

**BILL No. 36 of 2009**

**Thursday 8<sup>th</sup> October, 2009**

**PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown,  
Guyana.**

**8<sup>th</sup> October, 2009**

**The following Bill which will be introduced in the National Assembly is published for general information.**

***S. E. Isaacs,*  
Clerk of the National Assembly.**



**GUYANA**

**BILL No. 36 of 2009**

**MARITIME ZONES BILL 2009**

**ARRANGEMENT OF SECTIONS**

**SECTION**

**PART I  
PRELIMINARY**

- 1. Short title.**
- 2. Interpretation.**

**PART II  
TERRITORIAL SEA**

3. Limits of the territorial sea.
4. Rights over the territorial sea.
5. Baselines of the territorial sea.
6. Low-water line.

**PART III  
INTERNAL WATERS**

7. Limits of the internal waters.
8. Rights over the internal waters.
9. Closing lines.

**PART IV  
INNOCENT PASSAGE**

10. Right of innocent passage in the territorial sea.
11. Right of innocent passage in the internal waters.
12. Regulating innocent passage.
13. Non-innocent passage.
14. Security measures.
15. Foreign ships carrying nuclear or other hazardous wastes.
16. Discharge of harmful substances and hazardous wastes.
17. Law applicable to rights of hot pursuit.

**PART V  
THE CONTIGUOUS ZONE**

18. Limits of the contiguous zone.
19. Grounds for denial of entry into Guyana.
20. Commission of offences in the contiguous zone.

**PART VI  
THE CONTINENTAL SHELF**

21. Limits of the continental shelf.
22. Rights in the continental shelf.
23. Licence or authority to explore or exploit resources.

24. Declaration of designated area.
25. Submarine cables and pipelines in the continental shelf.
26. Exercise of jurisdiction in the continental shelf.

**PART VII**  
**THE EXCLUSIVE ECONOMIC ZONE**

27. Limits of the exclusive economic zone.
28. Rights in the exclusive economic zone.
29. Rights of navigation and over flight.
30. Licence or authority to explore or exploit resources in the exclusive economic zone.
31. Declaration of designated areas in the exclusive economic zone.
32. Exercise of jurisdiction in the exclusive economic zone.
33. Extension of norms to the exclusive economic zone.
34. Application of other rights not provided in this Act.

**PART VIII**  
**DELIMITATION OF MARITIME BOUNDARIES**

35. Delimitation of the boundaries of the territorial sea.
36. Delimitation of the boundaries of the continental shelf and the exclusive economic zone.
37. Settlement of disputes.
38. Publication of agreement.

**PART IX**  
**CHARTS AND GEOGRAPHICAL COORDINATES**

39. Preparation of charts and geographical coordinates.
40. Publication of charts and list of geographical coordinates.
41. Evidence of charts or lists of geographical coordinates.

**PART X**  
**MARINE SCIENTIFIC RESEARCH**

42. Regulation of marine scientific research in the maritime zones.

**PART XI**  
**MARITIME CULTURAL AREA**

- 43. Limits of the maritime cultural area.
- 44. Rights in the maritime cultural sea.
- 45. Underwater cultural heritage.

**PART XII**  
**ECO-TOURISM, MARINE PARKS AND RESERVES AND MARICULTURE**

- 46. Designated areas for eco-tourism, marine parks and reserves and mariculture operations.
- 47. Establishment and regulation of eco-tourism, marine parks and reserves and mariculture operations.

**PART XIII**  
**THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT**

- 48. Regulations for the protection and preservation of the marine environment.
- 49. Measures to prevent marine pollution.

**PART XIV**  
**GENERAL**

- 50. Maritime safety and security in the maritime zones.
- 51. Sovereign rights of self defence in the maritime zones.
- 52. Power to make regulations.
- 53. Order to extend law.
- 54. Power to amend any law to give effect to the Act.
- 55. Amendments and savings.
- 56. Repeal.

**SCHEDULE – Amended Laws.**

## A BILL

## Intituled

AN ACT to repeal and replace the Maritime Boundaries Act 1977, to incorporate certain provisions of the United Nations Convention on the Law of the Sea and the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001, to provide for marine scientific research, maritime cultural area, eco-tourism, marine parks and reserves and mariculture, the protection and preservation of the marine environment and for related matters.

A.D. 2009

Enacted by the Parliament of Guyana:-

## PART I

## PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Maritime Zones Act 2009 and shall come into operation in whole or in parts on a date appointed by Order of the Minister.

Interpretation.

2. In this Act -

- (a) “artificial island” means any man made extension of the seabed or a feature, whether or not the extension breaks the surface of the superjacent waters;
- (b) “baselines” means the baselines of the territorial area determined in accordance with Section 5;
- (c) “continental shelf” means the continental shelf of Guyana as defined in Section 21(1);
- (d) “continental margin” means the continental margin of Guyana as defined in Section 21(3);
- (e) “Convention” means the United Nations Convention on the Law of the Sea signed on 10 December 1982 at Montego Bay, Jamaica;
- (f) “exclusive economic zone” means the exclusive economic zone of Guyana established under Section 27(1);
- (g) “high seas” has the same meaning assigned to it in the Convention;
- (h) “highest astronomical tide” means the highest sea level that can be expected to occur under average meteorological conditions and under any combination of astronomical conditions;

**PART II**  
**TERRITORIAL SEA**

3. Limits of the territorial sea.
4. Rights over the territorial sea.
5. Baselines of the territorial sea.
6. Low-water line.

**PART III**  
**INTERNAL WATERS**

7. Limits of the internal waters.
8. Rights over the internal waters.
9. Closing lines.

**PART IV**  
**INNOCENT PASSAGE**

10. Right of innocent passage in the territorial sea.
11. Right of innocent passage in the internal waters.
12. Regulating innocent passage.
13. Non-innocent passage.
14. Security measures.
15. Foreign ships carrying nuclear or other hazardous wastes.
16. Discharge of harmful substances and hazardous wastes.
17. Law applicable to rights of hot pursuit.

**PART V**  
**THE CONTIGUOUS ZONE**

18. Limits of the contiguous zone.
19. Grounds for denial of entry into Guyana.
20. Commission of offences in the contiguous zone.

**PART VI**  
**THE CONTINENTAL SHELF**

21. Limits of the continental shelf.
22. Rights in the continental shelf.
23. Licence or authority to explore or exploit resources.

24. Declaration of designated area.
25. Submarine cables and pipelines in the continental shelf.
26. Exercise of jurisdiction in the continental shelf.

**PART VII**  
**THE EXCLUSIVE ECONOMIC ZONE**

27. Limits of the exclusive economic zone.
28. Rights in the exclusive economic zone.
29. Rights of navigation and over flight.
30. Licence or authority to explore or exploit resources in the exclusive economic zone.
31. Declaration of designated areas in the exclusive economic zone.
32. Exercise of jurisdiction in the exclusive economic zone.
33. Extension of norms to the exclusive economic zone.
34. Application of other rights not provided in this Act.

**PART VIII**  
**DELIMITATION OF MARITIME BOUNDARIES**

35. Delimitation of the boundaries of the territorial sea.
36. Delimitation of the boundaries of the continental shelf and the exclusive economic zone.
37. Settlement of disputes.
38. Publication of agreement.

**PART IX**  
**CHARTS AND GEOGRAPHICAL COORDINATES**

39. Preparation of charts and geographical coordinates.
40. Publication of charts and list of geographical coordinates.
41. Evidence of charts or lists of geographical coordinates.

**PART X**  
**MARINE SCIENTIFIC RESEARCH**

42. Regulation of marine scientific research in the maritime zones.

**PART XI**  
**MARITIME CULTURAL AREA**

43. Limits of the maritime cultural area.
44. Rights in the maritime cultural sea.
45. Underwater cultural heritage.

**PART XII**  
**ECO-TOURISM, MARINE PARKS AND RESERVES AND MARICULTURE**

46. Designated areas for eco-tourism, marine parks and reserves and mariculture operations.
47. Establishment and regulation of eco-tourism, marine parks and reserves and mariculture operations.

**PART XIII**  
**THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT**

48. Regulations for the protection and preservation of the marine environment.
49. Measures to prevent marine pollution.

**PART XIV**  
**GENERAL**

50. Maritime safety and security in the maritime zones.
51. Sovereign rights of self defence in the maritime zones.
52. Power to make regulations.
53. Order to extend law.
54. Power to amend any law to give effect to the Act.
55. Amendments and savings.
56. Repeal.

**SCHEDULE – Amended Laws.**



- (i) “high-water line” means the intersection of the highest astronomical tide with the land and includes the high-water line on an island;
- (j) “installation” includes –
  - (i) a moored vessel;
  - (ii) a communication cable;
  - (iii) an oil pipeline;
  - (iv) a military surveillance installation;
  - (v) a pipeline which is used for the transfer of any substance to or from a ship, a research, exploration or production platform, or the coast of Guyana;
  - (vi) an exploration or production platform used in the prospecting for or mining of any substance;
  - (vii) an exploration or production vessel used in the prospecting for or mining of any substance;
  - (viii) a telecommunications line as defined in section 1 of the Posts and Telecommunications Act;
  - (ix) a vessel or equipment used for the exploration or exploitation of the seabed;
  - (x) an area situated within the distance of 500 metres measured from any point on the exterior side of an installation referred to in subparagraph (i) or (ii) other than a pipeline;
  - (xi) an area situated under or above an installation referred to in subparagraph (i) or (ii); or
  - (xii) any other structure whether permanent or temporary within the maritime zone, which is being or intended to be used for or in connection with the exploration and exploitation and conservation and management of the natural resources;
- (k) “internal waters” means the internal waters of Guyana as defined in Section 7;
- (l) “island” means a naturally formed area of land, surrounded by water, which is above water at high tide;
- (m) “lowest astronomical tide” means the mean height of high water as marked on large scale maps recognized by the Government;
- (n) “maritime zones” means the internal waters, territorial sea, contiguous zone, the continental shelf and the exclusive economic zone;
- (o) “master” includes every person lawfully having for the time being, command or charge of any vessel;

Act No. 11 of  
1966

- (p) "miles" means international nautical miles of 1,852 metres each;
- (q) "Minister" means the Minister of Foreign Affairs, unless otherwise indicated;
- (r) "natural resources" has the same meaning as assigned to it under the Environment Protection Act 1996;
- (s) "nautical miles" has the same meaning as "miles";
- (t) "officially recognized large-scale charts or maps" means large-scale charts or maps supplied by the Guyana Lands and Surveys Commission;
- (u) "resources" means the living and non-living resources of the seabed and its subsoil, and of the waters superjacent to the seabed as well as resources for the production of energy from tides, winds and current;
- (v) "right of innocent passage" means the right of innocent passage referred to in section 10;
- (w) "sea" means the water of the sea, as well as the seabed and its subsoil;
- (x) "submarine" includes any underwater vehicle however propelled;
- (y) "straight line" means the shortest distance between two points on a surface;
- (z) "territorial sea" means the territorial sea of Guyana referred to in section 3;
- (aa) "UNESCO" means the United Nations Educational, Scientific and Cultural Organisation;
- (bb) "UNESCO Convention" means the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001;
- (cc) "vessel" includes ship, boat or any other mode of water transport employed in navigation;
- (dd) "waste" includes any matter prescribed to be waste and any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume, composition or manner as to cause an adverse effect.

**PART II**  
**TERRITORIAL SEA**

Limits of the territorial sea.

3. (1) The territorial sea comprises those areas of the sea having as their inner limits the baselines referred to in section 5 and as their outer limits a line measured from the baselines, every point of which is twelve nautical miles from the nearest point of the baselines.

(2) For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of any harbour system shall be treated as forming part of the coast, but for that purpose offshore installation and artificial islands shall not be considered as permanent harbour works.

Rights over the territorial sea.

4. (1) The sovereignty of Guyana extends to the territorial sea, the seabed and its subsoil under the airspace over that sea.

(2) Guyana, in the exercise of its sovereignty, has exclusive jurisdiction over the territorial sea subject to international law and the Convention.

Baselines of the territorial sea.

5. The baselines from which the territorial sea shall be measured shall be the low-water line along the coast and, where the coast line is broken by a river, a straight line joining the two points where the low-water line on the coast ends on either side of the river.

Low-water line.

6. For the purposes of section 5, the low-water line in any specified area is the lowest astronomical tide level on the coast of Guyana that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.

**PART III**  
**INTERNAL WATERS**

Limits of the internal waters.

7. The internal waters comprise –

- (a) the areas of the sea that are on the landward side of the baselines which form the inner limits of the territorial sea; and
- (b) all rivers, bays, historic bays, ports, harbours and waters lying landward of the baselines.

Rights over the  
internal  
waters.

8. (1) The sovereignty of Guyana extends beyond its land territory to the internal waters, the seabed and its subsoil under and the air space over the internal waters.

(2) Guyana, in the exercise of its sovereignty, has exclusive jurisdiction over the internal waters.

Closing lines.

9. (1) The Minister responsible for lands and surveys may, by regulations, prescribe closing lines to delimit internal waters.

(2) In this section, "closing lines" means the straight lines, drawn in accordance with the provisions of the Convention, that –

- (a) cross the mouth of a river;
- (b) enclose a bay; or
- (c) delimit the waters of a harbour.

#### PART IV INNOCENT PASSAGE

Right of  
innocent  
passage in the  
territorial sea.

10.(1) Subject to sections 12 and 13 and any other relevant law, all foreign ships shall enjoy the right of innocent passage through the territorial sea.

(2) Innocent passage, to which subsection (1) refers, shall be continuous and expeditious and not prejudicial to the peace, good order or security of Guyana and includes stopping and anchoring, but only in so far as they are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

(3) For the purpose of this section, "innocent passage" means navigation through the territorial sea for the purpose of –

- (a) crossing those waters without entering the internal waters or calling at a roadstead or port facility outside the internal waters;  
or
- (b) proceeding to or from the internal waters or calling at a roadstead or port facility outside the internal waters.

(4) In exercising the right of innocent passage, a foreign ship shall comply with the laws of Guyana, any order, direction, licence or any other authority relating to the exercise of innocent passage through the territorial sea.

Right of  
innocent  
passage in the  
internal  
waters.

11. (1) Where a straight base line, as referred to in section 5, has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage shall exist in those waters.

(2) Where closing lines are prescribed to delimit internal waters in accordance with section 9, any right of innocent passage previously existing in the internal waters delimited by those closing lines shall continue to exist to the extent that it previously existed.

Regulating  
innocent  
passage.

12. (1) A foreign warship, including a submarine and any other underwater vehicle of war, may enter or pass through the territorial sea after giving prior notice to the President.

(2) A submarine or any other underwater vehicle exercising the right of innocent passage through the territorial sea shall navigate on the surface and show its flag vehicle passing through the territorial sea.

(3) The Minister responsible for transport and harbours may by order designate sea lanes and prescribe traffic separation schemes for the regulation of the passage of ships through the internal waters and territorial sea and in the interest of safety of navigation.

(4) A captain or person in charge of an underwater vessel who contravenes subsection (2) commits an offence and is liable on conviction on indictment to a fine of five thousand dollars and to imprisonment for five years.

Non-innocent  
passage.

13. (1) The passage of a foreign vessel is prejudicial to the peace, good order or security of Guyana, that is to say, the passage is not innocent if, while in the territorial sea, the vessel engages in –

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Guyana or act in any other manner in violation of the principles of international law;

- (b) any exercise or practice with weapons of any kind;
- (c) any act, in contemplation of collecting information which would be prejudicial to the defence or security of Guyana;
- (d) any act of propaganda calculated to affect the defence or security of Guyana;
- (e) the launching of, landing on or taking on board of any aircraft or military device;
- (f) the loading or unloading of any commodity, currency or person contrary to any laws relating to customs, excise, immigration or sanitation;
- (g) the willful discharge of any substance which causes pollution, in contravention of the Convention.
- (h) any fishing activities;
- (i) the carrying on of research or surveying activities;
- (j) any act designed to interfere with any system of communication or any other facility or installation in Guyana; or
- (k) any other activity not directly related to its passage.

(2) The captain or person in charge of a foreign vessel or an underwater vessel who takes part in or causes his vessel to be engaged in, and any other person on board who takes part in, any activity specified in subsection (1) -

- (a) each commits an offence and are each liable on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for five years; and
- (b) where the offence is continued after conviction, the captain and the other person who were convicted, each commits a further offence and is liable on conviction to a fine of three hundred thousand dollars for each day on which the offence is continued, and in addition the Court may order the forfeiture of the vessel.

14. The President may make orders and exercise powers and take measures in relation to the territorial sea as is necessary in the interest of the peace, good order or security of Guyana or any part of Guyana, and the measures may include the suspension, whether absolutely or subject to any exceptions and qualifications as the President thinks fit, of the right of innocent passage of all or any class of foreign ships through any area of the territorial sea.

Security  
measures.

Foreign ships  
carrying  
nuclear or  
other  
hazardous  
wastes.

15. (1) A person shall not, except with prior permission, agreement or consent of and prior notification to the Minister responsible for the environment, store, transport or permit to store or transport any nuclear or other inherently dangerous or noxious substances in the internal waters and territorial sea.

(2) Where any foreign nuclear-powered ship or foreign ship carries nuclear or other inherently dangerous or noxious substances while exercising the right of innocent passage through the territorial sea, the captain or person in charge of the ship shall, in relation to the ship and substances, carry the necessary documents and shall observe the precautionary measures that are established for those ships by any international agreement applicable to the carrying of those substances or any law for the time being in force.

(3) A ship to which subsection (2) refers may be required to confine its passage to such sea lanes as may be prescribed.

(4) Any person who contravenes this section commits an offence and is liable on conviction on indictment to a fine of ten million dollars and to imprisonment for twenty-five years.

Discharge of  
harmful  
substances and  
hazardous  
wastes.

16. (1) A person shall not, except with the prior permission or agreement and notification of the Minister responsible for the environment, discharge any harmful substances and hazardous wastes in the internal waters and territorial sea.

(2) Ships carrying radioactive materials shall not pass through any part of the territorial sea or internal waters unless prior notification of intended passage and the route to be taken by the ship through those waters or the sea has been given in accordance with regulations that may be prescribed.

(3) The Minister responsible for the environment may make regulations regulating the passage of ships carrying hazardous waste, and nuclear and radioactive materials through all or any part of the internal waters and territorial sea.

(4) Regulations made under this section shall provide for the action that may be taken, including stopping and boarding ships, to ensure compliance with the regulations.

(5) In this section, "radioactive materials" means waste that, as a result of being radioactive, is subject to an international control system or international instrument applying specifically to radioactive materials.

(6) A person who contravenes this section commits an offence and is liable on conviction on indictment to a fine of twenty million dollars and to imprisonment for twenty-five years.

Laws applicable to rights of hot pursuit.

17. With the exception of penal laws, the laws of Guyana shall apply with respect to the execution of official and defence duties by Guyanese public officials and defence forces in relation to hot pursuit from within the internal waters, territorial sea and contiguous zone undertaken in accordance with Article III of the Convention and the conduct obstructing such execution.

#### PART V

#### THE CONTIGUOUS ZONE

Limits of the contiguous zone.

18. The contiguous zone comprises the area of the sea that has as its inner limit the outer limit of the territorial sea and as its outer limit the line every point of which is a distance of twenty-four nautical miles from the nearest points of the baselines of the territorial sea.

Grounds for denial of entry into Guyana.

19. Where the Minister has reasonable grounds to believe that a person in the contiguous zone would, if that person were to enter Guyana, commit an offence in relation to a customs, fiscal, immigration or sanitary law, the Minister may, subject to Guyana's international obligations, deny that person entry into Guyana.

Commission of offences in the contiguous zone.

20. (1) Subject to subsection (2), where there is reasonable ground to believe that a person has committed an offence in the contiguous zone in respect of any customs, fiscal, immigration or sanitary law, every power of arrest, entry, search or seizure or other power that could be exercised in Guyana in respect of that offence may also be exercised in the contiguous zone.

(2) A power of arrest shall not be exercised in the contiguous zone on board any ship registered outside Guyana without the consent of the Attorney General of Guyana.

(3) Without limiting subsections (1) and (2), the Minister may exercise other powers and take measures in or in relation to the contiguous zone as the Minister considers necessary for the security of Guyana.



(4) Any person who commits an offence in Guyana from the contiguous zone or enters Guyana having committed an offence in the contiguous zone is liable on conviction on indictment to a fine of five million dollars and to imprisonment for ten years.

(5) Guyana has and may exercise in respect of the contiguous zone such powers and authority as may be necessary to prevent or punish the infringement within Guyana, including its internal waters and territorial sea, of any written law with respect to customs, fiscal, immigration or sanitation.

(6) The Minister may make regulations that permit, in the contiguous zone, the exercise of controls necessary to –

- (a) prevent infringement of any customs, fiscal, immigration or sanitary laws within Guyana, its internal waters and territorial sea; and
- (b) punish the infringement of those laws committed within Guyana, its territorial sea and internal waters.

## PART VI

### THE CONTINENTAL SHELF

Limits of the  
continental  
shelf.

21. (1) The continental shelf comprises the seabed and its subsoil of the submarine areas that extend beyond and adjacent to the territorial sea throughout the natural prolongation of Guyana's land territory —

- (a) subject to Article 76(2) of the Convention, to the outer edge of the continental margin; or
- (b) to a distance of two hundred nautical miles from the baselines of the territorial sea where the outer edge of the continental margin does not extend up to that distance.

(2) Where the outer edge of the continental margin extends beyond two hundred nautical miles from the baselines, the President may, by regulation, establish the outer limits of the continental shelf having regard to the principles and methods of delineation of the continental shelf beyond that point specified in Article 76 of the Convention.

(3) For the purposes of subsections (1) and (2), the continental margin comprises the submerged prolongation of the land mass of Guyana consisting of the seabed and its subsoil, the slope and the rise of the continental shelf, but does not include the deep ocean floor with its oceanic ridges or its subsoil.

Rights of the continental shelf.

22. (1) In the continental shelf there is vested in Guyana —

- (a) sovereign and exclusive rights for the purpose of exploring, exploiting, conserving and managing its natural resources;
- (b) exclusive rights and jurisdiction for the authorisation and regulation of the construction, operation, maintenance and use of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other economic purpose;
- (c) exclusive right to authorize and regulate drilling for any purposes;
- (d) jurisdiction to authorise, regulate and control marine scientific research; and
- (e) jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(2) The natural resources to which subsection (1)(a) refers consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil.

Licence or authority to explore or exploit resources.

23. (1) A person, including a foreign government and an international organization, shall not, in the continental shelf, except under and in accordance with the terms of a licence or a letter of authority granted by the President —

- (a) explore or exploit its resources;
- (b) carry out any search or excavation or conduct any research; or
- (c) drill or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device for any purpose.

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars and on conviction on indictment to a fine of five hundred thousand dollars.

Declaration of designated area.

24. The President may by order —
- (a) declare any area of the continental shelf and its superjacent waters to be a designated area; and
  - (b) make any provisions as the President considers necessary with respect to —
    - (i) the exploration, exploitation and protection of the resources of the continental shelf within the designated area;
    - (ii) the safety and protection of artificial islands, off-shore terminals, installations, and other structures and devices in the designated area;
    - (iii) the preservation and protection of the marine environment of the designated area;
    - (iv) customs and other fiscal matters in relation to the designated area;
    - (v) the entry into and passage through the designated area by foreign ships by the establishment of fairways, sea lanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Guyana; and
    - (vi) the conduct of marine scientific research in the designated area.

Submarine cables and pipelines in the continental shelf.

25. Without limiting the provisions of section 24 and subject to any measures that may be necessary for protecting the interests of Guyana, the Government shall not impede the laying or maintenance of any submarine cables or pipelines on the continental shelf by other States except that the consent of the Minister shall be necessary for the delineation of the course for the laying of the cables or pipelines.

Exercise of jurisdiction in the continental shelf.

26. (1) Guyana has jurisdiction with regard to customs, fiscal, health, security and immigration laws in relation to the continental shelf.

(2) The rights enjoyed by Guyana in the continental shelf and the continental margin that are not stipulated in this Act shall be exercised in accordance with the Convention, international law and the laws of Guyana.

- (a) To enable Guyana to exercise the sovereign rights and jurisdiction it has in the continental shelf there is extended to the continental shelf, to the extent recognised by international law, the law from time to time in force in Guyana.
- (b) In particular, the laws of Guyana shall apply to artificial islands, installations and structures on the continental shelf as if they were in the territorial sea.
- (c) In exercising its rights and performing its duties in the continental shelf, Guyana shall have due regard to the rights and duties of other States and shall act in a manner compatible with international law.

## PART VII THE EXCLUSIVE ECONOMIC ZONE

Limits of the  
exclusive  
economic  
zone.

27. (1) The exclusive economic zone comprises an area of the sea beyond and adjacent to the territorial sea extending to a line every point of which is a distance of two hundred nautical miles from the nearest points of the baselines of the territorial sea and is so designated as the exclusive economic zone of Guyana.

(2) The Minister may by regulations, prescribe the line of the outer limit of the exclusive economic zone.

Rights of the  
exclusive  
economic  
zone.

28. In the exclusive economic zone, there is vested in Guyana—

- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, winds and currents;
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial island, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;
- (c) jurisdiction to authorise, regulate and control marine scientific research;
- (d) jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution;
- (e) jurisdiction with regards to customs, fiscal, health, security and immigration laws; and
- (f) any other rights that are recognised by international law.

Rights of navigation and over flight.

29. In the exclusive economic zone and the air space over the zone, every State shall, subject to the exercise by Guyana of its rights within the zone, enjoy freedom of navigation and over flight.

Licence or authority to explore or exploit resources in the exclusive economic zone.

30.(1) A person, including a foreign government and an international organization, shall not, in the exclusive economic zone, except under and in accordance with the terms of any agreement with the Government of Guyana or of a licence or letter of authority granted by the President —

- (a) explore or exploit any resources;
- (b) carry out any search or excavation or conduct any research; or
- (c) drill or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device for any purpose.

(2) Nothing in this section shall apply in relation to fishing by a citizen of Guyana.

(3) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars and on conviction on indictment to a fine of five hundred thousand dollars.

Declaration of designated areas in the exclusive economic zone.

31. The President may by order —

- (a) declare any area of the exclusive economic zone to be a designated area; and
- (b) make provisions as the President considers necessary with respect to —
  - (i) the exploration, exploitation and protection of the resources of the designated area;
  - (ii) any other activities for the economic exploitation and exploration of the designated area such as the production of energy from tides, winds and currents;
  - (iii) the safety and protection of artificial islands, offshore terminals, installations and any other structure and devices in the designated area;
  - (iv) the protection of the marine environment of the designated area;
  - (v) customs and other fiscal matters in relation to the

designated area; or

- (vi) entry into and passage through the designated area of foreign ships by the establishment of fairways, sea lanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Guyana.

Exercise of jurisdiction in the exclusive economic zone.

32. (1) To enable Guyana to exercise the sovereign rights and jurisdiction it has in the exclusive economic zone there is extended to that zone, to the extent recognised by international law, the law from time to time in force in Guyana.

(2) In particular, the law of Guyana shall apply to artificial islands, installations and structures in the exclusive economic zone as if they were in the territorial sea.

(3) In exercising its rights and performing its duties in the exclusive economic zone, Guyana shall have due regard to the rights and duties of any other state and shall act in a manner compatible with international law.

Extension of norms to the exclusive economic zone.

33. The norms, regulations and measures for the prevention, reduction and control of pollution from ships, aircraft, artificial islands, scientific research stations, installations and structures which are in effect within the limits of the internal waters, territorial sea and the contiguous zone shall extend to the exclusive economic zone, taking into account international rules and standards, international treaties and international conventions to which Guyana is a party.

Application of other rights not provided in this Act.

34. Rights enjoyed by Guyana in the exclusive economic zone that are not stipulated in this Act shall be exercised in accordance with the Convention, international law and the laws of Guyana.

## PART VIII

### DELIMITATION OF MARITIME BOUNDARIES

Delimitation of the boundaries in the territorial sea.

35.(1) Delimitation of the boundaries of the territorial sea between any State opposite or adjacent to Guyana shall be by agreement between Guyana and that State and failing agreement, neither of the two States is entitled to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each of the two States is measured.

(2) Subsection (1) shall not apply where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of Guyana and that other State in a way which is at variance with subsection (1).

Delimitation of the boundaries of the continental shelf and the exclusive economic zone.

36. Delimitation of the boundaries of the continental shelf and the exclusive economic zone between any State opposite or adjacent to Guyana shall be by agreement between Guyana and that State on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

Settlement of disputes.

37. If no agreement can be reached under sections 35 and 36, Guyana shall resort to the procedures provided for in Part XV of the Convention.

Publication of agreement.

38. Every agreement entered into under sections 35 and 36 shall, as soon as after it is entered into, be published in the Gazette.

**PART IX**  
**CHARTS AND GEOGRAPHICAL COORDINATES**

Preparation of charts and geographical coordinates.

39. (1) The Minister responsible for Lands and Surveys shall, in consultation with competent authorities, prepare charts of an adequate scale for ascertaining the positions of the following matters —

- (a) the baselines of the territorial sea;
- (b) the outer limit lines of the territorial sea, the continental shelf and the exclusive economic zone;
- (c) the lines of delimitation of the territorial sea, the continental shelf and the exclusive economic zone;
- (d) sea lanes or traffic separation schemes.

(2) A list of geographical coordinates of points specifying the geodetic datum for the baselines, outer limit lines or lines of delimitation may be substituted for a chart under subsection (1).

Publication of charts and geographical coordinates.

40. The Minister responsible for Lands and Surveys shall —

- (a) in consultation with the Guyana Lands and Surveys Commission, publish the charts and lists of geographical coordinates prepared; and
- (b) provide a copy of each chart and list of geographical coordinates to be deposited with the Secretary-General of the United Nations.

Evidence of charts or lists of geographical coordinates.

41. (1) The Minister responsible for Lands and Surveys may issue charts or lists of geographical coordinates prepared under section 39 on payment of the prescribed fees.

(2) A document certified by the Minister responsible for Lands and Surveys to be a true copy of a chart or list of geographical coordinates shall be accepted in any proceedings as evidence of any matter shown in the document, but without prejudice to the right to adduce evidence in rebuttal.

(3) In any proceedings in any court a certificate purporting to be signed by the Minister responsible for Lands and Surveys that the chart is for the time being an authorised and accurate chart shall be admissible as conclusive evidence of the matter stated in the certificate.



(4) A person other than the Minister responsible for Lands and Surveys who signs the certificate is, in the absence of proof to the contrary, presumed to be duly authorised to sign it.

## PART X MARINE SCIENTIFIC RESEARCH

Regulation of  
marine  
scientific  
research in the  
maritime  
zones.

42. (1) Guyana has sovereign rights, as provided by international law and in particular Article 245 of the Convention to regulate, authorize and conduct marine scientific research in the territorial sea.

(2) Guyana, in the exercise of its jurisdiction, has the right, as provided for by international law and in particular Article 246 of the Convention, to regulate, authorize and conduct marine scientific research in the exclusive economic zone and on the continental shelf in accordance with the relevant provisions of the Convention.

(3) Without limiting the generality of subsections (1) and (2), the Minister responsible for the Environment may make regulations regulating the conduct of marine scientific research.

(4) The Minister responsible for the Environment shall ensure that the regulations made under subsection (3) conform with Articles 245 to 253 of the Convention so far as they relate to any proposed marine scientific research; and ensure that those given consent make their work available to Guyana.

(5) Any person who commits any offence created by any regulation made under subsection (3) is liable on summary conviction to a fine of three hundred thousand dollars and on conviction on indictment to a fine of five hundred thousand dollars.

## PART XI MARITIME CULTURAL AREA

Limits of the  
maritime  
cultural area.

43. The Minister may by order declare an area within the territorial sea and the contiguous zone to be known as the maritime cultural area.

Rights in the  
maritime  
cultural area.

44. (1) Guyana has sovereign rights and exclusive jurisdiction in its maritime cultural area.

(2) Subject to any other law or international treaty to which Guyana is a party, Guyana has, in respect of objects of an archaeological or historical nature found in the maritime cultural area, the same rights and powers as it has in respect of its internal waters and territorial sea.

Underwater cultural heritage.

45. (1) The Minister responsible for Culture may make regulations to regulate and authorise activities directed at underwater cultural heritage within the territorial sea and contiguous zone in accordance with Articles 7 and 8 of the UNESCO Convention.

(2) The regulations made under subsection (1) shall, in particular ensure that the Rules Concerning Activities Directed at the Underwater Cultural Heritage set out in the Annex to the UNESCO Convention are applied.

(3) The Minister responsible for Culture may by order provide for the protection, management, ownership, preservation, collection, custody and for other matters incidental to cultural maritime heritage, historic wrecks, sites of interests and objects of archaeological and historic nature found at sea and its specific sites in the maritime cultural area.

## PART XII

### ECO-TOURISM, MARINE PARKS AND RESERVES AND MARICULTURE

Designated areas for eco-tourism, marine parks and reserves and mariculture operations.

46. The Minister responsible for Transport and Harbours may by order designate —

- (a) any area of any maritime zone for the establishment or creation of eco-tourism operations;
- (b) any area of any maritime zone for the establishment or creation of marine park operations or temporary marine protected areas;
- (c) any area of any maritime zone or any island within any maritime zone for the establishment or creation of marine reserve operations; and
- (d) any area of any maritime zone for the establishment or creation of mariculture operations.

Establishment and regulation of eco-tourism, marine parks and reserves and mariculture operations.

47. (1) The Minister may make regulations for establishing or creating, regulating the conduct of and safeguarding any of the operations referred to in section 46 including regulations with respect to the identification and markings of the boundaries of the operations, boats and gear.

- (2) Regulations providing for mariculture operations shall apply —
- (a) to all mariculture boats of Guyana, and activities done with those boats and their crews wherever they may be; and
  - (b) to all foreign mariculture boats and activities done with those boats and their crews, in waters within the mariculture area.
- (3) Where a regulation made under this section is not complied with in the case of a mariculture boat or its crew, the master, the owner and the charterer, if any, together commit an offence and are liable on summary conviction in the case of a first conviction to a fine of five hundred thousand dollars and in the second or subsequent conviction to a fine of one million dollars.

### PART XIII

## THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Regulations for the protection and preservation of the marine environment.

48. (1) The Minister responsible for the Environment may make regulations for the protection and preservation of the marine environment including regulations for —
- (a) the prevention, reduction and control of pollution of the marine environment —
    - (i) from land-based sources, including rivers, estuaries, pipelines and outfall structures;
    - (ii) from or in connection with seabed activities subject to its jurisdiction;
    - (iii) from artificial islands, installations and structures under its jurisdiction in accordance with Articles 60 and 80 of the Convention;
    - (iv) by dumping;
    - (v) from or through the atmosphere, applicable to the air space under its sovereignty; and
    - (vi) from vessels flying its flag or vessels or aircrafts under its registry;
  - (b) regulating conduct in, and safeguarding the maritime zones;
  - (c) environmental assessment of economic and other activities in the maritime zones;
  - (d) environmental control in the maritime zones;
  - (e) monitoring of the condition of the maritime zone;

25

- (f) protection and preservation of areas used as eco-tourism areas, marine reserves, marine parks, mariculture areas and scientific research areas; and
- (g) any other matters relating to the protection and preservation of the marine environment.

(2) Any person who commits any offence created by any regulation made under subsection (1) is liable on summary conviction to a fine of five hundred thousand dollars in the case of a first conviction and in the second or subsequent conviction to a fine of one million dollars.

Measures to prevent marine pollution.

49. (1) Notwithstanding anything in this Act or any other law, the Minister responsible for the Environment may by order prescribe any measure necessary to be taken against any vessel or aircraft in any area of the sea or the airspace above the sea, in order to protect the coastline of Guyana or related interests, including fishing, from pollution or any threat of pollution resulting from a maritime casualty or an act or omission relating to such casualty and which may reasonably be expected to result in any major harmful consequences.

(2) Any person who contravenes any order made by the Minister under sub-section (1) commits an offence and is liable on summary conviction to a fine of one million dollars and on conviction on indictment to a fine of two million dollars.

#### PART XIV GENERAL

Maritime safety and security in the maritime zones.

50. (1) The President may take any action that is necessary in the internal waters, territorial sea or contiguous zone to preserve and maintain security in accordance with any obligations under international law.

(2) The President may establish safety zones around the artificial islands, installations and structures in the exclusive economic zone and continental shelf in which appropriate measures may be taken to ensure the safety of navigation, of the artificial islands, installations and structures.

Sovereign rights of self defence in the maritime zones.

51. Notwithstanding any other law, the President may take any action in any area of the sea or in the airspace above the sea as is necessary to maintain national sovereignty and territorial integrity in the exercise of the principle of self defence contained in Article 51 of the Charter of the United Nations.

Power to make regulations.

52. (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Act, and, in particular but without limiting the general power, may make regulations for —

- (a) providing the manner of giving prior notification of intended passage and of the route to be taken by ships carrying radioactive materials through the internal waters or territorial sea;
- (b) permitting the exercise of controls necessary to prevent or punish the infringement of the customs, fiscal, immigration or sanitary laws within Guyana, its internal waters and territorial sea;
- (c) establishing the outer limits of the continental shelf and exclusive economic zone;
- (d) fees in relation to licences and letters of authority referred to in sections 23 (1) and 30 (1) or for any other purposes;
- (e) regulating the conduct of any person in the maritime zones;
- (f) regulating the exploration and exploitation, conservation and management of the resources of the continental shelf and the exclusive economic zone;
- (g) regulating the construction, maintenance and operation of artificial islands, off-shore terminals, installations and other structures and devices of the continental shelf and the exclusive economic zone;
- (h) regulating and authorising activities directed at underwater cultural heritage within the contiguous zone;
- (i) establishing or creating and regulating the conduct of, and safeguarding any of the operations referred to in section 47, including regulations with respect to the identification and markings of the boundaries of the operations, boats and gear;
- (j) preserving and protecting the marine environment and prevention and control of marine pollution including any of the related matters referred to in section 49;
- (k) authorising, regulating and controlling the conduct of scientific research.

(2) A person who commits an offence created any subsidiary legislation made under this Act for which no other penalty is prescribed is liable on summary conviction to a fine of ten thousand dollars and imprisonment for six months.

Order to  
extend law.

53. The President may by order extend, with exceptions and modifications as may be specified in the order, the application of any law in force in Guyana or any part of the law to the continental shelf and the exclusive economic zone (including any area declared to be a designated area) and make provisions as the President may consider necessary for facilitating the enforcement of the law and the law, so extended, shall have effect in relation to the continental shelf and the exclusive economic zone as if those maritime zones to which it had been extended are parts of the territory of Guyana.

Power to  
amend any law  
to give effect  
to the Act.

54. If any difficulty arises in giving effect to this Act, the Minister may, by order within three years from the commencement of this Act, amend any law that appears to the Minister to be necessary or expedient for removing the difficulty.

Amendments,  
transitional  
and savings.

55. (1) The laws referred to in the first column of the Schedule are amended to the extent set out in the second column of the Schedule.

(2) Any reference to the internal waters, contiguous zone, territorial sea, exclusive economic zone and continental shelf in any law shall, in relation to any period after the commencement of this Act, be construed as reference to those waters and zones referred to in this Act.

(3) Any reference to the fishery or fishing zone in this Act or in any other law in relation to conservation, management or exploitation of living marine resources shall be construed as reference to the exclusive economic zone referred to in this Act.

(4) Any reference to fishery or fishing zone in any other law in relation to fiscal matters or matters concerning customs, emigration, immigration or sanitation shall be construed as reference to the contiguous zone referred to in this Act.

(5) With effect from the commencement of this Act, any reference to any provision of the Maritime Boundaries Act 1977 in any law shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act.

(6) Until other baselines are determined in accordance with this Act, the baselines, the territorial sea, the continental shelf and the exclusive economic zone shall, for the purposes of this Act, be taken to be those that existed under the Maritime Boundaries Act 1977 immediately before the commencement of this Act.

(7) Notwithstanding section 56, any agreement or subsidiary legislation

No. 10  
of 1977

No. 10  
of 1977

made for the purposes of the Maritime Boundaries Act 1977 and in force immediately before the commencement of this Act shall continue in force as if made under this Act to the extent the agreement or subsidiary legislation are not inconsistent with this Act, and may be repealed or replaced in accordance with this Act.

Repeal.  
No. 10 of  
1977

56. The Maritime Boundaries Act 1977 is repealed.

**SCHEDULE**  
**AMENDED LAWS**

section 55

LAW	PROVISION	AMENDMENT
Customs Act, Cap 82:01	Section 2	<p>By the substitution for the definition of “waters of Guyana” of the following –</p> <p style="padding-left: 40px;">“ “waters of Guyana” means the internal waters, territorial sea and the contiguous zone of Guyana as defined in the Maritime Zones Act 2009;”.</p>
Defence Act Cap. 15:01	<p>Section 208A(2)</p> <p>Section 208A(3)(v)</p> <p>Third Schedule paragraph 16</p>	<p>By the deletion of the words “on and under the high seas and waters”</p> <p>By the insertion immediately before the words “territorial sea” of the words “internal waters;”.</p> <p>By the substitution –</p> <p style="padding-left: 40px;">(a) for the words “Maritime Boundaries Act 1977” of the words “Maritime Zones Act 2009”; and</p> <p style="padding-left: 40px;">(b) for the words “Act No. 10 of 1977” of the words “Act No. ___ of 2009”.</p>



<p>Environmental Protection (Water Quality) Regulations 2000 (No. 6 of 2000)</p>	<p>Section 2(j)</p>	<p>By the substitution for the words “any part of the sea abutting the foreshore” of the words “any part of the sea that are on the landward side of the territorial baseline”.</p>
<p>Fisheries Act 2002 (Act No. 12 of 2002)</p>	<p>Section 2(1)(k)</p>	<p>By the substitution for the definition of “fisheries waters” of the following –  “fisheries waters” means the internal waters, territorial sea, contiguous zone, continental margin, the exclusive economic zone as defined by the maritime Zones Act 2009;”.</p>
<p>Guyana Shipping Act 1998 (Act 7 of 1998)</p>	<p>Section 2(s)</p>	<p>By the substitution for the words “Maritime Boundaries Act 1977” of the words “Maritime Zones Act 2009”.</p>
<p>Mining Act 1989 (Act No. 20 of 1989)</p>	<p>Section 2(1)(b)  Section 2(1)(1)  Section 2(2)(b)</p>	<p>Immediately after the word “seabed”, by the insertion of the words “in the maritime zones of Guyana”.</p> <p>Immediately after the word “seabed” wherever that word appears of the words “in the maritime zones of Guyana”.</p> <p>By the substitution for the set of words beginning with the words “the territorial sea” and ending with the words “the exclusive economic zone” of the words –  “internal waters, territorial sea, contiguous zone, continental shelf, continental margin and exclusive economic zone”.</p>

		zone, continental shelf, continental margin and exclusive economic zone”.
Petroleum (Exploration and Production) Act 1986 (Act No. 3 of 1986)	Section 1(2)	By the substitution for the set of words beginning with the words “land in Guyana” and ending with the words “economic zone of Guyana.” of the words – “land in Guyana, including the internal waters, territorial sea, contiguous zone, continental shelf, continental margin and exclusive economic zone of Guyana.”.
	Section 2(1)(n)	By the insertion, immediately after the word “seabed”, where that word appears for the first time, of the words “in the maritime zones of Guyana”.
	Section 2(2)(a)	By the substitution for the set of words beginning with the words “the territorial sea” and ending with the words “the exclusive economic zone” of the words – “internal waters, territorial sea, contiguous zone, continental shelf, continental margin and exclusive economic zone”.

### EXPLANATORY MEMORANDUM

**Part I (Preliminary)** This part provides the short title, commencement date and the interpretation provisions.

**Part II (Territorial Sea)** Clause 3 seeks to define the limits of the territorial sea. The territorial sea comprises those areas of the sea between the territorial baselines and a line measured from the territorial baseline, every point of which is twelve nautical miles from the nearest point of the baselines. Clause 4 provides that Guyana's sovereignty extends to the territorial sea, the seabed and subsoil and the airspace over that sea and in the exercise of its sovereignty, Guyana has exclusive jurisdiction over the territorial sea subject to international law including the United Nations Convention on the Law of the Sea (UNCLOS). Clause 5 provides that the baseline from which the territorial sea shall be measured shall be the low-water line along the coast and, where the coast line is broken by a river, a straight line joining the two points where the low-water line on the coast ends on either side of the river.

**Part III (Internal Waters)** Clause 7 provides the limits of the internal waters. The internal waters comprise the areas of the sea that are on the landward side of the territorial baselines and all rivers, bays, historic bays, ports, harbours and waters lying landward of the baselines. Clause 8 provides for Guyana's sovereignty to extend beyond its land territory to the internal waters, the seabed and its subsoil under and the air space over the internal waters. Guyana has exclusive jurisdiction over the internal waters. Under clause 9 the Minister may prescribe closing lines to delimit internal waters. Closing lines mean the straight lines, drawn in accordance with the provisions of the Convention (UNCLOS), that cross the mouth of a river; enclose a bay; or delimit the waters of a harbour.

**Part IV (Innocent Passage)** This part provides for the right of innocent passage in the territorial sea and the internal waters. Clause 10 provides that all foreign ships shall enjoy the right of innocent passage through the territorial sea. Innocent passage shall be continuous and expeditious and includes stopping and anchoring, but only in so far as they are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircrafts in danger or distress. "Passage" means navigation through the territorial sea for the purpose of crossing those waters without entering the internal waters or calling at a roadstead or port facility outside the internal waters; or proceeding to or from the internal waters or calling at a roadstead or port facility outside the internal waters. Clause 11 provides for right of innocent passage, after delimitation of the internal waters, in areas of internal waters which had not previously been considered as such and in areas of internal waters where any right of innocent passage previously existed. Clause 12 provides for the regulating of innocent passage. Prior notice to the President is required by a foreign warship, including a submarine and any other underwater vehicle of war to enter or pass through the territorial sea. A submarine or any other underwater vehicle exercising the right of innocent passage through the territorial sea shall navigate on the surface and show its flag while passing through the territorial sea. Clause 13 provides for instances where passage shall

be non-innocent, such as, where a vessel in the territorial sea engages in any threat or use of force against the sovereignty, territorial integrity or political independence of Guyana or act in any other manner in violation of the principles of international law, in any exercise or practice with weapons of any kind and in any act, in contemplation of collecting information, which would be prejudicial to the defence or security of Guyana. Clause 15 provides for the requirement of prior permission, agreement or consent of and prior notification to the Minister responsible for environment to store, transport or permit to store or transport any nuclear or other inherently dangerous or noxious substances in the internal waters and territorial sea. Clause 16 prohibits, except with the prior permission or agreement and notification of the Minister responsible for environment, discharge any harmful substances and hazardous wastes in the internal waters and territorial sea. Clause 17 provides for the laws of Guyana to be applicable to rights of hot pursuit by Guyanese public officials and defence forces from within the internal waters, territorial sea and contiguous zone.

**Part V (The Contiguous Zone)** Clause 18 provides for the limits of the contiguous zone and clause 19 addresses issues relevant to the security of Guyana as it relates to that area. The contiguous zone comprises the area of the sea that has as its inner limit the outer limit of the territorial sea and as its outer limit the line every point of which is a distance of twenty-four nautical miles from the nearest point of the baseline of the territorial sea. Under clauses 19 and 20 Guyana's legal jurisdiction is extended with respect to the prevention and commission of an offence regarding customs, fiscal, immigration or sanitary law in this area, to the extent of denying entry into Guyana.

**Part VI (The Continental Shelf)** Clause 21 provides the limits of the continental shelf. The continental shelf comprises the seabed and its subsoil of the submarine areas that extend beyond and adjacent to the territorial sea throughout the natural prolongation of Guyana's land territory to the outer edge of the continental margin, or to a distance of two hundred nautical miles from the baselines of the territorial sea where the outer edge of the continental margin does not extend up to that distance. Where the outer edge of the continental margin extends beyond two hundred nautical miles from the baselines, the President may, by regulation, establish the outer limits of the continental shelf having regard to the principles and methods of delineation of the continental shelf beyond that point specified in Article 76 of the Convention (UNCLOS). Clause 22 provides Guyana's rights in this area, which rights include exclusive rights to authorize and regulate drilling for any purposes, and jurisdiction to authorize, regulate and control marine scientific research. Clause 24 provides for any area of the continental shelf to be a designated area and for the President to make the necessary provisions for the exploration, exploitation and protection of the resources of the continental shelf within the designated area. Clause 26 provides that the rights enjoyed by Guyana in the continental shelf and the continental margin that are not stipulated in this Act shall be exercised in accordance with the Convention (UNCLOS), international law and the laws of Guyana.

**Part VII (The Exclusive Economic Zone)** Clause 27 provides that the exclusive economic zone comprises an area of the sea beyond and adjacent to the territorial sea extending to a line every point of which is a

distance of two hundred nautical miles from the nearest point of the baseline of the territorial sea. Clause 28 extends the rights over this area to include the application of immigration and other jurisdictions and any other rights that are recognized under the Convention (UNCLOS) to this area. Under clause 30 the President may under a licence, letter of authority or the terms of an agreement permit a person, including a foreign government, to explore or exploit any resources and carry out any search in the exclusive economic zone. Under clause 31 the President may declare any area in this zone a designated area.

**Part VIII (Delimitation of Maritime Boundaries)** Clause 35 provides that delimitation of the boundaries of the territorial sea between any State opposite or adjacent to Guyana shall be by agreement between Guyana and that State and failing agreement, neither of the two States is entitled to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each of the two States is measured. However, where it is necessary by reason of historic title or other special circumstances to delimit the territorial sea of Guyana and that other State in a way which is at variance with this method, the method shall not apply. Under clause 36 delimitation of the boundaries of the continental shelf and the exclusive economic zone between any State opposite or adjacent to Guyana shall be by agreement between Guyana and that State on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution. Clause 37 provides for the settlement of disputes according to Part XV of the Convention (UNCLOS), if no agreement on delimitation can be reached.

**Part IX (Charts and Geographical Coordinates)** This part provides for the preparation of charts of an adequate scale for ascertaining the positions of the baselines of the territorial sea, the outer limit lines of the territorial sea, the continental shelf and the exclusive economic zone and the lines of delimitation of the territorial sea, the continental shelf and the exclusive economic zone. A list of geographical coordinates of points specifying the geodetic datum for the baseline, outer limit lines or lines of delimitation may be substituted for a chart.

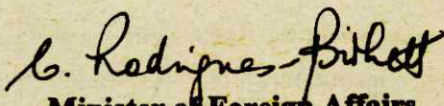
**Part X (Marine Scientific Research)** This part establishes Guyana's sovereign rights and exclusive jurisdiction over marine scientific research. The Minister responsible for the environment has power to make regulations concerning this research and ensure that the regulations are in conformity with the relevant articles of the Convention (UNCLOS).

**Part XI (Maritime Cultural Area)** This part gives the Minister power to declare an area within the territorial sea and the contiguous zone to be known as the maritime cultural area. Clause 44 designates Guyana's rights in the maritime cultural area and gives the Minister power to make regulations with respect to underwater cultural heritage. The Minister responsible for culture may by order provide for the protection, management, ownership, preservation, etc. of cultural maritime heritage, historic wrecks, sites of interests and objects of archaeological and historic nature found at sea and its specific sites in the maritime cultural area.

**Part XII (Eco-tourism, Marine Parks and Reserves and Mariculture)** This part provides for the establishment and regulation, in any area of any maritime zone, of eco-tourism operations, marine park operations, marine reserve operations and maricultural operations.

**Part XIII (The Protection and Preservation of the Marine Environment)** This part provides for the Minister responsible for the environment to make regulations for the protection and preservation of the marine environment including regulations for the prevention, reduction and control of pollution of the marine environment and environmental assessment of economic and other activities in the maritime zones.

**Part XIV (General)** Clause 50 provides for maritime safety and security in the Maritime zones. Safety zones may be established around the artificial islands, installations and structures in the exclusive economic zone and continental shelf in which appropriate measures may be taken to ensure the safety of navigation. Clause 51 provides for sovereign rights of self defence in the maritime zones whereby the President may take any action in any area of the sea or in the airspace above the sea, as is necessary to maintain national sovereignty and territorial integrity in the exercise of the principle of self defence. Under clause 53 the President may by order extend the application of any law of Guyana to the continental shelf and the exclusive economic zone (including any area declared to be a designated area) and make provisions as the President may consider necessary for facilitating the enforcement of the law and the law so extended shall have effect in relation to the continental shelf and the exclusive economic zone as if those zones to which it had been extended are parts of the territory of Guyana. Clause 55 provides for the consequential amendments of several laws. Clause 56 repeals the unrepealed portions of the Maritime Boundaries Act 1977.

  
**Minister of Foreign Affairs**