.0/igo/>.

The findings, interpretations and conclusions expressed herein are those of the authors and do not necessarily reflect the views of the United Nations or its officials or Member States.

The designation employed and the presentation of material on any map in this work do not imply the expression of any opinion whatsoever on the part of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

This document has not been formally edited. Desktop formatting was done by Mr Rafe Dent of UNCTAD.

UNCTAD/DITC/TED/INF/2019/11

Contents

Abbreviations	iv
Acknowledgements	iv
A. THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS), 1982 AND THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR OCEAN AFFAIRS IN BELIZE	1
1. Background	1
2. The international legal framework established by UNCLOS	1
3. The limits of the maritime areas of Belize: Sovereignty, sovereign rights and jurisdiction	1
3.1. <i>The Maritime Areas Act, 1992</i>	1
4. Sovereignty, sovereign rights and jurisdiction	2
5. The exercise of criminal and civil jurisdiction in the maritime areas of Belize	3
6. Maritime areas' administration at the institutional level	4
7. Innocent passage as prescribed by the Maritime Area's Act	5
8. Promoting maritime safety in Belize	5
9. Contributions to maintaining peace and security for oceans and seas	7
10. Sustainable use and conservation of marine living resources in the maritime areas of Belize	8
10.1. <i>The legal framework for the sustainable use and conservation of marine living resources</i> ..	8
10.2. <i>The institutional framework for the sustainable use and conservation of marine living resources in the maritime areas of Belize</i>	11
11. Sustainable use and conservation of marine living resources on the high seas	11
11.1. <i>Participation of Belize in regional and international cooperation in sustainable use and conservation of marine living resources</i>	15
12. Protecting and preserving the marine environment of Belize	16
13. Marine scientific research	18
14. Dispute settlement procedures	19
B. LEGAL AND INSTITUTIONAL REQUIRMENTS IN THE FOUR SELECTED ECONOMIC SECTORS IN BELIZE	20
1. Sustainable marine fisheries	20
2. Sustainable marine aquaculture	24
3. Sustainable seafood processing	26
4. Sustainable marine and coastal tourism in Belize	27
CONCLUSIONS ON THE IMPLEMENTATION OF UNCLOS	30
1. <i>Maritime zones</i>	30
2. <i>High seas and flag state duties</i>	30
3. <i>Conservation and use of living resources</i>	31
4. <i>Non-living resources</i>	31
5. <i>Maritime cooperation and the "Area"</i>	32
6. <i>Protection and preservation of the marine environment</i>	32
7. <i>Marine scientific research</i>	32
8. <i>Development and transfer of marine technology</i>	32
9. <i>Settlement of disputes</i>	32
10. <i>General provisions</i>	33
References	34
Notes	35

Abbreviations

ASC	Aquaculture Stewardship Council
BHSFU	Belize High Seas Fisheries Unit
CCU	Conservation Compliance Unit
CFU	Capture Fisheries Unit
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLL	International Convention on Load Lines
COLREGs	International Regulations for Preventing Collisions at Sea, 1972
CRFM	Caribbean Regional Fisheries Mechanism
CZMAI	Coastal Zone Management Authority and Institute
DOE	Department of Environment
EEZ	Exclusive economic zone
EIA	Environmental Impact Assessment
EMU	Ecosystem Management Unit
IATTC	The Inter-American Tropical Tuna Commission
ICCAT	The International Commission for the Conservation of Atlantic Tunas
ICZM	National Integrated Coastal Zone Management
IMMARBE	International Merchant Marine Registry of Belize
IMO	International Maritime Organisation
ISPS code	International Ship and Port Facility Security Code
IUCN	International Union for Conservation of Nature
IWC	The International Whaling Commission
MAA	Maritime Areas Act
MARPOL	International Convention for the Prevention of Pollution from Ships
NMCC	National Maritime Communications Center
OETS	ocean economy trade strategies
OSPESCA	Organización del Sector Pesquero y Acuícola del Istmo Centroamericano
PPU	Policy and Planning Unit
PSC	Port State Control
PSMA	Agreement on Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated fishing (FAO)
SIDS	Small Island Developing States
SOLAS	International Convention for the Safety of Life at Sea
SPAW	Specially Protected Areas and Wildlife (Protocol)
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNFSA	United Nations Fish Stocks Agreement
WECAFC	The Western Central Atlantic Fishery Commission

Acknowledgements

This document was produced by Mr. Mark Usher, UNCTAD and DOALOS Consultant. The author wishes to acknowledge the contributions of UNCTAD, DOALOS and the Government of Belize in the preparation of the present report. Desktop formatting was done by Mr. Rafe Dent of UNCTAD.

25 September 2019

A. THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS), 1982 AND THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR OCEAN AFFAIRS IN BELIZE

1. Background

This 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 Small Island Developing States (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.

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

2. The international legal framework established by UNCLOS

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.¹

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.

On 12 September 1982, Belize signed the Convention and was the eighth country to ratify the Convention on 13 August 1983. UNCLOS came into force on 16 November 1994, a year after the 60th ratification of the Convention.²

3. The limits of the maritime areas of Belize: Sovereignty, sovereign rights and jurisdiction

3.1. The Maritime Areas Act, 1992

Belize legally established its maritime areas through the Maritime Areas Act (MAA) which was passed in the National Assembly and entered into force on 30th January 1992.³

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. In accordance with article 6 of UNCLOS, where there are islands situated on atolls or islands having fringing reefs, the baseline for measuring the breadth of the territorial sea is the seaward low-water line of the reef.

Baselines for Belize 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 the northern coast to the northernmost island of Ambergris Caye – South East, and from Ambergris Caye – South East to the southern border at the Sarstoon River. The baseline, through a series of loxodromes, is 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 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)); 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).

The MAA however, makes no reference to the country's contiguous zone or for its continental shelf.

4. Sovereignty, sovereign rights and jurisdiction

In accordance with art. 2 of UNCLOS, Part III (sec. 8) of the MAA establishes sovereignty of Belize 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 the country's sovereign rights in respect of the exclusive economic zone (EEZ) for the purposes 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. 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 FAO 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 of the Food and Agriculture Organization of the United Nations on 24 November 1993. Belize has also carried out this responsibility by implementing 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 sea and EEZ of Belize (sec. 2).

5. The exercise of criminal and civil jurisdiction in the maritime areas of Belize

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)). Also, 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 such as 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; or if the offence is of a kind likely to disturb the peace of Belize or the good order of the territorial sea; or if 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)).

6. Maritime areas' administration at the institutional level

The institutions administering maritime areas of Belize include the Minister of Foreign Affairs, the 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 any area 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 he or she 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

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 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 centre is equipped with very high frequency (VHF) and high frequency (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 hub to which all international commercial vessels report their arrival into the maritime areas of Belize, and 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 responses to support stranded/distressed vessels to the Belize National Coast Guard Service.⁴

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. The Authority is charged with the responsibility of implementing and monitoring policies that govern the use and development of the coastal zone in Belize. The Institute's main functions on the other hand 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.

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_8844

