

2026-04-29

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This Bill would provide for the establishment of maritime areas, jurisdiction, rights and related matters.

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BARBADOS

A Bill entitled

An Act to provide for the establishment of maritime areas, jurisdiction, rights and related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Maritime Areas (Jurisdiction and Rights) Act, 2026*.

Interpretation

2. In this Act,

“Administration” has the meaning assigned to it in section 2 of the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

“Area” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“artificial island” or “offshore island”

(a) means an island that has not formed naturally; and

(b) includes a floating or fixed man-made structure in the territorial sea, exclusive economic zone or on the continental shelf of Barbados that is surrounded by water, is above water at high tide and does not generate any maritime zones of its own;

“Authority” means the Ministry responsible for Maritime Affairs;

“Barbados Ocean Minerals Secretariat” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“Barbados Port Inc.” has the meaning assigned to it under section 2 of the *Seaport Industry (Management, Operations and Development) Act, 2025* (Act 2025-13);

“Barbados structure” means a structure registered in Barbados;

“Barbados vessel”

- (a) means a vessel registered in Barbados; and
- (b) includes a submarine and other submersible vessel;

“Barbados waters”

- (a) mean
 - (i) the internal waters;
 - (ii) territorial sea;
 - (iii) contiguous zone;
 - (iv) exclusive economic zone; and
 - (v) continental shelf; and
- (b) includes the seabed and subsoil thereof;

“baselines” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“continental shelf” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“cosmic water resources” mean widespread, non-terrestrial reservoirs of water primarily in vapour or ice form that exist throughout the universe, formed by the combination of hydrogen and oxygen in stellar nurseries, interstellar clouds, and around energetic cosmic objects;

“deterritorialization” means loss of personhood status as a State in international law as a result of not meeting the State qualifications criteria under Article 1 of the *Montevideo Convention on the Rights and Duties of States*, signed at Montevideo 26 December 1933 and entered into force 26 December, 1934;

“exclusive economic zone” or “EEZ” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“extraterrestrial oceans” means a body of liquid water or other liquids that exist beneath the surfaces of planets and celestial bodies beyond Earth;

“Food and Agriculture Organization” means the organization established on October 16, 1945 which became a specialized agency of the United Nations on December 14, 1946;

“foreign state” means a state other than Barbados;

“foreign structure” means a structure registered in a foreign state;

“foreign vessel”

(a) means a vessel registered in a foreign state; and

(b) includes a submarine and other submersible vessel;

“high seas” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“innocent passage” has the meaning assigned to it under Article 19 of the UNCLOS;

“installations and structures”

(a) mean constructions resting on the sea floor and fixed there by means of piles, tubes or other devices driven into the sea floor used for the purposes provided for in Article 56 of the UNCLOS and other economic purposes; and

(b) include

(i) a communication cable;

(ii) a military surveillance installation;

(iii) an oil pipeline;

(iv) a pipeline which is used for the transfer of any substance to or from

(A) a vessel;

- (B) a research, exploration or production platform; or
- (C) the coast of Barbados;
- (v) an exploration or production platform used in the prospecting, exploration, mining or extraction, as the case may be, of any substance;
- (vi) a telecommunications line or cable used for the purpose of providing telecommunications services under the *Telecommunications Act*, Cap. 282B;
- (vii) any equipment used for the exploration, mining or utilization of the seabed;
- (viii) a concrete structure which has become affixed by its own weight in the sea floor; or
- (ix) 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, utilization, conservation and management of the natural resources of Barbados;

“internal waters” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“International Labour Organization” means the organization established in 1919 as part of the *Treaty of Versailles* that became a specialized agency of the United Nations in 1946;

“International Maritime Organization” or “IMO” means the specialized agency of the United Nations responsible for regulating maritime transport;

“island” means a naturally formed area of land, surrounded by water, which is above water at high tide;

“marine biological diversity” means the variety of life in the ocean and seas, encompassing all levels of biological organization from genes to

ecosystems, including species diversity, genetic variations within species, variety of habitats and ecological communities;

“marine living resources” mean the renewable biological components of marine ecosystems, including fish, mammals, plants, invertebrates, bacteria and other marine flora and fauna and encompasses all marine life;

“marine non-living resources” mean non-organic physical materials extracted from the ocean, seabed or beneath the seafloor for commercial and industrial purposes;

“maritime autonomous vessel” or “autonomous vessel” means any seaborne surface or submersible vessel fitted with automatic processes or systems capable of providing decision support or taking over all or part of the control and steering of the vessel, irrespective of whether the exercise of control or steering takes place from the vessel, from another location at sea or from land;

“maritime law enforcement officer” has the meaning assigned to it under section 2 of the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

“master” includes every person lawfully having for the time being, command or charge of any vessel or submarine;

“nautical mile” or “mile” means the international nautical mile;

“ocean-targeted space activities” means any space-oriented activity that is aimed at Earth’s oceans, extraterrestrial oceans or other cosmic water resources;

“passage”

(a) means the navigation of a vessel without stopping or hovering; and

(b) includes stopping, hovering and anchoring in so far as the same are rendered necessary by *force majeure* or by reason of distress or for the purpose of affording assistance to persons, vessels or aircraft in danger or distress;

“port areas” has the meaning assigned to it under section 2 of the *Seaport Industry (Management, Operations and Development) Act, 2025* (Act 2025-13);

“sea” means the water of the sea, the seabed and its subsoil;

“space”

(a) means the region in which all celestial bodies including Earth move; and

(b) includes the part of the universe that lies outside Earth’s atmosphere, outer space and deep space;

“spacecraft” means a vehicle or machine designed to travel to, operate in, or be stationed in space, including outer space and deep space;

“submarine” means a self-sufficient vessel capable of prolonged independent underwater operation which can operate both on the surface of water and underwater and is not reliant on a surface support vessel or platform for its transfer or launch;

“submarine areas” include the seabed and subsoil thereof;

“submersible vessel”

(a) means a vessel designed to operate under water that is reliant on a surface support vessel or platform for its transfer or launch and only capable of limited independent operation; and

(b) includes human occupied vehicles, remotely operated vessels, autonomous vessels;

“territorial sea” has the meaning assigned to it under section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“title” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“United Nations Convention on the Law of the Sea, 1982” or “UNCLOS” has the meaning assigned to it under section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“United Nations Sustainable Development Framework”

- (a) means the 2030 Agenda for Sustainable Development adopted by Member States of the United Nations, comprising 17 Sustainable Development Goals (SDGs) and 169 related targets; and
- (b) a reference to the United Nations Sustainable Development Framework means the Framework as may be modified from time to time;

“vessel” includes a conventionally-manned vessel, autonomous vessel, ship, boat or any other mode of water transport employed in navigation but does not include a foreign warship.

Force of Law

3. The following shall have the force of law in Barbados:

- (a) the *United Nations Convention on the Law of the Sea, 1982*;
- (b) the *Agreement Under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction* or “BBNJ”, as may be modified from time to time, which entered into force for Barbados on January 17, 2026; and
- (c) the *Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (UNCLOS) 1982*, as may be modified from time to time, which Barbados signed on November 15, 1994 and became bound by consent on July 28, 1995 through the simplified procedure set out in Article 5(2) of the Agreement.

Act binds the State

- 4.** This Act binds the State.

PART II

ADMINISTRATION

Ministry responsible for Maritime Affairs

- 5.(1)** The Ministry responsible for Maritime Affairs shall
- (a)* develop ocean policies, laws, procedures and standards and undertake any other action to ensure the effective governance of activities in Barbados waters;
 - (b)* make proposals for the designation of areas as special marine areas;
 - (c)* keep abreast of developments led by the United Nations Secretariat, International Maritime Organization, International Seabed Authority and any other relevant international organizations to ensure that national level ocean-based activities are sustainable;
 - (d)* issue warnings, notices, guidelines, directives and information relevant to matters under this Act and its statutory instruments;
 - (e)* ensure compliance with this Act, its statutory instruments, international standards and best practices relevant to the particular ocean-based sector;
 - (f)* issue, renew, endorse, exempt, waive, vary, suspend, cancel or revoke any permit, licence, certificate or other document or instrument, as the case may be, in relation to any activity under this Act or its statutory instruments;
 - (g)* specify fees;

- (h) waive, in whole or in part, any outstanding fees payable under this Act or its statutory instruments;
 - (i) undertake any advisory, supervisory or enforcement activities in relation to ocean-based activities;
 - (j) establish and maintain registers for matters and activities falling within its purview under this Act and its statutory instruments;
 - (k) consult with and seek expert advice from such persons as may be necessary in the performance of its functions under the Act;
 - (l) coordinate with relevant agencies and stakeholders in the development and implementation of a road map to ensure continued adaptive management of Barbados' ocean space;
 - (m) consult and collaborate with relevant stakeholders in relation to matters under this Act and its statutory instruments;
 - (n) perform any other function necessary to give effect to this Act and its statutory instruments.
- (2) Subject to any applicable enactment, the Ministry responsible for Maritime Affairs may disclose information which it receives to an authorized official or a duly authorized representative of the government of a foreign state in connection with the enforcement of this Act.

Barbados Maritime Transport Administration

- 6.** The Barbados Maritime Transport Administration shall
- (a) implement maritime policies developed by the International Maritime Organization to support shipping and other maritime-related matters;
 - (b) administer and manage shipping-related aspects of the Coastal State Activities Coordination Program;
 - (c) exercise flag, port and coastal State control functions in relation to vessels engaged in activities under this Act or its statutory instruments;

- (d) undertake actions to promote economic growth and national development in relation to the maritime and space sectors interface, giving due regard to safety, security and environmental considerations, including:
- (i) jointly collaborating with the Ministry responsible for Space Affairs in facilitating and coordinating space-related ocean activities;
 - (ii) implementing international standards and best practices applicable to joint or related maritime and space activities, including IMO Guidelines on Maritime Autonomous Surface Ships relevant to the use of autonomous vessels space launch, landing and recovery operations;
 - (iii) regulating, in collaboration with Barbados Port Inc. and Barbados Coast Guard, vessels supporting space activities, including
 - (A) vessels dedicated to the transport of space equipment and their component parts;
 - (B) vessels dedicated to space launch, re-entry or recovery activities;
 - (C) multi-purpose offshore vessels used for space-based operations; and
 - (D) vessels engaged in any other space activities;
 - (iv) coordinating with Barbados Port Inc. and Barbados Coast Guard to secure essential logistical links between the maritime and space sectors by providing and maintaining stable, sustainable, secure and regulated sea areas for integrated maritime and space transport ventures; and
 - (v) coordinating with Barbados Port Inc. and Barbados Coast Guard in establishing and designating maritime transport safety zones

to manage risks associated with space operations on maritime vessels and infrastructure and ensuring maritime safety;

- (e) regulating and managing vessels and enforcing measures relating to vessels under the jurisdiction and control of Barbados relating to marine biological diversity in areas beyond national jurisdiction to support Barbados in fulfilling its obligations under the BBNJ; and
- (f) performing any necessary functions within the mandate and purview of the Barbados Maritime Transport Administration in relation to matters under the Act and its statutory instruments.

Ministry responsible for Foreign Affairs

7. The Ministry responsible for Foreign Affairs shall
- (a) conclude bilateral and multilateral maritime and maritime-related treaties;
 - (b) handle international judicial co-operation on maritime matters;
 - (c) oversee and participate in maritime disputes involving Barbados;
 - (d) assist with the examination of foreign-related maritime laws and regulations;
 - (e) organize and coordinate work aimed at fulfilling obligations under international conventions and agreements to which Barbados is a party;
 - (f) formulate policies related to maritime boundaries;
 - (g) provide technical guidance and support on maritime activities comprising a foreign relation or foreign trade element;
 - (h) organize the work of maritime boundary delimitation, demarcation, and joint inspections;
 - (i) conduct negotiations on maritime delimitation and joint development; and

- (j) generally perform any necessary functions within the mandate and purview of the Ministry responsible for Foreign Affairs in relation to maritime matters under the Act.

Ministry responsible for National Security

8. The Ministry responsible for National Security shall, in consultation with the Authority, the Administration, the Ministry responsible for Foreign Affairs and other relevant agencies,

- (a) develop programs, strategies, plans or initiatives to
 - (i) enhance maritime domain awareness;
 - (ii) enhance collection and analysis of intelligence to detect and manage threats and monitor activities at sea;
 - (iii) improve maritime border protection and enforcement within Barbados maritime zones and activities by persons and vessels in areas beyond national jurisdiction including the high seas and the Area;
- (b) review and improve national maritime security regulatory frameworks, policies, practices and standards to ensure alignment with international maritime security standards, requirements and best practices;
- (c) secure maritime infrastructure in Barbados waters and in areas outside Barbados waters belonging to Barbados or belonging to persons under the jurisdiction and control of Barbados carrying out activities in those areas from attacks, sabotage or other unlawful interference;
- (d) integrate actions amongst government agencies and private sector stakeholders to ensure a holistic and unified maritime and marine environmental security approach;
- (e) foster and promote national, regional and international partnerships to combat maritime security and marine environmental security threats;

- (f) develop preparedness and response strategies and plans to effectively manage maritime accidents and incidents;
- (g) generally perform any necessary functions within the mandate and purview of the Ministry responsible for National Security in relation to maritime matters under the Act.

Ministry responsible for Telecommunications

9. The Ministry responsible for Telecommunications shall, in consultation with the Authority and the Ministry responsible for Foreign Affairs,

- (a) determine the sea areas for telecommunications and radio communications infrastructure;
- (b) define boundaries of sea areas for telecommunications and radio communications infrastructure; and
- (c) generally perform any necessary functions within the mandate and purview of the Ministry responsible for Telecommunications in relation to maritime matters under the Act.

Ministry responsible for the Environment

10. The Ministry responsible for the Environment shall, in collaboration with the Authority and the Administration,

- (a) adopt any measure or undertake any action consistent with the UNCLOS to
 - (i) prevent, reduce and control pollution of the marine environment from any source including technologies under Barbados' jurisdiction or control; and
 - (ii) safeguard against the direct or indirect transfer of damage or hazards from one area to another or one type of pollution to another;

- (iii) safeguard against the introduction of alien or new species to Barbados waters or to a particular part of the marine environment, which may cause significant and harmful changes thereto;
- (b) formulate national environmental rules, standards and recommended practices and procedures consistent with the UNCLOS;
- (c) develop contingency plans in relation to environmental pollution and damage and marine ecosystem impairment, destruction or degradation;
- (d) develop a system for monitoring risks or effects of pollution;
- (e) ensure continued fulfilment of Barbados' obligations under PART XII of the UNCLOS; and
- (f) generally perform any necessary functions within the mandate and purview of the Ministry responsible for the Environment in relation to matters under the Act.

Ministry responsible for Space Affairs

- 11.(1)** The Ministry responsible for Space Affairs, shall
- (a) coordinate, as necessary, with other entities specified in this Act, in relation to space-related ocean activities, to the extent that such space-related ocean activities may interface with, intersect with, or impact upon activities under the purview of those entities;
 - (b) collaborate with the Authority and the Barbados Maritime Transport Administration, in facilitating and coordinating research and exploration of extraterrestrial oceans and other cosmic water resources;
 - (c) generally perform any necessary functions within the mandated and purview of the Ministry responsible for Space Affairs in relation to matters under the Act.
- (2) The Ministry responsible for Space Affairs shall, in consultation with the Authority, the Ministry responsible for Foreign Affairs and other relevant

agencies, coordinate programs, plans, projects, initiatives and strategies for leveraging space capabilities for maritime application.

Maritime law enforcement officers

12.(1) A maritime law enforcement officer may, in performing his duties, exercise all the powers conferred on him by this Act and its statutory instruments in relation to

- (a) a Barbados vessel or Barbados structure that is at sea or in port;
- (b) a foreign vessel or foreign structure that he reasonably suspects of being used in connection with any activity carried on in contravention of this Act or its statutory instruments;
- (c) any other activity in Barbados waters; or
- (d) any other activity conducted by persons and vessels under the jurisdiction and control of Barbados in areas beyond national jurisdiction.

(2) In the performance of his duties under this section, a maritime law enforcement officer may

- (a) use such force as is reasonably necessary;
- (b) require any person to do anything that appears reasonably necessary for the purpose of facilitating the performance of those duties;
- (c) reasonably call on any person to assist him;
- (d) order that any vessel or structure be stopped or cease operations;
- (e) board any vessel or structure;
- (f) search or examine any vessel or structure or any equipment or thing on board thereof;
- (g) require any person on board a vessel or structure to produce any document or thing relating to that vessel or structure or the persons on board thereof;

- (h)* enforce all relevant national laws in Barbados waters; and
 - (i)* generally exercise any necessary powers to give effect to the Act and its statutory instruments.
- (3) A maritime law enforcement officer who has reasonable grounds to suspect that an offence has been committed under this Act or its statutory instruments by any person on board a vessel or structure, may, without warrant or other process
 - (a)* seize the vessel, structure, equipment, device or thing suspected of being used in the commission of the offence; and
 - (b)* detain the person he suspects.
- (4) Where a vessel, structure, equipment, device or thing is seized or a person is detained, as the case may be, under subsection (3), a maritime law enforcement officer shall, where possible,
 - (a)* take the vessel, structure, equipment, device or thing, as the case may be, as soon as practicable to a Barbadian port; and
 - (b)* within a reasonable time cause the person detained to be brought before a magistrate's court to answer a charge in connection with the offence that gave rise to the seizure or detention.
- (5) A court may order that any vessel, structure, equipment, device or thing seized under subsection (3) be forfeited where the owner thereof is unknown and no claim thereto is made within 6 months of the seizure under that subsection.
- (6) A court may order that property seized under subsection (3) be returned to the person from whom it was taken or to a person named by that person, where
 - (a)* the court dismisses a charge brought against that person under this Act or its statutory instruments, and it is of the opinion that the property can be returned consistently with the interests of justice; or
 - (b)* no charge has been brought against any person within a reasonable time after a seizure has been effected under that subsection.

- (7) A person who
- (a) assaults, resists, obstructs or intimidates a maritime law enforcement officer or any person assisting him in the execution of his duty;
 - (b) uses indecent, abusive or insulting language to a maritime law enforcement officer in the execution of his duty;
 - (c) interferes with or hinders a maritime law enforcement officer in the execution of his duty;
 - (d) by any gratuity, bribes, promises, induces or prevents a maritime law enforcement officer from carrying out his duty; or
 - (e) without the authority of a maritime law enforcement officer, removes, alters or interferes with any articles seized under this Act or its statutory instruments,

commits an offence and liable on summary conviction to a fine of \$50 000 or imprisonment for 3 years or to both, and, in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

Powers of Ministers

13. The following Ministers shall have the power to make regulations, rules, orders, notices, guidelines or directives:

- (a) the Minister responsible for Foreign Affairs;
- (b) the Minister responsible for Maritime Affairs;
- (c) the Minister responsible for Shipping;
- (d) the Minister responsible for National Security;
- (e) the Minister responsible for Telecommunications;
- (f) the Minister responsible for the Environment; and
- (g) the Minister responsible for Space Affairs.

Liability

- 14.** No liability shall lie personally against
- (a) any member, officer or employee of the following:
 - (i) the Authority;
 - (ii) the Administration;
 - (iii) any Ministry, department, division, unit, agency or office specified in this Act or its statutory instruments;
 - (b) a maritime law enforcement officer; or
 - (c) such other person who is authorized in writing, acting under the direction of a Minister or person specified in this Act,

who, acting lawfully, in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of the Act or its statutory instruments.

PART III

OCEAN GOVERNANCE

Coastal State Activities Coordination Program

15.(1) There is established a Program to be known as the Barbados Coastal State Activities Coordination Program to support ocean governance activities involving shipping including ocean-based activities.

- (2) The Program shall be organized as follows:
- (a) sub-program 1 – Shipping-related Coastal State Activities; and
 - (b) sub-program 2 – Non-Shipping Coastal State Activities.

(3) The Program, including its sub-programs, shall be periodically reviewed and amended to ensure its continued relevance and effectiveness.

Sub-program 1 requirements

16.(1) Sub-program 1 shall be developed and managed by the Administration.

(2) Sub-program 1 shall have the following objectives:

- (a) advancing the International Maritime Organization's framework for shipping, the maritime community and sustainable development;
- (b) developing a national maritime strategy in order to
 - (i) ensure full compliance with Barbados' international responsibilities and obligations under the IMO Instruments Implementation Code;
 - (ii) assist Barbados in improving its capabilities in the maritime sector; and
 - (iii) enhance Barbados' overall performance in compliance with international maritime standards and best practices;
- (c) improving coordination amongst the Administration and other entities with which it collaborates in the performance of various coastal State functions;
- (d) ensuring the institution of a system for evaluation and review of overall performance in the area of coastal State activities;
- (e) developing shipping legislation, guidance and procedures required for the implementation and verification of Barbados' rights, obligations and responsibilities contained in any relevant international instruments to which Barbados is party;

- (f) fostering partnerships and capacity building for the continued effective implementation of the International Maritime Organization's Sustainable Development Goals Strategy; and
 - (g) enhancing ocean governance of shipping and non-shipping ocean sectors to support integrated and sustainable marine management and development.
- (3) Sub-Program 1 shall commence within 12 months after the entry into force of the Act.

Sub-program 2 requirements

- 17.(1) Sub-program 2 shall be developed and managed by the Authority.
- (2) Sub-program 2 shall have the following objectives:
- (a) advancing the United Nations Sustainable Development Framework in relation to the wider ocean sector and marine resources management;
 - (b) developing a national maritime strategy relating to
 - (i) Barbados' international responsibilities and obligations under the UNCLOS;
 - (ii) Barbados' regional and international responsibilities and obligations under environmental and sustainability related instruments; and
 - (iii) national maritime laws specific to coastal state control regulation including coastal state activities;
 - (c) developing non-shipping ocean-specific legislation, guidance and procedures for the implementation and verification of Barbados' rights, obligations and responsibilities contained in relevant international instruments to which Barbados is party;

- (d) supporting the Administration in implementing the International Maritime Organization's Sustainable Development Goals (SDGs) Strategy;
 - (e) coordinating, and where necessary, streamlining processes, procedures and operations across the oceanic sectors provided for in this Act and its statutory instruments;
 - (f) maintaining general oversight over activities subject to the coastal State control of Barbados.
- (3) Sub-program 2 shall commence within 12 months of the entry into force of the Act.

Vessels entering Barbados waters

18.(1) No vessel shall enter Barbados waters without providing pre-arrival notification to the relevant authorities of the port or place at which the vessel intends to call.

- (2) Notwithstanding subsection (1), the following may enter Barbados waters:
- (a) vessels, irrespective of nationality, in distress;
 - (b) vessels, irrespective of nationality, calling at a port or place designated as a port in Barbados, in an emergency situation;
 - (c) vessels innocently passing through the territorial sea of Barbados in accordance with Article 19 of the UNCLOS;
 - (d) warships or other government ships operated for non-commercial purposes innocently passing through the territorial sea of Barbados in accordance with Article 17 of the UNCLOS; and
 - (e) vessels otherwise transiting through the exclusive economic zone of Barbados to a place outside Barbados.
- (3) A master of a vessel who contravenes subsection (1) is liable to an administrative penalty.

(4) Notwithstanding subsection (1), a person may be exempted from the prior notification requirement in a distress or emergency situation.

Activities in Barbados waters

19.(1) No person shall carry out activities in Barbados waters, except under or in accordance with the relevant licence, permit, written approval or authorization or agreement, as the case may be.

(2) A person who contravenes subsection (1) commits an offence and liable on conviction on indictment, to a fine of \$10 000 000 or to imprisonment for 15 years or to both and the court may order the forfeiture of the vessel, structure, equipment, device or thing in connection with which the offence was committed.

Removal of marine resources from Barbados waters

20.(1) No person shall remove marine living resources or marine non-living resources from Barbados waters without a permit, licence or other written approval or authorization.

(2) A person who contravenes subsection (1) commits an offence and liable on conviction on indictment to a fine of \$10 000 000 or to imprisonment for 15 years or to both and the court may order the forfeiture of the vessel, structure, equipment, device or thing in connection with which the offence was committed.

Hot pursuit

21. The laws of Barbados shall apply with respect to the execution of official and defence duties by maritime law enforcement officers in relation to hot pursuit from within Barbados waters including safety zones around installations and structures undertaken in accordance with the UNCLOS.

PART IV

MARITIME AREAS

Rights and jurisdiction

22.(1) Barbados shall have all rights in, and jurisdiction over, Barbados waters including the seabed and subsoil thereof.

(2) The rights enjoyed by Barbados in Barbados waters that are not stipulated in this Act or its statutory instruments shall be exercised in accordance with the UNCLOS, international law and the laws of Barbados.

(3) In exercising its rights and performing its duties under this Act and its statutory instruments, Barbados shall have due regard to the rights and duties of other States in accordance with international law.

Sovereignty and territorial integrity

23. Notwithstanding any other law, the Minister responsible for National Security 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 in accordance with Article 51 of the Charter of the United Nations.

*Internal waters and territorial sea***Internal waters**

24. The internal waters of Barbados are established in accordance with Article 8 of the UNCLOS and comprise all areas of the sea on the landward side of the baselines, including the submarine areas thereof, and shall form part of the territory of Barbados.

Territorial sea

25.(1) The territorial sea of Barbados is established in accordance with Article 3 of the UNCLOS and the territorial sea, including the submarine areas thereof, shall form part of the territory of Barbados.

(2) The limits of the territorial sea comprise Barbados waters up to a limit not exceeding 12 nautical miles measured from baselines determined in accordance with the UNCLOS.

Baselines of territorial sea

26.(1) Subject to subsection (2), the low-water line along the coast of Barbados shall be the baseline of the territorial sea.

(2) The Minister responsible for Foreign Affairs may, in the place of the baseline referred to in subsection (1), by order, prescribe other baselines making use of a mixture of straight lines drawn from points on the coast of Barbados and the low-water line.

(3) Where baselines are prescribed under subsection (2), the Minister responsible for Foreign Affairs shall cause the baselines together with the seaward boundary line of the territorial sea to be marked on a scaled map or chart and such map or chart shall be judicially noticed for all purposes of the law as indicating the baselines from which the territorial sea shall be measured and the boundaries, breadth and limit of the territorial sea.

(4) The Minister responsible for Foreign Affairs shall

(a) make provision for the safe custody of the map or chart referred to in subsection (3); and

(b) by notice, specify the place where it may be open to inspection by the public and the place where certified copies thereof may be obtained.

(5) For the purposes of this Act, permanent harbour works which form a part of the harbour, dock or port system and the island commonly known as Culpepper

situated off the coast of the parish of Saint Philip shall be treated as forming part of the coast of Barbados.

Jurisdiction of courts in internal waters and the territorial sea

27.(1) For the purposes of the exercise of the jurisdiction of the courts of Barbados, the territory of Barbados shall include the internal waters and the territorial sea.

(2) The jurisdiction conferred on any court under this Act shall be without prejudice to any jurisdiction conferred on or exercisable by such court apart from this Act.

Passage

28.(1) A foreign vessel including a foreign vessel of war, submarine or other submersible vessel is entitled to the right of innocent passage through Barbados' territorial sea in accordance with Articles 17 and 19 of the UNCLOS.

(2) Notwithstanding subsection (1), a foreign vessel of war, submarine or other submersible shall require prior authorization from the Ministry responsible for Foreign Affairs before entering Barbados waters.

(3) The Ministry responsible for Foreign Affairs, in consultation with the Ministry responsible for National Security, may grant authorization for a foreign vessel of war, submarine or other submersible to enter Barbados waters.

(4) The passage of a foreign vessel, including a foreign vessel of war, submarine or other submersible vessel shall be deemed to be prejudicial to the peace, good order or security of Barbados, if the vessel while in the territorial sea, engages in any of the following activities:

- (a) exercises or practises with weaponry of any kind;
- (b) any act aimed at collecting information relating to the defence, security or economic or social conditions and circumstances of Barbados;

- (c) the taking on board or off-loading of any person, commodity or currency in breach of any law relating to exchange control, customs, immigration, health or drugs and therapeutic substances;
 - (d) any act of pollution calculated to or is likely to cause damage or harm to Barbados, its resources or its marine environment;
 - (e) fishing or extracting marine living resources or non-living resources;
 - (f) the carrying out of research of whatever kind or survey activities;
 - (g) any act aimed at interfering with any system of communication or telecommunication, whether such system is on land, on the sea or under the sea;
 - (h) any unapproved or unauthorized underwater navigation;
 - (i) any act of propaganda calculated to affect the defence or security of Barbados;
 - (j) the launching of, landing on, or taking on board of any aircraft, spacecraft or military device;
 - (k) any threat or use of force against the sovereignty, territorial integrity or political independence of Barbados;
 - (l) any other act in violation of the principles of international law;
 - (m) any activity not directly related to its passage; or
 - (n) any other activity in contravention of Article 19 of the UNCLOS.
- (5) Where a foreign vessel, including a foreign vessel of war, submarine or other submersible vessel, engages in any of the activities specified in subsection (4) or where a maritime law enforcement officer or a person authorised by the Minister responsible for Maritime Affairs, the Minister responsible for National Security or the Minister responsible for Shipping, as the case may be, suspects

upon reasonable grounds that a foreign vessel is engaged in any such activity, a maritime law enforcement officer may

- (a) stop and board the offending foreign vessel for the purpose of carrying out enquiries and investigations;
- (b) without a warrant, arrest the offending foreign vessel and bring it into a port in Barbados;
- (c) without a warrant, arrest the master, any person on board the vessel, any person connected to the vessel or whose acts or omissions are deemed to be prejudicial to the peace, good order or security of Barbados.

(6) The master of a foreign vessel, including a foreign vessel of war, submarine or other submersible vessel, who takes part in or causes the vessel to be engaged in, or any other person on board or connected to the vessel who takes part in, any activity under subsection (4), commits an offence and is liable on conviction on indictment to a fine of \$10 000 000 or to imprisonment for 15 years or to both.

(7) The court may, in addition to any penalty which it may impose, order the forfeiture to the State of any vessel, structure, equipment, device or thing used, in any activity which is the subject of the offence.

(8) A submarine or any other submersible vessel, whether or not a vessel of war, exercising a right of innocent passage through the territorial sea, shall navigate on the surface and show her flag while passing through the territorial sea.

(9) A master of a submarine or any other submersible vessel who contravenes subsection (8) commits an offence and liable on conviction on indictment to a fine of \$10 000 000 or to imprisonment for 15 years or to both.

International responsibility

29.(1) Where the passage of a foreign vessel is deemed to be prejudicial to the peace, good order or security of Barbados and the vessel or any person on board who participates in the activity which is deemed to be prejudicial is entitled

to state or other immunity recognised by law, the flag state of such vessel and the state of nationality of such person shall be deemed to bear international responsibility for the activity of the vessel.

(2) A flag state shall bear international responsibility for any loss or damage to Barbados resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of Barbados concerning passage through the territorial sea or with the UNCLOS or other rules of international law.

(3) Where the flag state of a vessel or the state of nationality of a person is deemed to bear international responsibility under this section, the Minister responsible for Foreign Affairs, in consultation with the Minister responsible for Shipping, shall take all steps possible to obtain redress under international law.

Contiguous zone

Limits of the contiguous zone

30.(1) The contiguous zone of Barbados is established in accordance with Article 33 of the UNCLOS.

(2) The limits of the contiguous zone comprise the area of Barbados waters 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 24 nautical miles from the nearest points of the baselines from which the breadth of the territorial sea is measured.

Jurisdiction in the contiguous zone

31.(1) Barbados has, and may exercise in its contiguous zone, such powers and authority as may be necessary to prevent, control or punish the infringement of any national law with respect to customs, fiscal, immigration, sanitary and archaeological or historical objects on the seabed of its contiguous zone in accordance with Article 33 and Article 303 of the UNCLOS.

(2) Where there is reasonable ground to believe that a person has committed or attempted to commit an offence in the territory or territorial sea of Barbados, in relation to any customs, fiscal, immigration or sanitary law, every power of arrest, entry, search or seizure or other power that could be exercised in Barbados may be exercised in the contiguous zone.

(3) A person who is in possession of, attempts to traffic or traffics in the contiguous zone, an object of an archaeological or historical nature found in Barbados waters is guilty of an offence and liable on conviction on indictment to a fine of \$300 000 or to imprisonment for 5 years or to both and is also liable to forfeit to the State the archaeological or historical object, the vessel, structure, equipment, device or thing in connection with which the offence was committed.

(4) Any person who attempts to commit or commits an offence related to customs, fiscal, immigration or sanitary laws from the territory or territorial sea of Barbados and enters the contiguous zone having committed the offence is liable on conviction on indictment to a fine of \$7 000 000 or to imprisonment for 7 years or to both and, in addition, the court may order the forfeiture of the vessel, structure, equipment, device or thing in connection with which the offence was committed.

Enforcement powers in the contiguous zone

32. The following shall have enforcement powers in the contiguous zone:

- (a) the Customs Department, in relation to preventing and punishing infringements of customs laws;
- (b) the Ministry responsible for Finance, in relation to preventing and punishing infringements of fiscal laws;
- (c) the Immigration Department, in relation to preventing and punishing infringements of emigration and immigration laws;

- (d) the Environmental Protection Department jointly with the Authority, in relation to preventing and punishing sanitary and environmental laws; and
- (e) the Ministry responsible for Cultural Heritage, in relation to preventing and punishing infringements of maritime heritage laws including trafficking in objects of a historical or archaeological nature.

Exclusive economic zone

Limits of the exclusive economic zone

33.(1) The exclusive economic zone of Barbados is established in accordance with Article 57 of the UNCLOS.

(2) The limits of the exclusive economic zone comprise the area of Barbados waters up to a limit not exceeding 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Rights in, and jurisdiction over, the exclusive economic zone

34.(1) Barbados shall have,

- (a) in accordance with Article 56 of the UNCLOS, all rights in, and jurisdiction over, the exclusive economic zone in relation to the following:
 - (i) the exploration, utilization, conservation, protection or management of the natural living and non-living resources of the seabed, subsoil and superjacent waters;
 - (ii) energy production from the water, currents and winds;
 - (iii) the establishment and use of offshore islands, installations and structures;
 - (iv) the authorization and regulation of the construction, operation, maintenance or use of structures or devices relating to the

exploration and utilization of the resources of the exclusive economic zone, the regulation and safety of shipping or any other economic purpose;

- (v) the authorisation, regulation or control of marine scientific research;
 - (vi) the protection and preservation of the marine environment;
 - (vii) the prevention and control of marine pollution; and
 - (viii) all other activities relating to the economic exploration or utilization of the exclusive economic zone; and
- (b) all other rights in, and jurisdiction over, the exclusive economic zone to the extent recognised by international law.

(2) The limits of the inner continental shelf comprises the seabed and subsoil of submarine areas that extend beyond Barbados' territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

(3) The laws of Barbados shall apply to offshore islands, installations and structures in the exclusive economic zone as if they were in the territorial sea, and in accordance with Article 60 of the UNCLOS.

(4) Barbados shall have exclusive jurisdiction over its offshore islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations in accordance with Article 60 of the UNCLOS.

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

Boundary lines of the exclusive economic zone

35.(1) The Minister responsible for Foreign Affairs shall cause the boundary lines of the exclusive economic zone to be marked on a scaled map or chart.

- (2) The Minister responsible for Foreign Affairs shall, by notice,
- (a) make provision for the safe custody of the map or chart referred to in subsection (1); and
 - (b) specify the place where any person may inspect that map or chart or purchase a certified copy thereof.

Freedom of navigation, overflight and laying of cables etc.

36. Subject to this Act, vessels, aircraft and spacecraft of all States are not, in or over the EEZ, as the case may be, restricted in, or prohibited from, the enjoyment of the freedom of navigation, overflight, the laying of cables and pipelines and the other lawful use of the sea related to navigation and communication recognised by international law.

Application of certain enactments to EEZ

37.(1) The President of Barbados may, by order, with such exceptions and modifications as may be specified in the order, extend the application of any enactment to the EEZ or any part thereof, and an enactment so extended shall have effect in relation to the EEZ as if it had been enacted by this Act.

- (2) An order made under this section is subject to affirmative resolution, and shall be judicially noticed.

Jurisdiction of courts

38.(1) The jurisdiction and powers of the courts extend to the EEZ for the purpose of giving effect to the provisions of this Act and any other enactment extended to the EEZ as if the EEZ were a part of the territory of Barbados.

(2) The jurisdiction and power conferred on the courts under this Act do not affect any jurisdiction or powers conferred on, or exercisable by, those courts under any other law.

Locus of offence in EEZ

39.(1) In any proceedings in a court in relation to the EEZ, the averment that an offence was committed or that an act was done within the limits of the EEZ shall, until the contrary is proved, be deemed to be *prima facie* evidence that the *locus in quo* was within the EEZ.

(2) An incident shall, for the purposes of any law conferring jurisdiction on a court in Barbados, be deemed to have occurred in Barbados if

- (a) that incident occurs in, on, under, above or in relation to, any vessel, structure or device or any waters within 500 yards of that vessel, structure or device, in the EEZ; or
- (b) that incident, if having occurred in Barbados, would be an offence or give rise to quasi-criminal proceedings or a civil cause of action.

Continental shelf

Rights and jurisdiction over the continental shelf

40.(1) There is vested in Barbados over the continental shelf

- (a) in accordance with Article 77 of the UNCLOS, all rights in, and jurisdiction over, the continental shelf in relation to the following:
 - (i) the exploration, utilization, conservation, protection and management of its natural resources;
 - (ii) the authorization and regulation of the construction, operation, maintenance and use of offshore islands, offshore terminals, installations and structures and devices necessary for the exploration and utilization of the resources of the continental shelf, shipping or any other economic purpose;

- (iii) the authorization and regulation of drilling for any purpose;
 - (iv) the authorization, regulation and control of marine scientific research;
 - (v) the protection and preservation of the marine environment;
 - (vi) the prevention and control of marine pollution from activities on the shelf; and
 - (vii) all other activities relating to the economic exploration and utilization of the continental shelf; and
- (b) all other rights in, and jurisdiction over, the continental shelf recognized by international law.
- (2) Barbados shall have sovereign rights and jurisdiction over the continental shelf there is extended to the continental shelf, to the extent recognized by international law.
- (3) The laws of Barbados shall apply to offshore islands, installations and structures in the continental shelf as if they were in the territorial sea and in accordance with Article 80 of the UNCLOS.
- (4) Barbados shall have exclusive jurisdiction over its offshore islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations in accordance with Article 80 of the UNCLOS.
- (5) The rights enjoyed by Barbados over the continental shelf shall be exercised in accordance with the UNCLOS, international law and the laws of Barbados.
- (6) In exercising rights and performing its duties in the continental shelf, Barbados shall have due regard to the rights and duties of any other State and shall act in a manner compatible with international law.

Limits of the inner continental shelf

41. The inner continental shelf of Barbados is established in accordance with Article 76(1) of the UNCLOS.

Limits of the extended continental shelf

42.(1) The extended continental shelf of Barbados is established in accordance with Articles 76(5), (6) and (7) of the UNCLOS.

(2) The limits of Barbados' extended continental shelf comprises the seabed and subsoil of submarine areas that extend beyond 200 nautical miles upwards to the limits contained in the Final Recommendations issued to Barbados on April 13, 2012 by the United Nations Commission on the Limits of the Continental Shelf.

(3) The establishment of the final outer limits of the continental shelf of Barbados beyond 200 nautical miles is subject to delimitation agreements with other States.

Submarine cables and pipelines

43. Subject to any measures that may be necessary for protecting the interests of Barbados, Barbados 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 responsible for Foreign Affairs shall be necessary for the delineation of the course for laying of the cables or pipelines.

Shared maritime areas agreement

44.(1) Where Barbados has overlapping claims in its outer continental shelf area, a shared maritime areas agreement with the relevant State with which Barbados has overlapping claims may be concluded.

- (2) A shared maritime areas agreement referred to in subsection (1) may include the following:
- (a) any agreement for continental shelf resources;
 - (b) any joint development agreements; and
 - (c) any other written agreements.

Transboundary continental shelf resources

45.(1) Resources within Barbados' continental shelf that straddle Barbados and one or more other States or extend beyond the delimitation line of Barbados into one or more States shall be managed in

- (a) the context of an agreement;
 - (b) the interest of responsible and sustainable management and utilization of such resources; and
 - (c) the interests of maintaining harmony, peace and good relations.
- (2) Barbados has exclusive jurisdiction over resources in its continental shelf and may prospect for, explore, recover and harvest such resources in accordance with international law and any agreements in force.
- (3) Where it is determined that activities directed at continental shelf resources in Barbados may have transboundary impacts, Barbados shall notify the foreign State concerned with a view to entering into an agreement.
- (4) Where it is determined that activities directed at continental shelf resources in one or more foreign States may have transboundary impacts for Barbados, the foreign State concerned shall notify Barbados with a view to entering into an agreement.
- (5) Where Barbados and the foreign State concerned are unable achieve a fair agreement, appropriate dispute resolution mechanisms may be sought.

*High seas***Freedom of the high seas**

46.(1) The freedom of the high seas accorded under Article 87 of the UNCLOS shall vest in Barbados

- (a) freedom of navigation;
- (b) freedom of overflight;
- (c) freedom to lay submarine cables and pipelines;
- (d) freedom to construct offshore islands and other installations permitted under international law;
- (e) freedom of fishing, subject to the interests of other States in the exercise of their freedom to fish on the high seas; and
- (f) freedom of scientific research.

(2) The freedoms referred to in subsection (1) shall be exercised by Barbados with due regard for the

- (a) interests of other States in their exercise of the freedom of the high seas; and
- (b) rights under the UNCLOS with respect to activities in the Area.

Barbados vessels operating on the high seas

47.(1) The Administration shall ensure the following in relation to vessels flying the Barbados flag and operating on the high seas:

- (a) there is a register of vessels containing the names and particulars of vessels flying the Barbados flag, except those which are excluded from generally accepted international regulations;
- (b) the flag State jurisdiction is exercised in accordance with the laws of Barbados over each vessel flying the Barbados flag, masters, officers

and crew in relation to administrative, technical and social matters concerning the vessel;

- (c) safety at sea measures including
 - (i) seaworthiness of vessels and equipment;
 - (ii) the manning of vessels, labour conditions and the training of crews, taking into account the applicable international instruments of the International Maritime Organization, International Labour Organization and Food and Agriculture Organization or any relevant organization or agency, as the case may be; and
 - (iii) the use of signals, the maintenance of communications and the prevention of collisions;
- (d) qualified and approved surveyors or Recognized Organizations to survey vessels entitled to fly the Barbados flag in accordance with relevant enactments and international standards;
- (e) Barbados vessels are compliant with international maritime laws on safety, security, protection of the marine environment and maritime labour welfare;
- (f) Barbados vessels in the charge of a master and officers possess appropriate qualifications, in particular in seamanship, navigation, communications, marine engineering;
- (g) crews of Barbados vessels are appropriate in qualification and numbers for the type, size, machinery and equipment of the vessel;
- (h) charts and nautical publications are up-to-date and are on board Barbados vessels;
- (i) navigational and communication equipment and instruments for the safe navigation of Barbados vessels are appropriate for the vessel size and type;

- (j) that the master, officers, the crew of Barbados vessels comply with national and international laws concerning safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, maritime labour welfare and the maintenance of communications by radio or other appropriate means; and
- (k) that inquiries are held by or before a suitably qualified person into any marine casualties or incidents of navigation on the high seas involving a Barbados vessel which caused loss of life or serious injury to a person, serious damage to a vessel or installations and structures or to the marine environment.

(2) For the purposes of this section, a “Recognized Organization” means an organization recognized by the Administration in accordance with the International Maritime Organization Resolutions A.739(18) and A.789(19) or later versions of these Resolutions, to verify compliance by Barbados vessels with maritime safety, including maritime labour safety, security and marine pollution prevention standards.

Marine environmental protection obligations on the high seas

48.(1) When on the high seas, no master of a Barbados vessel shall, engage in any activity, or do any act that may pollute, damage or otherwise destroy the marine environment.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine of \$7 000 000 or to imprisonment for 7 years or to both.

The Area

Oversight

49. The Authority shall collaborate with the Barbados Ocean Minerals Secretariat in performing oversight functions in relation to activities within

Barbados waters and activities by, on behalf of, or authorized by Barbados in the Area.

Activities in the Area

50. Activities carried out by the State of Barbados in the Area shall be carried out in accordance with

- (a) Part XI of the UNCLOS;
- (b) the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (UNCLOS) 1982;
- (c) any rules, regulations and procedures of the International Seabed Authority;
- (d) any relevant enactments; and
- (e) international law.

PART V

MARITIME BOUNDARIES

Nautical charts and geographical coordinates

Nautical charts and geographical coordinates

51. The Minister responsible for Foreign Affairs, in consultation with the relevant agencies, shall ensure the preparation of nautical charts of an adequate scale or a list of geographical coordinates of points specifying the geodetic datum in relation to Barbados' maritime zones for ascertaining the positions of the following, including

- (a) the baselines of the territorial sea;
- (b) the outer limits 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; and
- (d) sea lanes or traffic separation schemes.

Publication of charts and coordinates

- 52.** The Minister responsible for Foreign Affairs shall
- (a) publish the nautical charts and list of geographical coordinates;
 - (b) periodically review and update nautical charts and lists of geographical coordinates in relation to Barbados' maritime zones to ensure maritime safety; and
 - (c) deposit with the Secretary-General of the United Nations official copies of each chart and list of geographical coordinates in relation to Barbados' maritime zones.

Maritime boundary delimitation

Delimitation of boundaries

- 53.(1)** Where the circumstances so warrant, the delimitation of
- (a) the boundaries of the territorial sea between Barbados and a foreign State; and
 - (b) the boundaries of the continental shelf and the exclusive economic zone between Barbados and a foreign State,
- shall be by agreement on the basis of international law.
- (2) Where there is no agreement made on the basis of international law, the outer boundary limit shall be the median line, unless another boundary limit is agreed to.
- (3) Where no agreement is reached, appropriate dispute resolution mechanisms may be sought.

Restrictions on activities within the outer boundary limit

54. Subject to another boundary limit being agreed to, no activities shall be conducted in the waters or seabed of Barbados' outer boundary limit of its continental shelf and exclusive economic zone without the relevant licences, permits or other written approvals or authorizations, as the case may be.

Continental shelf boundary agreements for areas beyond 200 nautical miles

55.(1) Continental shelf boundaries beyond 200 nautical miles shall be established in accordance with the terms of a continental shelf delimitation treaty or on the basis of international law.

(2) The following shall be taken into consideration when making agreements relating to delimiting continental shelf boundaries beyond 200 nautical miles:

- (a) the basis for determining maritime boundaries in such circumstances;
- (b) any potential oil, gas, minerals or other non-living resources;
- (c) the need for cooperation and periodic consultation between States concerned in protecting their respective interests in such circumstances;
- (d) enhancing the practice of good neighborliness and the benefits of strengthening friendly and cooperative relations between States concerned; and
- (e) any other relevant considerations.

(3) A continental shelf boundary established in accordance with subsection (1) shall not affect or prejudice in any manner the positions of Barbados or other State Party to the agreement with respect to the extent of Barbados waters, the high seas or sovereign rights or jurisdiction for any other purpose.

Publication of maritime boundary agreements

56. The Ministry responsible for Foreign Affairs shall publish all maritime boundary agreements of Barbados.

*Sea level rise impacts on maritime areas
and the preservation of maritime areas*

Declarations on sea level rise

57.(1) Barbados

- (a) preserves its maritime zones in the face of climate change-related sea-level rise on the basis of continuity of its statehood, sovereignty, fairness, equality and self-determination, which cannot be challenged under any circumstances of climate change-related sea-level rise;
- (b) affirms that the UNCLOS imposes no affirmative obligation to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once deposited with the Secretary-General of the United Nations;
- (c) affirms the position that maintaining its maritime zones established in accordance with the UNCLOS, and rights and entitlements that flow from its maritime zones, notwithstanding climate change-related sea-level rise is supported by both the UNCLOS and the legal principles underpinning it;
- (d) declares that once having, in accordance with the UNCLOS, established and notified its maritime zones to the Secretary-General of the United Nations, it intends to maintain these zones without reduction, notwithstanding climate change-related sea-level rise; and
- (e) proclaims that its maritime zones, as established and notified to the Secretary-General of the United Nations in accordance with the UNCLOS, and the rights and entitlements that flow from its maritime

zones, shall continue to apply without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise.

(2) The declarations made by Barbados in subsection (1) shall not be construed as limiting its options in relation to its maritime zones or as a restriction upon the exercise of its rights in relation to its maritime zones in future maritime boundary negotiations.

Sea level rise and existing maritime boundaries

58.(1) In the case of existing maritime boundary agreements Barbados has with other States, except where coastal geography was central to the parties consent to, and finality of, the maritime boundary agreement, major shifts in the coastlines of Barbados as a result of sea level rise and consequently major shifts in the baselines from which Barbados' maritime zones are generated shall not be invoked as a fundamental change in circumstances to terminate current maritime boundary agreements, in accordance with Article 62 of the *Vienna Convention on the Law of Treaties, 1969*.

(2) Barbados maintains, in accordance with this Act and international law, its maritime zones established in accordance with the UNCLOS and the rights and entitlements that flow from them, notwithstanding climate change-related sea level rise.

(3) Barbados endorses the declarations set forth in

- (a) the Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise made on 6 August 2021; and
- (b) the Declaration on Sea-Level Rise and Statehood, adopted by the Heads of State and Government on the Alliance of Small Island States on 23 September 2024.

(4) The declarations endorsed by Barbados in subsection (3) shall not be construed as limiting its options in relation to its maritime zones or as a restriction upon the exercise of its rights in relation to its maritime zones, in future maritime boundary negotiations.

Sea level rise and future maritime boundaries

59.(1) Sea level rise and its potential impacts on future maritime boundaries of Barbados or a foreign State with which Barbados has overlapping claims, shall be addressed prior to concluding a boundary agreement between Barbados and such potentially affected States.

- (2) An agreement referred to in subsection (1) may provide for the following:
- (a) a substantial shift in baselines caused by sea level rise resulting in a shift of the territorial sea limits, contiguous zone limits and EEZ limits consequentially affecting legislative, jurisdictional and enforcement powers in relation to the particular zones;
 - (b) substantial landward shifts in the baselines caused by sea level rise resulting in areas that were originally part of the territorial sea becoming part of the EEZ with consequential loss of sovereignty over areas that were formerly territorial sea with those said areas now being subject to the limited sovereign rights of the EEZ regime;
 - (c) significant reduction of the entire contiguous zone owing to a substantial baseline shift caused by sea level rise;
 - (d) substantial baseline shifts due to sea level rise resulting in areas of EEZ becoming part of the high seas regime thereby rendering former EEZ-declared areas subject to the freedom of high seas regime and thus opened to all States;
 - (e) implications of continental shelf areas that comprised the seabed of formerly EEZ-declared areas subsequently becoming part of the high seas;
 - (f) substantial seaward baseline shifts due to sea level rise, resulting in the increase of Barbados' maritime area while encroaching on the maritime territory of another state or states;
 - (g) any other considerations relating to sea level rise.

(3) Upon settlement by agreement on any future maritime boundaries in accordance with international law, Barbados may make all relevant declarations in accordance with this Act and international law.

Maritime boundary framework

- 60.** The Ministry responsible for Foreign Affairs shall
- (a) assist the Authority in ensuring that Barbados' maritime boundary framework in relation to climate-change related sea level rise and its impacts on maritime boundaries remains consistent with prevailing international practice;
 - (b) keep abreast of the work of the International Law Commission, International Tribunal for the Law of the Sea and any other relevant bodies;
 - (c) work jointly with the Authority in developing appropriate instruments; and
 - (d) perform any other related functions.

Preservation of Barbados' maritime areas

61. The Minister responsible for Foreign Affairs shall undertake any measures necessary to preserve Barbados' maritime areas.

Submerged areas

62. All areas of the island of Barbados which may become submerged as a result of sea level rise shall remain vested in the State of Barbados.

Deterritorialization

63.(1) Where the lands of Barbados have become submerged by severe sea level rise, the deterritorialized Barbados is entitled to

- (a) continued status as a legal entity, taking into account that sovereignty and nationhood exist independently of territory in international law;

- (b) maintain sovereignty and sovereign rights over maritime zones, including all submerged lands in its territory;
 - (c) protection from victimization or forced control by other States; and
 - (d) continued recognition as a State to promote peaceful relations, certainty in ocean governance for the benefit of citizens of Barbados.
- (2) Barbados may seek to acquire new territory from a foreign State by way of the following, including
 - (a) a written agreement or a cession treaty by which territory is transferred in accordance with international law to Barbados by another State with the written consent by both Barbados and that other State;
 - (b) the formation of a federation; or
 - (c) any other appropriate territory-acquisition agreement with another State.
- (3) For the purpose of this section,
 - (a) “federation” means the formation by Barbados with a group of States, or the joining of Barbados with a group of States, to acquire new territory; and
 - (b) “cession treaty” means a formal international agreement where one State or entity transfers sovereignty, territory or rights to Barbados.

Resettlement and climate-induced migration planning

64.(1) The Ministry responsible for Foreign Affairs, in collaboration with the Ministry responsible for Home Affairs, the Ministry responsible for Immigration and any relevant agencies, shall develop

- (a) a resettlement plan in event of imminent deterritorialization of Barbados; and
- (b) a climate-induced migration program in event of territorial degradation due to sea level rise impacts.

(2) A resettlement plan referred to in subsection (1)(a) shall include the following:

- (a) mass evacuation procedures;
- (b) financial aspects of resettlement;
- (c) social aspects of resettlement;
- (d) legal aspects of resettlement;
- (e) political aspects of resettlement;
- (f) administrative arrangements with the State considered for resettlement; and
- (g) any other relevant considerations.

(3) A climate-induced migration program referred to in subsection (1)(b) shall outline arrangements for the following:

- (a) the local emigration of persons resident in coastal areas to interior areas as part of intentionally-depopulating coastal areas to reduce human settlement pressures on the marine environment;
- (b) the rehabilitation, restoration and resilience-building in intentionally-depopulated coastal areas;
- (c) emigration of Barbados citizens to a foreign State;
- (d) the immigration of persons from other States into Barbados;
- (e) balancing the human pressures on interior areas as a result of population redistribution from coastal areas; and
- (f) the sustainable re-population of rehabilitated or restored coastal areas.

PART VI

BIODIVERSITY IN AREAS BEYOND NATIONAL JURISDICTION

Application of the Agreement

- 65.** The BBNJ
- (a) shall be applied consistently with Articles 5(1) and (2) of the UNCLOS; and
 - (b) shall not be applied in a manner that undermines
 - (i) the IMO as the competent international organization for international shipping under the UNCLOS;
 - (ii) IMO instruments; or
 - (iii) harmony, coherence or coordination with IMO instruments and frameworks.

Administration

- 66.(1)** This Part shall be administered jointly by the Authority and the Ministry responsible Foreign Affairs.
- (2) The Authority shall
- (a) regulate, manage and enforce measures related to activities by persons under the jurisdiction and control of Barbados relating to marine biological diversity in areas beyond national jurisdiction to support Barbados in fulfilling its obligations under the BBNJ;
 - (b) lead on biodiversity beyond national jurisdiction;
 - (c) develop and implement the Program and Plan to support continued effective implementation of the BBNJ by Barbados;

- (d) provide technical and advisory support to persons seeking to engage in conservation activities or activities directed at marine biological diversity in areas beyond national jurisdiction;
 - (e) advise and make recommendations to the Ministry responsible for Foreign Affairs on matters relating to the BBNJ and in the interest of ensuring Barbados' continued fulfilment of its obligations under the BBNJ;
 - (f) coordinate with the Administration to ensure effective flag, port and coastal State control regulation of vessels engaged in activities directed at marine biological diversity in areas beyond national jurisdiction;
 - (g) supervise and regulate activities relating to marine biological diversity of areas beyond national jurisdiction;
 - (h) assist with policy formulation, implementation, compliance, enforcement and monitoring activities relating to the BBNJ;
 - (i) advise on any matters relating to biodiversity beyond national jurisdiction; and
 - (j) do such things as are necessary to effectively carry out the purposes of this Part.
- (3) The Authority may
- (a) issue, suspend, revoke, extend or vary licences, permits, certificates or any other documentation to facilitate and regulate activities relating to the conservation and utilization of marine biodiversity in the high seas and in the Area;
 - (b) specify fees relating to biological diversity in areas beyond national jurisdiction;
 - (c) develop regulations and procedures relating to biological diversity in areas beyond national jurisdiction; and

- (d) consult with governmental and non-governmental organizations or other agencies relating to the conservation and sustainable use of marine biodiversity in areas beyond Barbados' national jurisdiction.
- (4) A permit, licence, certificate or any other documentation referred to in subsection (3) may be subject to any relevant terms, conditions and restrictions.

BBNJ Inspectorate

67.(1) The Authority shall maintain an inspectorate and appoint inspectors to assist the Authority in monitoring and ensuring compliance with requirements relating to marine biological diversity in areas beyond national jurisdiction.

- (2) A person qualifies as an inspector where he has
 - (a) the minimum number of years experience in any of the related fields;
 - (b) acquired professional training and certification at a local, regional or international institution in that capacity; and
 - (c) produced evidence of qualifications in any of the related fields.
- (3) A person may apply to the Authority to be an inspector.
- (4) An application shall be
 - (a) in the form and manner prescribed; and
 - (b) accompanied by the following:
 - (i) the prescribed fee; and
 - (ii) any other information or documentation required by the Authority.
- (5) Where the Authority is satisfied that a person has met the requirements of this Act, it shall appoint a person as an inspector.

BBNJ Inspectors

68.(1) An inspector shall

- (a) assist the Authority with its monitoring and compliance function under the Act and its statutory instruments;
- (b) board or obtain access to a licensed area or contract area and all parts of any premises, vessel or equipment used for, or in connection with activities directed at marine biological diversity in areas beyond national jurisdiction;
- (c) inspect or test any machinery or equipment that is being or is intended to be used in marine biological diversity activities;
- (d) remove any samples or assays of such samples from any vessel or equipment used for or in connection with activities directed at marine biological diversity in areas beyond national jurisdiction;
- (e) examine and take copies of books, accounts, documents or records of any kind required by the Authority or by statutory instrument, licence, permit, certificate or other written approval or authorization instrument to be kept under any law;
- (f) inspect any licence, permit, certificate or other written approval or authorization, as the case may be;
- (g) document any site visit or inspection activity by any means including video, audio, photograph or other form of recording;
- (h) subject to any order of the court,
 - (i) take possession of any components of marine biological diversity in areas beyond national jurisdiction, machinery, equipment, materials or installation; or
 - (ii) dismantle any machinery, equipment or installation;

- (i) upon written authorization from the Authority, perform any other functions of the Authority as its representative; and
 - (j) undertake or perform any actions as may be required to ensure compliance with this Act and its statutory instruments.
- (2) An inspector shall take all reasonable steps to avoid
 - (a) expending excessive time on a vessel or installation and structure used in relation to activities directed at marine biological diversity in areas beyond national jurisdiction;
 - (b) disruption of activities directed at marine biological diversity in areas beyond national jurisdiction;
 - (c) unnecessary removal of samples of components of marine biological diversity; or
 - (d) interference with the safe and normal operations on board the vessel or structure, as the case may be.

Barbados Marine Biodiversity in Areas Beyond National Jurisdiction Program

69.(1) There is established a Program to be known as the Barbados Program to Support Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction.

- (2) The Program shall
 - (a) outline the vision, mission, strategic direction and measures to be undertaken by Barbados to effectively implement the BBNJ;
 - (b) set standards for the formalities, documentary requirements and procedures for accessing, utilizing or undertaking any other activities in relation to marine biological diversity in areas beyond national jurisdiction;

- (c) coordinate national, regional and international partnerships to ensure a harmonized approach consistent with the BBNJ in relation to marine biological diversity in areas beyond national jurisdiction; and
- (d) provide a guiding framework for policies, legislation, initiatives, projects and other activities relating to marine biological diversity in areas beyond national jurisdiction.

Marine Biodiversity in Areas Beyond National Jurisdiction Plan

70.(1) There is established a Plan to be known as the Barbados Plan of Action for Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction.

(2) The Plan shall implement the Barbados Program to Support Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction.

The Program and Plan

71.(1) The Program and Plan

- (a) shall be developed and implemented by the Authority respectively within 2 and 5 years after the commencement of this Act;
- (b) may be reviewed, modified, withdrawn or replaced, as the case may be; and
- (c) shall be binding on all persons to whom applicable.

(2) Activities directed at marine biological diversity in areas beyond national jurisdiction shall be consistent with the Program and Plan.

Notifications and inspections

72.(1) The Authority shall

- (a) maintain records in relation to Barbados' BBNJ notification and documentation obligations;

- (b) ensure applicants requesting approvals to engage in activities directed at marine biodiversity in areas beyond national jurisdiction sign a declaration attesting to the veracity of information submitted before and after collection of components of marine biodiversity in areas beyond national jurisdiction in accordance with the BBNJ; and
 - (c) maintain a system of inspections in relation to activities directed at marine biological diversity in areas beyond national jurisdiction.
- (2) The Authority shall notify the Ministry responsible for Foreign Affairs of all persons engaging in activities directed at marine biological diversity in areas beyond national jurisdiction under Barbados' jurisdiction or control.
- (3) The Ministry responsible for Foreign Affairs shall be responsible for communicating and liaising with the BBNJ Secretariat.
- (4) For the purpose of this section, "BBNJ Secretariat" means the Division for Ocean Affairs and Law of the Sea of the United Nations.

Notices, guidelines and directives

- 73.(1)** The Authority may issue any notices, guidelines and directives relating to access, conservation, utilization and all other activities concerning marine biodiversity beyond national jurisdiction.
- (2) Notices, guidelines and directives issued by the Authority shall be complied with.

Marine biodiversity in areas beyond national jurisdiction investment schemes

- 74.(1)** The Authority, may
- (a) facilitate investment activities for the purpose of promoting activities directed at marine biodiversity in areas beyond national jurisdiction; and

- (b) develop and manage schemes directed at investment in support of the Program and Plan in consultation with relevant stakeholders.
- (2) The Authority shall not enter or conclude a investment scheme where it would be
 - (a) disadvantageous to Barbados' maritime sector or otherwise detrimental to the economic, environmental, social or cultural interests of Barbados; or
 - (b) at variance with this Act, its statutory instruments or the BBNJ.
- (3) An investment scheme shall be
 - (a) subject to the approval of the Cabinet; and
 - (b) legally binding on all parties to the scheme where the terms, conditions, restrictions and other matters pertaining to the scheme have been agreed to in writing by the parties to the scheme.
- (4) Where after entering into a scheme its disadvantages become apparent, the scheme may be temporarily suspended or cancelled, as the case may be, subject to the approval of the Cabinet, to allow for the rectification of the matters causing the identified disadvantages or winding up of matters in the case of cancellation.

Particulars of investment scheme

- 75.** An investment scheme shall detail the following particulars:
- (a) the parties to the scheme;
 - (b) the duration of the scheme;
 - (c) the scope of activities to be undertaken under the scheme;
 - (d) the rights and responsibilities of parties to the scheme;
 - (e) the insurance or other form of equivalent financial security for the venture;
 - (f) the nature of the investment;

- (g) any benefit-sharing arrangements;
- (h) any dispute settlement arrangements; and
- (i) any other relevant particulars as determined by parties to the scheme.

Compliance requirements

76. A party to a scheme shall comply with the following:

- (a) the BBNJ;
- (b) the UNCLOS;
- (c) all relevant national maritime laws and policies;
- (d) any marine spatial planning requirements;
- (e) any relevant maritime boundary and jurisdictional requirements; and
- (f) any international best practices or standards relating to marine biological diversity.

Sustainable economic development strategies or initiatives

77.(1) A person or group with an interest in the protection, management and sustainable utilization of marine biological diversity in areas beyond national jurisdiction may formulate and submit a sustainable economic development strategy or initiative to the Authority.

(2) A proposed strategy or initiative shall be economically viable, environmentally sustainable and beneficial in the context of conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

(3) Where the Authority determines that a strategy or initiative meets the requirements of subsection (2), it shall, after consultation with the relevant agencies and stakeholders, approve the implementation of the proposed strategy or initiative.

(4) The Authority may impose any regulatory measures to ensure the implementation and proper management of the strategy or initiative.

Logistics and supply chain management

- 78.(1)** The Authority, in consultation with Barbados Port Inc., shall
- (a) coordinate the logistics of shipping and handling components of marine biological diversity obtained from areas beyond national jurisdiction for maritime transport and port delivery purposes; and
 - (b) undertake measures to support responsible and sustainable supply chain management of resources and products deriving from marine biodiversity in areas beyond national jurisdiction.

(2) For the purposes of this section, “supply chain management” means the process of overseeing and coordinating all activities involved in producing and delivering a product derived from biological resources found in areas beyond national jurisdiction to the consumer.

Vessels engaged in marine biodiversity activities in areas beyond national jurisdiction

79. All vessels engaged in activities directed at marine biodiversity in areas beyond national jurisdiction shall comply with all maritime safety, maritime security, marine environmental protection and maritime labour welfare requirements and all relevant enactments.

Management tools for biodiversity beyond national jurisdiction

80.(1) The Authority may, individually or in cooperation with other BBNJ Parties propose, develop and implement area-based management tools in order to achieve the conservation and sustainable utilization objectives of the BBNJ.

- (2) The Administration may submit shipping-specific area-based management tools to the Authority relating to the following:
- (a) load line zones, areas and seasonal periods pursuant to the *IMO's International Convention on Load Lines, 1966*, as amended;
 - (b) special areas and particularly sensitive sea areas pursuant to the *International Convention for the Prevention of Pollution from Ships, 1973*, as amended;
 - (c) METAREAS for the provision of maritime meteorological information and services to shipping pursuant to the *International Convention for the Safety of Life at Sea, 1974*, as amended, and in accordance with World Meteorological Organization standards;
 - (d) NAVAREAS for the provision of maritime navigation information and services to shipping pursuant to the *International Convention for the Safety of Life at Sea, 1974*, as amended, and in accordance with World Meteorological Organization standards;
 - (e) places of refuge and safety pursuant to the IMO's Guidelines on Places of Refuge;
 - (f) ship pollution emergency planning and response;
 - (g) maritime quarantine pursuant to international health regulations;
 - (h) area specific reporting measures pursuant to the *International Convention for the Safety of Life at Sea, 1974*, as amended;
 - (i) routing measures pursuant to *UNCLOS, International Convention for the Safety of Life at Sea, 1974*, as amended and the *International Regulations for Preventing Collisions at Sea, 1972*, as amended;
 - (j) maritime search and rescue zones pursuant to the *International Convention on Maritime Search and Rescue, 1979*, as amended; and
 - (k) any other shipping-specific area-based management tool.

- (3) The Authority shall collaborate with the Administration in relation to shipping-specific area-based management tools.
- (4) The Authority may undertake urgent and temporary measures to establish area-based management tools in areas beyond national jurisdiction where a natural phenomenon or human-induced disaster has caused or is likely to cause serious or irreversible damage to marine biological diversity.
- (5) In establishing area-based management tools, the Authority and the Administration shall
 - (a) act with due regard to the rights and duties of other States;
 - (b) consult with relevant national, regional and international bodies; and
 - (c) ensure the compatibility of measures with existing instruments of the IMO, International Seabed Authority, regional fisheries management organizations and any other recognized regional and international regulatory bodies, consistent with the “not undermining” principle of the BBNJ.
- (6) For the purposes of this section,
 - (a) “area-based management tools” mean spatial measures used to achieve conservation and sustainable use objectives of the BBNJ;
 - (b) “shipping-specific area-based management tool” means geographically defined marine areas in the high seas and the Area where shipping activities are managed, regulated or restricted to achieve conservation and sustainable use objectives of the BBNJ; and
 - (c) “not undermining” principle means the principle enshrined in Article 5(2) of the BBNJ to interpret and apply the BBNJ in a manner that does not undermine existing legal instruments or international, regional or sectoral bodies.

Registers

81. The Authority may establish and maintain registers including the following:

- (a) permits, licences, certificates or written approvals or authorizations; and
- (b) any other register as may be necessary.

PART VII

SPACE-RELATED OCEAN ACTIVITIES

Application of Part VII

82. This Part shall apply to the following:

- (a) activities conducted by, on behalf of, or authorized by, Barbados in relation to Earth's oceans, particularly, Barbados waters and areas beyond Barbados jurisdiction, in accordance with international law, principles, standards and best practices; and
- (b) activities conducted by, on behalf of, or authorized by Barbados in relation to extraterrestrial oceans including other cosmic water resources.

Treaty on Principles Governing Activities of States in Outer Space, 1967

83. All space-oriented ocean activities shall be carried out in accordance with the *Treaty on Principles Governing Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 1967*, as may be modified from time to time.

Barbados Space-related Ocean Program

84.(1) There is established the Barbados Space-related Ocean Program for the

- (a) utilization of space capabilities and technologies to enhance governance, management and sustainable use of Earth's ocean and its resources;
- (b) promotion, advancement and development of Barbados at the space frontier through exploration and study of extraterrestrial oceans and other cosmic water resources; and
- (c) harnessing of benefits and optimization of opportunities provided by Earth's ocean, extraterrestrial oceans and other cosmic water resources.

(2) The Program shall in relation to Barbados waters, promote space-based technologies and services to support ocean governance and management activities including the following:

- (a) using satellite data to map and monitor coastal and marine areas, ocean-based activities, oil spills, coastal erosion;
- (b) identifying areas in the marine environment requiring protection, enhanced management measures or restoration;
- (c) improving ocean monitoring and enforcement capabilities;
- (d) increasing an understanding of the climate, the ocean and its ecosystems to strengthen decision-making and advance national ocean literacy;
- (e) detecting marine pollution;
- (f) tracking and identifying vessels;
- (g) measuring sea level rise;
- (h) monitoring the health of marine plant life;

- (i)* increasing the role of space services and solutions in supporting conservation and sustainable utilization of marine biological diversity within Barbados waters and in areas beyond national jurisdiction; and
 - (j)* facilitating all other activities to enhance ocean governance and marine resources management using space capabilities.
- (3) The Program shall in relation to extraterrestrial oceans and other cosmic water resources
 - (a)* support extraterrestrial ocean exploration and study, including other cosmic water resources;
 - (b)* create resource, scientific knowledge and other markets to tap into the benefits flowing from ecosystem goods and services provided by extraterrestrial oceans and other cosmic water resources;
 - (c)* facilitate trade and commerce in high-resolution data from extraterrestrial ocean exploration, including other cosmic water resources, for material science, pharmaceutical and other industries seeking environmental innovations;
 - (d)* create inroads into the astro-bioprospecting and astro-biotechnology sectors;
 - (e)* explore partnership, investment and sustainable financing opportunities in relation to extraterrestrial oceans and other cosmic water resources; and
 - (f)* participate in extraterrestrial conservation credit trading schemes;
 - (g)* generally, for the continuous research, development and access to the extraterrestrial ocean world.

Administration of the Program

85.(1) The Space-related Ocean Program shall be administered by the Authority in collaboration with the Ministry responsible for Space Affairs.

- (2) The Authority, in collaboration with the Ministry responsible for Space Affairs, shall
- (a) develop regulations and other guidance in relation to licences, permits, approvals and other activities relating to ocean-specific space exploration and research activities;
 - (b) adopt or develop policies, sub-programs, projects, initiatives, strategies, plans of action to advance development at the intersections of the ocean and space;
 - (c) contribute to the protection and management of space including the undertaking of measures to prevent, reduce and control pollution; and
 - (d) carry out any other necessary action in furtherance of space-enabled ocean governance.

Registration of spacecraft, space objects, satellite stations and other facilities

86.(1) All spacecraft, space objects, satellite stations and other facilities to be used in ocean-specific space exploration and research activities shall be registered with the Ministry responsible for Space Affairs and in accordance with the *Convention on Registration of Objects Launched into Outer Space, 1975*, as amended.

(2) No licence, permit, certificate or written approval or authorization, as the case may be, shall be issued under this Part unless such spacecraft, space object, satellite station or other facility to be used in ocean-specific space exploration and research activities is registered.

Requirements for space exploration and research

87.(1) No person shall conduct or engage in any ocean-targeted space activities without the relevant licence, permit, certificate or written approval or authorization, as the case may be.

- (2) A person may apply to the Ministry responsible for Space Affairs for the relevant licence, permit or written approval or authorization.
- (3) An application for a licence, permit, certificate or written approval or authorization shall be accompanied by the following:
- (a) the specified fee;
 - (b) a policy of insurance or an equivalent form of financial security;
 - (c) a document detailing the intended ocean-targeted activities to be undertaken from space;
 - (d) a space debris mitigation and remediation plan which shall be consistent with the following:
 - (i) the Space Debris Mitigation Guidelines of the United Nations Committee on the Peaceful Uses of Outer Space; and
 - (ii) the Inter-Agency Space Debris Coordination Committee;
 - (e) a biological contamination prevention and management plan which shall be consistent with the Committee on Space Research Policy on Planetary Protection;
 - (f) an endorsement by the Authority or Administration, as the case may be, for the intended ocean-targeted space activities; and
 - (g) any other information or documentation required by the Ministry responsible for Space Affairs.
- (4) Where a person has complied with the requirements and paid the specified fee, the Ministry responsible for Space Affairs, shall issue the relevant licence, permit, certificate or written approval or authorization, as the case may be.
- (5) A person who contravenes subsection (1) commits an offence and liable on conviction on indictment to a fine of \$10 000 000 or imprisonment for 15 years or to both and, in addition, the court may order the forfeiture of any spacecraft, space object, satellite station, facility, equipment, device or thing in connection with which the offence was committed.

Terms, conditions, restrictions

88.(1) A licence, permit, certificate or written approval or authorization, as the case may be, may be subject to such terms, conditions and restrictions.

(2) A person who breaches a term, condition or restriction imposed under a licence, permit, certificate or written approval or authorization, granted in relation to activities under this Part commits an offence and liable on conviction on indictment, to a fine of \$7 000 000 or imprisonment for 7 years or to both and, in addition, the court may order the forfeiture of any spacecraft, space object, satellite stations, facilities, equipment, device or thing in connection with which the offence was committed.

Waste management

89.(1) The *London Dumping Convention and Protocol 1972*, as amended, shall apply to wastes from space flight and other space operation activities whether or not carried on under the jurisdiction or authority of Barbados.

(2) Waste management measures relating to spacecraft, space objects, satellite stations or other space-based facilities shall be consistent with guidance, best practices and requirements issued by the following:

- (a) the International Maritime Organization;
- (b) the Secretariat of the *Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter* and its 1996 Protocol; and
- (c) the United Nations Office for Outer Space Affairs.

(3) A person who intentionally disposes waste from any spacecraft, space object, satellite station or other space-based facility into Barbados or Barbados waters commits an offence and liable on conviction on indictment to a fine of \$10 000 000 or imprisonment for 15 years or to both.

PART VIII

MISCELLANEOUS

Publication or disclosure of information

90.(1) No person shall, without the consent in writing given by or on behalf of the Authority, the Administration, any Ministry or agency specified in this Act, publish or disclose to any person, other than in the course of his duties or when lawfully required to do so by any court or under any law, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under the Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for 5 years or to both.

Confidentiality

91.(1) No employee or agent of the Authority, the Administration, any Ministry or agency specified in this Act, shall

- (a) use, either directly or indirectly, any confidential information obtained as a result of his employment for his own benefit or advantage; or
- (b) disclose confidential information obtained as a result of his employment to any person other than to an authorized official or a duly authorized representative of the government of a foreign state in connection with the enforcement of this Act or its statutory instruments.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for 5 years or to both.

Administrative penalties

92.(1) The Authority, the Administration or agency specified in this Act, shall have the power to impose administrative penalties, in an amount not exceeding \$100 000, in relation to contraventions of a directive, a licence, permit, certificate, written approval or authorization or any requirement contained in any other instrument.

(2) An administrative penalty notice shall be in the form approved by the Authority, Administration or agency specified in this Act.

(3) A person to whom an administrative penalty notice is addressed and who wishes to challenge the alleged contravention, may instead of paying the amount of the administrative penalty, appeal to a Judge in Chambers.

(4) The amount of an outstanding administrative penalty constitutes a debt to the State and is recoverable in civil proceedings before a magistrate's court.

General penalty

93.(1) A person who commits an offence under the Act or under its statutory instruments for which no other penalty is provided is liable on summary conviction to a fine of \$150 000 and on indictment to a fine of \$10 000 000.

(2) Where an offence under the Act or its statutory instruments is a continuing one, and no other penalty is provided in relation to its continuance, a person who commits the offence is liable on summary conviction, in addition to any other penalty, to a fine of \$500 dollars for every day or part of a day during which the offence continues after the conviction.

Environmental clean-up and restoration

94. In the case of marine environmental damage or loss, notwithstanding any administrative penalty, fine or term of imprisonment imposed under this Act or its statutory instruments, an offender may be required to engage in

environmental clean-up and restoration or liable to cover the costs associated with any environmental clean-up and restoration, as the case may be.

Barbados Port Inc.

95.(1) The Barbados Port Inc. may, by order, prescribe the following in the interest of navigational safety:

- (a) designate sea lanes in accordance with IMO standards;
- (b) traffic separation schemes for the regulation of the passage of vessels through the internal waters and territorial sea in accordance with IMO standards; and
- (c) generally for the purpose of giving effect to this Act.

(2) The Barbados Port Inc. may issue notices, guidelines, and directives to regulate access by vessels to any port or place designated as a port within Barbados waters, including access to port areas.

(3) The Barbados Port Inc. shall have the power to regulate and enforce any measures related to navigational safety by vessels in any port or place designated as a port within Barbados waters including access to port areas.

Orders in the interest of peace, good order or security of Barbados

96.(1) The Minister responsible for National Security, in consultation with the Minister responsible for Foreign Affairs and the Minister responsible for Shipping, may make orders in relation to Barbados waters in the interest of peace, good order or security.

(2) The Minister responsible for National Security, in consultation with the Minister responsible for Foreign Affairs and the Minister responsible for Shipping, may take any measures including the suspension, whether absolutely or subject to any exceptions and qualifications as he thinks fit, of the right of innocent passage of all or any class of foreign vessels through any area of Barbados' territorial sea.

Marine environmental risks

97. Where on the basis of a risk management plan or an independent assessment, any activity poses significant irreversible risks to the marine environment, no ministry, entity or agency shall issue a licence, permit, certificate or grant approval or authorization of any kind for such activities to be conducted or performed in Barbados waters or under the authorization of Barbados in areas beyond national jurisdiction.

Transfer of functions

98.(1) Where it considers it justifiable, the Ministry responsible for Maritime Affairs may

- (a) transfer any or all of its functions to any relevant entity; or
- (b) authorize a person or an entity outside of Barbados to perform its functions.

(2) A transfer made in relation to subsection (1)(b) shall be effected by way of transfer agreement.

Regulations by Minister responsible for Foreign Affairs

99. The Minister responsible for Foreign Affairs may make regulations prescribing the following:

- (a) maritime zones;
- (b) maritime boundary delimitations; and
- (c) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for Maritime Affairs

100. The Minister responsible for Maritime Affairs may make regulations prescribing the following:

- (a) the protection and preservation of the marine environment;

- (b) the protection, conservation, management and sustainable utilization of marine living and non-living resources;
- (c) activities and regulation and of activities directed at marine biological diversity in areas beyond national jurisdiction;
- (d) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for the Authority; and
- (e) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for Shipping

101. The Minister responsible for Shipping may make regulations prescribing the following:

- (a) vessel passage;
- (b) sea lanes and traffic separation schemes;
- (c) coastal State controls in relation to Barbados vessels and foreign vessels in Barbados waters;
- (d) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for Shipping; and
- (e) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for National Security

102. The Minister responsible for National Security may make regulations prescribing the following:

- (a) entry by warships, submarines and other submersible vessels in Barbados waters;
- (b) maritime security and marine environmental security in relation to Barbados waters including the seabed and subsoil thereof; and

- (c) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for Telecommunications

103. The Minister responsible for the Telecommunications may make regulations prescribing the following:

- (a) maritime telecommunication and radio communication services;
- (b) submarine cable protection and management;
- (c) safety and security of telecommunications and radio communication infrastructure, equipment and facilities;
- (d) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for Telecommunications; and
- (e) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for the Environment

104. The Minister responsible for the Environment may make regulations prescribing the following:

- (a) to effectively implement PART XII of the UNCLOS; and
- (b) generally for the purpose of giving effect to this Act.

Regulations by Minister responsible for Space Affairs

105. The Minister responsible for Space Affairs may make regulations prescribing the following:

- (a) space-related ocean activities;
- (b) Barbados Space-related Ocean Program;
- (c) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for Space Affairs; and

(d) generally for the purpose of giving effect to this Act.

Repeal

106. The following are repealed:

- (a) *Barbados Territorial Waters Act*, Cap. 386; and
- (b) *Marine Boundaries and Jurisdiction Act*, Cap. 387.

Read three times and passed the House of Assembly this
day of _____, 2026.

Speaker

Read three times and passed the Senate this _____ day of
, 2026.

President