

**ACT of 7 April 2017 Act regulating the Maritime Zones of the Republic of Suriname and amending the Offshore Fisheries Act 1980 and the Mining Decree (Maritime Zones Act).**

**THE PRESIDENT OF THE REPUBLIC OF SURINAME,**

Having considered that for the purposes of Article 2 paragraph 3 of the Constitution of the Republic of Suriname (S.B. 1987 No. 116) as last amended by S.B. 1992 No. 38) it is necessary to lay down new rules relating to the maritime zones of the Republic of Suriname;

Having heard the State Council, following approval of the National Assembly, has ratified the following act:

**Chapter 1  
Definitions  
Article 1**

For the purposes of this act and the pertaining provisions the following terms shall have the meanings thereto assigned hereunder:

- a. State: the Republic of Suriname.
- b. Contiguous zone: the maritime zone which is situated directly seaward of the territorial sea and may extend up to a maximum of 24 nautical miles from the baseline. The coastal state has limited powers in the contiguous zone.
- c. Baseline: the line from which the breadth of most maritime zones is measured.  
The normal baseline is the low-water line along the coast as marked on large-scale maps officially recognized by the coastal state. In certain cases the coastal state is allowed to draw straight lines joining points and use those as baseline.
- d. Continental shelf: the maritime zone which is directly seaward of the territorial sea and which may extend up to 200 nautical miles from the baseline or up to the outer edge of the continental margin. The coastal state specifically has economic rights over the seabed and the subsoil, as referred to in Article 76 of the Maritime Law Convention.
- e. Equidistant line: the line which is always at the same distance from the baseline of two States.
- f. Exclusive economic zone: the maritime zone which is directly seaward of the territorial sea and which may extend up to 200 nautical miles from the baseline. The coastal state specifically has economic rights over

- the water column, the seabed and the subsoil, as referred to in Article 55 of the Maritime Law Convention.
- g. Jurisdiction: the competence of a judge or court.
  - h. Closing line: the line indicating the boundary between the inland waters and the territorial sea of a state. The closing line may be used to determine the breadth of the territorial sea and other maritime zones of the coastal state.
  - i. Territorial sea: the maritime zone not exceeding 12 nautical miles measured from the baseline. The territorial sea in principle has the same status as the land territory of a state. The coastal state shall have full sovereignty over these areas. However, a right of passage for ships of other countries shall exist in the territorial sea.
  - j. Coastguard: The Suriname Coastguard, as referred to in Article 1 of the Coastguard Act.
  - k. Low-water line: the zero isobath as marked on the sea charts officially recognized by the Surinamese Government.
  - l. International law: Also referred to as international public law. Law comprising specifically the rights and duties of states.
  - m. High seas: the maritime zone which in general extends beyond the Exclusive Economic Zone, as referred to in Article 86 of the Maritime Law Convention.
  - n. Nautical mile: the unit of measurement generally used to express distances at sea. One nautical mile equals 1852 metres.
  - o. Maritime Law Convention: the United Nations Convention on the Law of the Sea concluded on 10 December 1982 at Montego Bay.

## **Chapter 2**

### **Territorial Sea**

#### **Article 2**

1. The sovereignty of the State extends beyond its land territory and internal waters to an adjacent belt of sea, described as in Article 1 under (i).
2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.
3. This sovereignty is exercised subject to international law.
4. Subject to international law, ships of all States enjoy the right of innocent passage through the territorial sea.

#### **Article 3**

The outer limit of the territorial sea is marked by a line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline, as determined in accordance with Article 4.

**Chapter 3**  
**Baselines**  
**Article 4**

1. The baseline for measuring the breadth of the territorial sea is:
  - a. the low-water line along the coast;
  - b. the low-water line along low-tide elevations which are submerged at high tide and which are wholly or partly situated within 12 nautical miles from the low-water line along the coast; and,
  - c. the straight baselines as determined in accordance with Article 6.

**Article 5**

The baseline constitutes the boundary between the inland waters and the territorial sea of the State.

**Article 6**

1. Geodetic lines are drawn between the below-mentioned points:
  - a. Between the western and eastern banks of the Corantijn River: the starting point of the lateral limit of the territorial sea of Suriname on the low-water line along the western bank of the Corantijn River and the point situated at 6° 1' 00" N; 56° 58' 30" W.
  - b. Between the western and eastern banks of the Coppename River: the point situated at 5° 50' 27" N; 56° 06' 24" W and the point situated at 5° 54' 00" N; 55° 57' 00" W.
  - c. Between the western and eastern banks of the Suriname River: the point situated at 5° 58' 32" N; 55° 20' 57" W and the point situated at 5° 57' 11" N; 55° 9' 28" W.
  - d. Between the western bank of the Marowijne River and the end-point of the land frontier between the Republic of Suriname and the French Republic in the Marowijne River: the point situated at 5° 49' 43" N; 54° 01' 01" W and the end-point of the frontier between the Republic of Suriname and the French Republic in the Marowijne River.
2. The straight lines determined in paragraph 1 of this Article also form part of the baseline insofar as these lines are seaward of the low-water line along the coast.
3. The position of the points mentioned in paragraph 1 above is specified in the WGS84 (World Geodetic System 1984).
4. If a shift of the zero isobath as shown on the nautical charts officially recognized by the Surinamese Government results in any point determined under paragraph 1 of this Article to be seaward of the low-water line, a corresponding point which is on or landward of the low-water line may be determined by State Decree.

**Chapter 4**  
**Contiguous Zone**  
**Article 7**

The area adjacent to and extending from the outer limit of the territorial sea of the State to a distance of 24 nautical miles measured from the baseline, from which the breadth of the territorial sea is measured, is designated as the contiguous zone.

**Article 8**

1. In the contiguous zone, the State shall exercise control in order to:
  - a. prevent infringement of its customs, tax, immigration and health laws and regulations which are applicable within its territory or territorial sea;
  - b. punish infringement of the above laws and regulations committed within its territory or territorial sea.
2. By State Decree further rules may be laid down for the purposes of the provisions of the above paragraph 1.
3. It is forbidden for everyone to remove objects of archaeological or historical value from the seabed within the contiguous zone without prior authorization granted by State Decree. Article 11 paragraphs 2 and 3 are applicable to such an authorization.

**Chapter 5**  
**Exclusive Economic Zone**  
**Article 9**

The area adjacent to and extending from the outer limit of the State's territorial sea to a distance of 200 nautical miles measured from the baseline, from which the breadth of the territorial sea is measured, is designated as the exclusive economic zone.

Article 10

1. In the exclusive economic zone the State has:
  - a. sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living and non-living, of the seabed and its subsoil as well as the waters super adjacent thereto, and with regard to other activities for the economic exploitation and exploration of the exclusive economic zone, such as the production of energy from the water, currents and winds;
  - b. jurisdiction with regard to:
    - (1) the establishment and use of artificial islands, installations and structures;
    - (2) marine scientific research;
    - (3) the protection and preservation of the marine environment;
  - c. other rights and duties provided for in international law.
2. The State shall exercise its rights and jurisdiction with due regard for international law.

## **Article 11**

1. It is forbidden for everyone, without prior authorization granted by State Decree, to perform in the exclusive economic zone any acts which infringe the sovereign rights as referred to in Article 10 or the jurisdiction relating to the subjects mentioned in Article 10 paragraph 1 under b sub 1 and 2.
2. By State Decree general conditions may be issued which must be met by any concession holder in relation to among other things the protection of the environment, the protection of the freedom of conducting scientific research on the seabed. When granting authorization, specific conditions may be laid down in addition or obligations attached thereto.
3. Any authorization may be revoked at all times on account of acting in contravention of one or more of the conditions or obligations under which the same has been granted and furthermore, at the exclusive discretion of the competent authority, for reasons of public interest or the interests of the State. Any corresponding decision shall mention the reasons on which it is based. Derogation from the foregoing is allowed in special cases.

## **Article 12**

1. It is forbidden for everyone to effect any deliberate disposal of wastes and other matter within the exclusive economic zone, without prior authorization granted by State Decree. Article 11, paragraphs 2 and 3, is applicable to such authorization.
2. Deliberate disposal of wastes and other matter means:
  - a. any deliberate disposal of wastes and other matter from vessels, aircraft, platforms or other man-made structures at sea;
  - b. any deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea;
  - c. storage on the seabed and its subsoil of waste or other matter from vessels, aircraft, platforms or other man-made structures at sea; and,
  - d. abandonment or on-site tilting of platforms or other man-made structures at sea.
3. Deliberate disposal of wastes and other matter does not include:
  - a. the disposal of wastes or other matter incidental to, or derived from the operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or other man-made structures;
  - b. placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this act or other acts or State Decrees based thereon;
  - c. the disposal of storage of wastes or other matter, directly or indirectly derived from the exploration, the development and the processing at sea of minerals which are found in the seabed;

- d. irrespective of the provisions under Article 12, paragraph 2 under (d), the abandonment at sea of matter placed for a purpose other than the mere disposal thereof.

### Article 13

In the exclusive economic zone, having due regard to international law, all States shall have:

- a. freedom of navigation;
- b. freedom of overflight;
- c. freedom to lay submarine cables and pipelines;
- d. the right to exercise other internationally legitimate uses of the sea incidental to the freedoms mentioned under a, b and c, such as those relating to the normal operations of vessels, aircraft and submarine cables and pipelines.

## Chapter 6 Continental Shelf Article 14

1. The seabed and the subsoil of the area adjacent to and extending from the outer limit of the territorial sea of the State up to the outer limit indicated in paragraph 2, are designated as the continental shelf.
2. The outer limit of the continental shelf is formed by the geodetic lines between the following fixed points defined by coordinates of latitude and longitude expressed in the WGS84 (World Geodetic System 1984):

**OL-SUR-01** 10° 20' 41.0255" N 51° 56' 53.4917" W  
**OL-SUR-02** 10° 32' 42.5394" N 52° 17' 13.6281" W  
**OL-SUR-03** 11° 10' 47.8018" N 52° 33' 57.1475" W  
**OL-SUR-04** 11° 14' 25.3949" N 53° 03' 27.7128" W  
**OL-SUR-05** 11° 22' 52.7738" N 53° 42' 28.7868" W  
**OL-SUR-06** 11° 38' 10.7106" N 54° 11' 23.7185" W  
**OL-SUR-07** 11° 49' 44.3694" N 54° 16' 32.6045" W  
**OL-SUR-08** 11° 49' 45.0006" N 54° 17' 53.9395" W  
**OL-SUR-09** 11° 49' 55.6781" N 54° 19' 53.2367" W  
**OL-SUR-10** 11° 50' 06.3417" N 54° 21' 52.5365" W  
**OL-SUR-11** 11° 50' 16.9913" N 54° 23' 51.8389" W  
**OL-SUR-12** 11° 50' 27.6270" N 54° 25' 51.1438" W  
**OL-SUR-13** 11° 50' 37.1952" N 54° 27' 47.1663" W  
**OL-SUR-14** 11° 50' 46.7503" N 54° 29' 43.1911" W  
**OL-SUR-15** 11° 50' 56.2921" N 54° 31' 39.2182" W  
**OL-SUR-16** 11° 51' 05.8207" N 54° 33' 35.2474" W  
**OL-SUR-17** 11° 51' 15.3362" N 54° 35' 31.2789" W  
**OL-SUR-18** 11° 51' 24.8384" N 54° 37' 27.3126" W  
**OL-SUR-19** 11° 51' 34.3274" N 54° 39' 23.3486" W

3. If the delineation of the seaward limit of the continental shelf with neighbouring States requires a change of the outer limit of the continental shelf, such change shall be laid down by State Decree with due regard of international law.

### **Article 15**

1. Over the continental shelf the State shall have:
  - a. sovereign rights for the purpose of exploring and exploiting the natural resources of the shelf, including living organisms belonging to the sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil;
  - b. jurisdiction with regard to:
    - (1) the establishment and use of artificial islands, installations and structures;
    - (2) marine scientific research;
    - (3) the protection and preservation of the marine environment;
  - c. other rights and duties provided for in international law.
2. The State shall exercise its rights and jurisdiction with due regard for international law.

### **Article 16**

It is forbidden for everyone, without prior authorization granted by State Decree, to perform on the continental shelf any acts which infringe the sovereign rights as referred to in Article 15 or the jurisdiction relating to the subjects mentioned in Article 15 paragraph 1 under b sub 1 and 2. Article 11, paragraphs 2 and 3, is applicable to such authorization.

### **Article 17**

1. It is forbidden for everyone to effect any deliberate disposal of wastes and other matter on the continental shelf, without prior authorization granted by State Decree. Article 11, paragraphs 2 and 3, is applicable to such authorization
2. Article 12, paragraphs 2 and 3, is applicable to the above paragraph.

### **Article 18**

All States, with due regard to international law, have the freedom to lay submarine cables and pipelines, and the right to exercise other internationally legitimate uses of the sea incidental to this freedom.

### **Article 19**

By State Decree, rules may be laid down for the purposes of the obligations of the State under Article 82 of the Maritime Law Convention.

## **Chapter 7 Delimitation and Publication**

### **Article 20**

If the territorial sea, the contiguous zone, the exclusive economic zone or the continental shelf of the State overlaps with the territorial sea, the contiguous zone, the exclusive economic zone or

the continental shelf of a neighbouring State, the sideward limit of these zones shall be established by means of agreement with the State concerned on the basis of international law.

#### **Article 21**

The Minister of Foreign Affairs shall publish the baseline, the outer limits of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of the State and the boundaries of these zones as established in accordance with Article 20.

### **Chapter 8 Penal Provisions Article 22**

Any deliberate infringement of regulations given by or in virtue of this act shall be punishable with imprisonment not exceeding six years and a fine of the sixth category.

#### **Article 23**

Non-deliberate infringement of the regulations given by or in virtue of this act shall be punishable with imprisonment not exceeding one year and a fine of the third category, or with either one of these penalties.

#### **Article 24**

He who does not, or does not timely or wholly meet one or more of the conditions attached to the authorization as referred to in Articles 8, 11, 12, 16 and 17 or acts in contravention of such conditions, shall be liable to punishment with imprisonment not exceeding six months and a fine of the third category, or with either one of these penalties.

#### **Article 25**

The acts made punishable under Article 22 are considered as crimes and those made punishable under Articles 23 and 24 are considered as offences.

#### **Article 26**

The objects used to commit the punishable acts described in Articles 22, 23 and 24, as well as the proceeds from the punishable act, may be confiscated in accordance with the Criminal Code.

#### **Article 27**

1. If the perpetrator is unknown, or has died before the start of the prosecution, confiscation may be effected by judicial order at request of the Public Prosecutions Department.
2. The order shall be publicized by the Court Clerk in the Official Gazette of the Republic of Suriname and/or in one or more newspapers to be designated by the Court.

3. The order shall take effect, unless any interested party files an objection with the Court Registry within 30 days from its publication and further investigation does not offer proof that any punishable act has been committed with regard to the items concerned.
4. The Procurator General may bring an appeal to the Court of Justice against the orders given by virtue of paragraph 1, within fourteen days. The same applies to orders given in relation to any objection filed by virtue of paragraph 3.

#### **Article 28**

1. In addition to the persons designated by Article 134 of the Code of Criminal Procedure, also charged with detecting acts made punishable under or by virtue of this act are the authorized investigating officers of the Suriname Coast Guard and the persons designated by the Ministers of Foreign Affairs, of Agriculture, Animal Husbandry and Fisheries and of Natural Resources, in consultation with the Minister responsible for judicial affairs and the Procurator General.
2. The investigating officers are authorized at all times to confiscate, or demand delivery for the purposes of confiscation, all objects which may serve to detect the truth or which may be ordered confiscated, destroyed or rendered inoperable.

#### **Article 29**

1. If the items confiscated pursuant to Article 28 comprise perishable goods or objects, the Procurator General may grant permission to sell such goods or objects.
2. Such sale shall be effected in public by investigating officers in accordance with the relevant provisions in the Criminal Code.

### **Chapter 9**

#### **Amendment of the 1980 Sea Fisheries Act and the Mining Decree**

#### **Article 30**

The following amendments shall be effected in the 1980 Sea Fisheries Act:

A. Article 1 sub a shall read as follows:

‘the act:                   the Maritime Zones Act of the State.

B. Article 1 sub d shall read as follows:

‘fishing zone:       a zone which includes both the territorial sea, referred to and described in Articles 1, 2 and 3 of the Maritime Zones Act, and the exclusive economic zone, referred to and described in Articles 1, 9 and 10 of the Maritime Zones Act, as well as the continental shelf, referred to and described in Articles 1, 14 and 15 of the Maritime Zones Act.

#### **Article 31**

The following amendments shall be effected in the Mining Decree:

- A. In Article 2 paragraph 2 the phrase ‘the Act of 14 April 1978 (S.B. 1978 No. 26) shall be replaced by: ‘the Maritime Zones Act’.
- B. In Article 2 paragraph 3 the sentence ‘In the economic zone, i.e. the maritime area adjacent to the territorial sea of the Republic of Suriname, which zones is described in Article 3 of the Act of Act of 14 April 1978 (S.B. 1978 No. 26)’ shall be replaced by: ‘the exclusive economic zone, which is described and determined in Article 1 sub f and Article 9 of the Maritime Zones Act’.
- C. Article 2 paragraph 4 shall read:  
On the continental shelf. i.e. the seabed and its subsoil of the zone beyond the territorial sea, referred to and described in Articles 14 and 15 of this act, the State shall exercise also exclusive sovereign rights in relation to the exploration and exploitation of minerals.

**Chapter 10**  
**General, Transitional and Final Provisions**  
**Article 32**

1. If the matters provided for in this act require further regulation in the interest of an appropriate implementation of this act, this may be arranged by State Decree.
2. On the entry into force of this act, the Act of 14 April 1978 providing for the extension of the territorial sea of the Republic of Suriname and the establishment of the adjacent economic zone (S.B. 1978 No. 26) shall be repealed.

**Article 33**

The following annexes pertaining to this act shall be an integral part of this Act:

1. Chart of the outer limit of the Maritime Zones of the State.
2. List of geographical coordinates of the outer limit of the continental shelf of the State.

**Article 34**

1. Without prejudice to the provisions of this act, the State exercises its supervisory and protective functions in the territorial sea, the exclusive economic zone and the continental shelf, in accordance with or pursuant to:
  - 1°. the Act Establishing the Coast Guard;
  - 2°. the Sea Fisheries Act 1980;
  - 3°. the Fisheries Resources Protection Act 1961;
  - 4°. the Shipping Act;
  - 5°. the Mining Decree;
  - 6°. the Criminal Code;
2. The list of acts as referred to under paragraph 1 may be amended by State Decree.

### **Article 35**

1. This act may be cited as: Maritime Zones Act.
2. It shall be published in the Bulletin of Acts and Decrees of the Republic of Suriname.
3. It shall become effective as of the day following the day of its promulgation.
4. The Ministers of Natural Resources, of Agriculture, Animal Husbandry and Fisheries, and of Foreign Affairs shall be in charge of the implementation of this Act.

Done in Paramaribo, on 7 April 2017

**DESIRÉ D. BOUTERSE**

Issued in Paramaribo, 5 May 2017  
The Minister of Home Affairs,

**M.M.F. NOERSALIM.**

## **EXPLANATORY MEMORANDUM**

### **GENERAL**

The present act aims to lay down the size of the maritime zones of the Republic of Suriname and the powers which the Republic of Suriname may exercise in these zones in one act. This act is to replace of the Act of 14 April 1978 extending the territorial sea of the Republic of Suriname and establishing the adjacent economic zone (hereinafter referred to as the Act of 14 April 1978). Apart from the solution ultimately adopted of drafting a new act, it was considered to adjust the Act of 14 April 1978. For a number of reasons, the following approach has been adopted. In the first place it may be noted that the Act of 14 April 1978 was drafted at the time negotiations on the United Nations Convention on the Law of the Sea (hereinafter referred to as the Maritime Law Convention) were ongoing at the third Conference of the United Nations on the law of the sea, which was held between 1973 and 1982. As a consequence, the authors of the Act of 14 April 1978 were unable to make use of the final text of the Law of the Sea Convention. Suriname ratified the Law of the Sea Convention on 9 July 1998. In light of this ratification and the fact that the Law of the Sea Convention is generally accepted as the framework for regulating the rights and duties of coastal states in relation to their maritime zones, it is considered appropriate to align the relevant legislation of Suriname to the provisions of the Convention in every respect. Secondly, it can be noted that the Act of 14 April 1978 does not contain any provision regarding the definition of the contiguous zone and the continental shelf, or the substantive regimes of these zones. Finally, it is considered desirable to give a further definition of Suriname's baseline which is relevant to determining the outer limit of the maritime zones of Suriname and to provide for the publishing of the position of the boundaries of Suriname's maritime zones.

This concerns Suriname's obligations under the Law of the Sea Convention which at the same time serve Suriname's interests, i.e. clarifying the size of Suriname's maritime zones and thus the scope of Suriname's legislation applicable to these zones. Suriname's maritime zones comprise the territorial sea (Article 2, Chapter 2), the contiguous zone (Article 4, Chapter 7), the exclusive economic zone (Article 9, Chapter 5) and the continental shelf (Article 14, Chapter 6). The integration of the above matters would result in a complex amendment process relating to the Act of 14 April 1978. For this reason it was decided to draft a new law. Here, it should be noted that, insofar it is considered appropriate, the present act builds on the Act of 14 April 1978. This relates, for example, to the penal provisions contained in Articles 7 through 16 of the Act of 14 April 1978. These provisions have been incorporated almost in full in the present act, whereby the articles were renumbered and the maximum amounts adjusted for the fines mentioned in the penal provisions.

As can be assumed from the foregoing, this act is specifically aimed at using the possibilities offered by the Law of the Sea Convention to further complete the definition of Suriname's maritime zones in order to exercise the powers of the coastal states in these zones under this Convention. This is reflected, among other things, in the establishment of the contiguous zone provided for. In this zone, which is adjacent to the territorial sea and can extend up to 24 nautical miles from the coast, by virtue of Article 33 of the Law of the Sea Convention, the coastal state may exercise the control necessary to: (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea; (b) punish infringement of the above laws and regulations committed within its territory or territorial sea. In

addition, Article 303, paragraph 2, of the Law of the Sea Convention confers on the coastal state the right to take measures for the protection of objects of an archaeological and historical nature found on the seabed in the contiguous zone.

As mentioned above, the act also provides for a further definition of Suriname's baseline. Specifically the determination of the closing lines in the major rivers of Suriname is of interest in this regard. These closing lines not only form part of Suriname's baseline for the purposes of determining the outer limit of Suriname's maritime zones, but they also form the boundary between the territorial sea and the internal waters of Suriname. Under the Law of the Sea Convention, vessels of other states enjoy the right of innocent passage through the territorial sea, in accordance with the provisions of the Convention, whereas this right does not exist in the internal waters. Innocent passage is a maritime law principle, according to which vessels may traverse the territorial waters of another state if they respect certain restrictions. These restrictions are included in Article 19 of the Law of the Sea Convention and a further specification of the restrictions may be found in Article 19, paragraph 2, of the Law of the Sea Convention.

This act also provides for a definition of the continental shelf and the determination of the outer edge of the continental margin of Suriname. On 5 December 2008, in accordance with Article 76 of the Law of the Sea Convention, Suriname submitted data on this outer edge with the Commission on the Limits of the Continental Shelf. On 30 March 2011 the Commission presented recommendations on the proposed outer edge to Suriname. In its recommendations, the Commission based itself on Suriname's proposal of 17 March 2011 regarding the outer edge of the continental margin. This proposal filed by Suriname, slightly deviated for two of the in total 19 points of the outer edge of the continental margin from the outer edge which was proposed to the Commission on 5 December 2008. With the recommendations presented by the Commission, Suriname can proceed to delimit the outer edge of the continental margin. As provided by Article 76, paragraph 10 of the Law of the Sea Convention, such final determination of the outer edge of the continental margin is without prejudice to the delimitation of the continental shelf between neighbouring states. Such delimitation will be the subject of future negotiations with the neighbouring countries concerned. Article 20 of the present act presents Suriname's views on how the boundaries should be determined. For a further explanation of this provision, see the following comments article. An overview of the outer limits of the maritime zones of the Republic of Suriname determined in accordance with the law and established international sea boundaries is included on the chart annexed to this Explanatory Memorandum.

The act also provides for compliance with a number of obligations Suriname has under the Law of the Sea Convention with regard to its maritime zones. In the first place this involves the obligation to give due publicity to the limits of Suriname's maritime zones. This is also in the interest of Suriname. Other States, and vessels and persons in the maritime zone of Suriname, will not be able to claim that insufficient publicity was given to the limits of Suriname's maritime zones. The act furthermore provides for the possibility of regulations for the purposes of Suriname's obligations as a coastal state under Article 82 of the Law of the Sea Convention as regards the continental shelf beyond 200 nautical miles. Article 82 requires coastal states to make payments or contributions in kind to the international community in respect of the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles. At the moment no investigations are anticipated on this part of the continental shelf of Suriname. However, it is considered advisable to create already a legal basis for compliance with the potential future obligations of Suriname under Article 82 of the Law of the Sea Convention.

Through the opportune establishment of regulations, the division of potential costs relating to the implementation of article 82 between the Suriname Government and the companies involved in the exploitation of the resources will be transparent prior to the start of exploration and exploitation activities.

## **EXPLANATORY NOTES ON INDIVIDUAL ARTICLES**

### **Chapter 2 – Territorial Sea Article 2**

Article 2 of the Act defines the legal status of the territorial sea and the air space over the territorial sea and its subsoil. Article 2 aligns to Article 1 of the Law of the Sea Convention and in essence marches Article 1 of the Act of 14 April 1978. Suriname's sovereignty extends to the territorial sea, the air space over the territorial sea and the subsoil of the territorial sea. The main restriction on exercising the sovereignty is the right of innocent passage by vessels of all States. Paragraph 4 of Article 2 confirms the existence of this right, which must be exercised in accordance with the provisions of the Law of the Sea Convention (Articles 17 through 32). The Law of the Sea Convention also mentions the possibilities open to the coastal state to take measures against passage which is not innocent.

### **Article 3**

Article 3 of the Act establishes that the breadth of the territorial sea is 12 nautical miles. One nautical mile equals 1852 metres. The breadth of 12 nautical miles corresponds to the maximum breadth possible in accordance with Article 3 of the Law of the Sea Convention. This has been the breadth of Suriname's territorial sea since the entry into effect of the Act of 14 April 1978. Before that, the breadth of Suriname's territorial sea was 3 nautical miles.

### **Chapter 3 – Baselines**

Chapter 3 of the Act refers to the baseline of the territorial sea. The baseline is a line along the coast which is of importance to determine the extent of all maritime zones of a State. Also, the baseline forms the boundary between the inland waters and the territorial sea of a State. A right of passage for ships of other countries exists in the territorial sea of a State. This right does not exist in the internal waters.

The basis for establishing the baseline is the so-called normal baseline (low-water line). In this respect, Article 5 of the Law of the Sea Convention stipulates that:

Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

The Law of the Sea Convention includes a number of provisions which allow States to apply a straight baseline instead of the thus defined normal baseline. For Suriname, the drawing of straight baselines is of importance because of the course of the low-water line in the mouths of the four large rivers. Where the low-water line along the coast of Suriname in general progresses to the north, in the mouths of the large rivers the low-water line departs to the south.

This would mean that a large part of these rivers would form part of the territorial sea. Because it is generally recognized that such a situation is undesirable, international law allows the coastal state to draw a straight line between the banks of a river in these cases. Insofar as this straight line is on the seaward side of the low-water line, thus in sea, this straight line forms also part of the baseline.

In determining straight baselines in the four major rivers of Suriname, Article 10 of the Law of the Sea Convention on bays is of relevance and not so Article 9, which refers to rivers. As appears from the origins of Article 9, this provision applies to rivers that flow directly into the sea, without forming an estuary. In the case of estuaries, Article 10 of the Law of the Sea Convention may be applied by analogy. All large rivers in Suriname form an estuary and consequently, for the purposes of drawing closing lines in these rivers, Article 10 of the Law of the Sea Convention may be taken into consideration. Article 10 of the Law of the Sea Convention provides, among other things, that the maximum length of such closing lines can amount to 24 nautical miles. This provision has no practical meaning for Suriname, since possible closing lines measure less than this distance.

Apart from Article 5 and Article 10 of the Law of the Sea Convention, Article 13 of the Convention may also be mentioned, which provides for low-tide elevations. A low-tide elevation is defined in Article 13 paragraph 1 as “a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide”. In the event that a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea (Law of the Sea Convention, Article 13 paragraph 1). According to the relevant nautical charts a low-tide elevation is situated at the mouth of the Marowijne, which can form part of the baseline of Suriname. The northernmost part of this low-tide elevation, which is on the seaward side of the proposed closing line in the Marowijne, is relevant for the purpose of determining the outer limit of Suriname’s territorial sea. In view of the dynamics of Suriname’s coast, it cannot be ruled out that in the future, other low-tide elevations will emerge which will be of relevance for determining Suriname’s baseline.

The Act of 14 April 1978 Article 2 states that Suriname for the purpose of determining the outer limit of the territorial sea “applies the zero metre isobath, the so-called baseline along the coast”. The Explanatory Memorandum with the Act of 14 April 1978 more precisely defines the baseline (zero metre isobath): The zero metre isobath along the Surinamese coast is shown on the hydrographical chart No. 2017 of April 1961. This chart was reissued in January 1971, at a scale of 1:750 000, and officially recognized by the Suriname Government. The zero metre isobath lies 18 dm below the mean level (Normal Suriname Level).

This Explanatory Memorandum also shows that provisions have been made for applying closing lines as baselines in Suriname’s rivers:

At the locations where the rivers directly flow into the sea, the baseline is a straight line across the mouth of the river between the zero metre isobath of its banks.

From Article 2 of the Act of 14 April 1978 and the Explanatory Memorandum to the Maritime Zones Act it appears that this Act, in determining the baseline, made use of a combination of the normal baseline as defined in Article 5 of the Law of the Sea Convention and closing lines in the meaning of Article 9 of this Convention.

The Act of 14 April 1978 is therefore based on the provisions of the Law of the Sea Convention. However, it is considered feasible to update the definition of the normal baseline and the closing

lines across the rivers in the legislation of Suriname. The following considerations have been taken into account:

1. In view of the importance of the baseline for the purposed of defining the extent of Suriname's maritime zones, it is considered appropriate to give a more precise definition of the baseline. This concerns both the definition of the normal baseline and the definition of the closing line across the rivers.
2. The Explanatory Memorandum to the Act of 14 April 1978 refers to chart No. 2017 as reissued in 1971. At present there are also more recent charts of a larger scale. It is considered appropriate to specify that these charts are relevant also for the purpose of determining the normal baseline of Suriname.
3. The Explanatory Memorandum to the Act of 14 April 1978 defines the zero metre isobath referring to the mean level as relevant low water. The Suriname Maritime Authority is considering the transition to the so-called lowest astronomical tide as low water for the purposes of determining the low-water line on nautical charts of the Suriname coast. Such transition is in accordance with the agreements reached in the matter within the framework of the International Hydrographic Organization, of which Suriname is a member. It is considered appropriate when drafting new provisions regarding the baseline, to take into account the proposed transition of mean level to lowest astronomical tide.
4. The Explanatory Memorandum to the Act of 14 April 1978 does not define the closing line for rivers by means of geographical coordinates. As a consequence it is not possible to achieve a uniform determination of the position of such closing lines. And,
5. Updating the provisions relating to the baseline of the Act of 14 April 1978 allows taking into consideration Article 13 of the Law of the Sea Convention with regard to low-tide elevations.

Chapter 3 of the Act is based on the relevant provisions of the Law of the Sea Convention and the above considerations. With regard to the separate article, the following observations may be made.

#### **Article 4**

Article 4 of the Act defines the baseline of Suriname in accordance with the provisions of the Law of the Sea Convention which are of relevance for the purposes of determining this baseline. Article 4 paragraph 2 refers to the nautical charts officially recognized by the Government of Suriname. In addition to nautical chart No. 2017, to which the Explanatory Memorandum of the Act of 14 April 1978 refers, there are now also nautical charts of a larger scale available for large parts of the coast of Suriname.

In accordance with Article 5 of the Law of the Sea Convention, these large-scale nautical charts in these cases are the charts which determine the baseline of Suriname. It concerns, in addition to nautical chart No. 2017, the nautical charts Nos. 2014, 2218 and 2228. The definition under

Article 4 paragraph 2 implies that when these charts are republished, the new publications will be the officially recognized charts. The same applies in the event that new large-scale charts will be issued for other parts of the coast of Suriname in the future. Article 4 paragraph 2 does not refer to the mean level as relevant low water. By reference to the relevant nautical charts, which do not apply the mean level as relevant low water, such reference has been incorporated implicitly.

This wording of Article 4 paragraph 2 also implies that when the relevant nautical charts introduce the conversion to the lowest astronomical tide, this low water will define the low-water line within the meaning of the Act. The transition from mean level to lowest astronomical tide is prompted by considerations relating to maritime safety. In general, the transition means that the low-water line will move towards the sea. The distance of this shift more specifically will depend on the course of the bed. In case of a steeply sloping bed, the difference will be less marked than in the event of a gradual slope.

### **Article 5**

Article 5 of the Act provides that the baseline as defined in Article 4 forms the boundary between the inland waters and the territorial sea of Suriname. This provision is of importance in particular for the determination of the extent of the inland waters in the mouths of the large rivers of Suriname. This definition also means that areas situated between the low-water line and the high-water line along the coast form part of the inland waters. In the inland waters of Suriname in principle the same legal regime applies as in the remaining territory of Suriname. As indicated in Article 2 of the Act, the right of innocent passage exists for vessels of all States in the territorial sea of Suriname.

### **Article 6**

Article 6 of the Act defines closing lines in the four major rivers of Suriname (the Corantijn, the Coppename, the Suriname and the Marowijne rivers). The position of these closing lines is shown on the chart, included at the end of this Explanatory Memorandum.

In the first place, with regard to these closing lines it can be observed that these are to the north of the tributaries which are situated in the mouths of three of the four major rivers (Nickerie in the case of the Corantijn, Saramacca in the case of the Coppename and Commewijne in the case of the Suriname River). Consequently, these tributaries are situated in full within the internal waters of Suriname. More in general, the observation can be made that the drawing of closing lines in the major rivers of Suriname does not result in a change of the legal regime applicable to these rivers. These rivers have always been part of the internal waters of Suriname. The drawing of closing lines does not result in clarity as to the exact extent of the internal waters of Suriname. In determining the closing lines, the provisions of Article 10 of the Law of the Sea Convention have been taken into consideration. All these closing lines measure less than 24 nautical miles. Furthermore, it may be remarked that the test mentioned in paragraph 3 of Article 11, is satisfied. To determine the part of the rivers which is relevant to this test, the point at which the tidal flow in a river is still noticed is taken as a basis.

Finally, a few short remarks relating to the specific location of the closing lines in the separate rivers are appropriate. In the case of the Corantijn River, consideration must be given to the position of the sea boundary between Suriname and Guyana which was established by the award

of 17 September 2007 of the tribunal in the arbitration under the Law of the Sea Convention between Suriname and Guyana. The award of the tribunal determines that the border in the territorial sea between the two countries starts at the point where a line of  $10^{\circ}$  drawn from the so-called marker B with coordinates  $5^{\circ} 59' 46.21''$  N;  $57^{\circ} 08' 50.48''$  W intersects the low-water line. The award does not define the geographical coordinates of this point on the low-water line. The reason for this approach is explained in the annex to the award of the tribunal.

This annex, which contains the report by David Gray, the Tribunal's hydrographer, in respect to this point states:

"The location of Point 1 of the Award is the intersection of Low Water Line (LWL) along the west bank of the Corentyne River and a geodetic line through Marker "B" which has an initial azimuth of  $N10^{\circ}E$ . Since this point moves with any movement of the Low Water Line, no geographical coordinates can be provided" (Technical Report of the Tribunal's Hydrographer, para.3).

The location of Point 1 can be determined in geographical coordinates on the basis of the relevant nautical chart applicable to this area at any given moment. Given the course of the low-water line along the west bank of the Corantijn River, the westernmost part of the line established is on the landward side of the low-water line. This means that the part of the line that helps form the baseline of Suriname now starts at the point with the geographical coordinates  $6^{\circ} 01' 32''$  N;  $57^{\circ} 08' 18''$  W. This is in accordance with the provisions of Article 6 paragraph 4 of the Act. Between this point in geographical coordinates and Point 1, Suriname's baseline is formed by the low-water line.

In selecting the end point on the east bank of the Corantijn River, the course of the coast was taken into consideration. In general, when determining end points of closing lines, the area showing a clear change in the direction of the coast is taken into consideration. Such an area may be considered as the area where the bank of a river turns into the sea coast. This method was applied in determining the end point on the east bank of the Corantijn River. This same method was applied for the end point on the east bank of the Coppename and the Suriname rivers and the west bank of the Marowijne River. As regards the west bank of the Coppename and the Suriname rivers, the problem is that there is no clear change of the direction of the coast.

Consequently, in this case points have been selected of which it may reasonably be stated that these can be used. It may also be stated that the further westward shift of these points within the mouth area of the rivers concerned has little influence on the position of the end points concerned.

In the case of the Marowijne River, the western end point of the closing line which was established during negotiations between Suriname and the French Republic on the common border of the two countries was used in determining the western end point of the closing line. This closing line runs from this point on the Surinamese bank to a point on the eastern (French-Guianese) bank of the Marowijne River. The straight base line of Suriname in the river can only continue to the border with France. Because the end point of this border has not been agreed yet, this end point still needs to be expressed in coordinates. As soon as this end point has been agreed, this point will also define the closing line in the Marowijne River. Until the moment when this agreement is reached, the line as defined during negotiations with France will be applied as closing line.

If the end points of the closing lines defined in geographical coordinates are placed on the relevant nautical maps, it can be noted that these in general are on the landward side of the low-water line. This approach represents a conscious decision. If end points on the low-water line

along the coast would have been selected, it would be possible that in the event of a shift of this low-water line the end points would move into the sea and by consequence, the closing line would no longer align with the normal baseline, so that the boundary between the territorial sea and the inland waters would not be established in part.

As indicated by Article 6 paragraph 2, closing lines do not integrally form part of the baseline, only the part of the closing lines from the point of their intersection with the low-water line along the west bank of the rivers up to their intersection on the east bank of the rivers, and in the case of the Marowijne, with the intersection with the land border with France in the Marowijne.

Despite the approach chosen to place the end points of the closing lines on the landward side of the low-water line along the coast, it cannot be ruled out that an end point of one of the closing lines will be at sea in the event that the low-water line will shift over a greater distance in the future.

Where appropriate, in accordance with Article 6, paragraph 4, of the Act a corresponding end point shall be determined which will be on the landward side of the low-water line. There are several systems for recording geographical coordinates. The same coordinates can be at a different point on the coast in the different systems. So as to avoid such ambiguity, Article 6 paragraph 3 of the Act provides that the WGS 84 is used for coordinates contained in Article 6. The World Geodetic System (WGS) is an international standard for use in cartography, geodesy and navigation. It consists of a standard coordinate system for the Earth, a standard reference surface (the datum or the reference ellipsoid) for raw altitude data, and a gravitational equipotential surface (the geoid) which defines the nominal sea level.

Even with regard to the proposed approach of drawing closing lines in the four major rivers of Suriname it cannot be completely ruled out that in the future one of the points defining these lines will shift to the seaward side of the low-water line. Article 6 paragraph 4 of the Act provides that in such a case a corresponding point may be fixed by State Decree. This is considered to be the most appropriate method to effect such a simple amendment to Article 6.

## **Chapter 4 – Contiguous Zone**

### **Article 7**

Article 7 of the Act provides for the extent of the contiguous zone of Suriname. In determining the outer limit of the contiguous zone, the maximum breadth allowed of 24 nautical miles contained in Article 33 paragraph 2 of the Law of the Sea Convention is maintained.

### **Article 8**

The scope of the powers of Suriname in the contiguous zone is defined in Article 8 of the Act. In this definition it has been endeavoured to establish as close consistency as possible with relevant provisions of the Law of the Sea Convention (Article 33, paragraph 1 and Article 303, paragraph 2).

In the case of Article 8 paragraph 3 it was decided to opt for a general prohibition on the removal of objects of an archaeological and historical nature from the seabed in the contiguous zone without the approval of the Surinamese authorities, in accordance with what is allowed under Article 303 paragraph 2 of the Law of the Sea Convention. This prohibition is not applicable to

the inadvertent removal of objects of an archaeological and historical nature within the scope of legitimate activities, such as fisheries.

## **Chapter 5 – Exclusive Economic Zone**

Chapter 5 of the Act is based on Articles 3 through 6 of the Act of 14 April 1978. In order to establish as close consistency as possible with Article 56 of the Law of the Sea Convention, Article 4, paragraphs 1 and 2 of the Act of 14 April 1978 were combined. The main amendment relative to the Act of 14 April 1978 is that this Act determines that Suriname has jurisdiction over the activities mentioned in that paragraph, instead of requiring the adoption of a State Decree as was the case under Article 4 paragraph 2 of the Act of 14 April 1978. The approach selected excludes the performance of activities which infringe the jurisdiction of Suriname over the subjects mentioned in Article 10 in the absence of the State Decree and Suriname having to respect rights arisen out of such acts in the event of the adoption of a State Decree.

### **Article 9**

Article 9 of the Act determines the extent of the exclusive economic zone of Suriname. In determining the outer limit of the exclusive economic zone, the maximum breadth allowed of 200 nautical miles contained in Article 55 paragraph 2 of the Law of the Sea Convention is maintained. Under the Act of 14 April 1978, the economic zone of Suriname is of the same breadth.

### **Article 10**

Article 10 of the Act determines the sovereign rights, jurisdiction and duties of Suriname in the exclusive economic zone. The same enumeration of sovereign rights, jurisdiction and duties is contained in Article 56 of the Law of the Sea Convention. Article 10 paragraph 2 provides that Suriname exercises these rights and this jurisdiction with due regard for international law. In first instance, this reference to international law can relate to the Law of the Sea Convention. The Convention stipulate more specific rules regarding *inter alia* the exploitation of fishery resources and the exercise of jurisdiction with regard to the construction and use of artificial islands, installations and structures. The Convention in its Part XII lays down the requirements to be met by the coastal state's regulation governing its exclusive economic zone in the field of protection of the marine environment, and Part XIII of the Convention further provides for access of third States to the exclusive economic zone of the coastal state for the purpose of conducting marine scientific research. Suriname is bound by these rules in exercising its sovereign rules and jurisdiction in the exclusive economic zone.

### **Article 11**

Article 11 of the Act refers to authorizations for acts in relation to matters over which Suriname has sovereign rights and jurisdiction in the exclusive economic zone. Article 11, paragraphs 2 and 3 of this Act are identical to Article 6, paragraphs 2 and 3 of the Act of 14 April 1978. In addition to subjecting to authorization acts which constitute an infringement of Suriname's sovereign rights, Article 11, paragraph 1 of the Act also refers to Suriname's jurisdiction over the

activities mentioned in Article 10, paragraph 1 under b (1) and (2). This addition is necessary because of the wording of Article 10 of the Act which deviates from Article 4, paragraph 2 of the Act of 14 April 1978. It was decided not to refer also in Article 11 paragraph 1 of the Act to Article 10, paragraph 1 under b(3). Reference to this part of Article 10 in Article 11, paragraph 1, would result, for example, in any operational discharge of vessel becoming subject to authorization.

Besides, Article 33, paragraph 1 of the Act provides the possibility to further regulate the protection and preservation of the marine environment by State Decree.

### **Article 12**

Article 12 of the Act forbids everyone to carry out any deliberate disposal of waste and other matter in the exclusive economic zone of Suriname without prior authorization granted by State Decree. Suriname's authority to prohibit the disposal of waste and other matter is based on Article 210, paragraph 5 of the Law of the Sea Convention. Further regulations in respect of the deliberate disposal of waste and other matter are included in the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and in the 1996 Protocol to this Convention. Suriname is party to both instruments. The definition of the prohibition on the deliberate disposal of waste and other matters and the exceptions thereto was aligned to the definition under Article 1, paragraph 4 of the 1996 Protocol.

### **Article 13**

Article 58 of the Law of the Sea Convention guarantees other States a number of freedoms of communication in the exclusive economic zone of the coastal state. The recognition of these freedoms was explicitly incorporated in Article 5 of the Act of 14 April 1978. Article 13 of the Act also guarantees these freedoms. Article 13 under (d) of the Act aligns with the corresponding provision of the Article 58, paragraph 1 of the Law of the Sea Convention. As stated in Article 13, other States must exercise these freedoms with due regard to international law. They must comply with the laws and regulations adopted by the coastal state in accordance with the rules of international law.

## **Chapter 6 – Continental Shelf**

### **Article 14**

Article 14 of the Act defines the continental shelf of Suriname. The continental shelf is now defined in Article 2, paragraph 4 of the Mining Decree of 8 May 1986 in accordance with the provisions under Article 76 of the Law of the Sea Convention. Article 76 paragraph 1 of the Convention states that the continental shelf of a coastal state comprises the seabed and subsoil of the submarine areas that extend beyond its 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. If the continental margin extends beyond the distance of 200 nautical miles, the coastal state shall establish the outer edge of its continental margin in accordance with the remaining paragraphs of Article 76 of the Law of the Sea Convention. These paragraphs include, *inter alia*, other formulas which to determine the

outer edge precisely. They also prescribe rules regarding the maximum extent of the continental shelf. In the case of Suriname, the outer limit of the continental shelf cannot exceed 350 nautical miles from the baseline.

The main reason for adjusting the definition of the continental shelf as contained in the Mining Decree of 8 May 1986 is, as already mentioned in the general part of this explanatory memorandum, because Suriname can now proceed to determine the outer limit of its continental shelf beyond 200 nautical miles in accordance with Article 76 of the Law of the Sea Convention. Suriname submitted data to the Commission on the Limits of the Continental Shelf and has received recommendations from the Commission. Article 14 of the Act adopts the outer limit contained in the recommendations from the Commission to Suriname. From the point of view of the legislation system, it was decided to include the provision on the extent of the continental shelf in the legislation providing for the extent of all of Suriname's maritime zones instead of in the Mining Decree of 8 May 1986.

Suriname's continental shelf beyond 200 nautical miles overlaps the continental shelf beyond 200 nautical miles of a number of neighbouring countries.

Article 76 paragraph 10 of the Law of the Sea Convention means that the determination of the outer limit of the continental shelf of Suriname is without prejudice to the delimitation of this shelf with the continental shelf. Once delimitation agreements with the neighbouring countries concerned have been concluded, it will be clear whether these agreements require a modification of the outer limit of Suriname's continental shelf. The Act provides that such modification may be effected by State Decree.

### **Article 15**

Article 15 of the Act defines the scope of Suriname's sovereign rights and jurisdiction over the continental shelf. The Law of the Sea Convention in Article 77 provides that the coastal state has sovereign rights for the purpose of exploring and exploiting the natural resources of the continental shelf. The scope of Suriname's sovereign rights over the continental shelf is now incorporated under Article 2 paragraph 4 of the Mining Decree of 8 May 1986. In addition to this latter definition, the definition proposed also includes the living organisms belonging to the sedentary species. This is in accordance with the scope of the sovereign rights conferred on the coastal state under the Law of the Sea Convention. The definition of sedentary species is aligned to the provisions of Article 77 paragraph 4 of the Law of the Sea Convention. The significance of the reference to the living organisms belonging to the sedentary species is specifically in the fact that Suriname's continental shelf extends beyond the outer limit of Suriname's exclusive economic zone.

As in the exclusive economic zone, the Law of the Sea Convention confers to the coastal state jurisdiction on the continental shelf with respect to the establishment and use of artificial island, installations and structures, marine scientific research and the protection and preservation of the marine environment. These provisions are specifically important in the part of the continental shelf of Suriname which is on the seaward side of the outer limit of the exclusive economic zone. In this area, Suriname cannot exercise this jurisdiction on the basis of the jurisdiction Suriname has in the exclusive economic zone.

Article 15 paragraph 2 provides that Suriname exercises the rights and jurisdiction over the continental shelf with due regard for international law. This reference to international law may in

first instance relate to the Law of the Sea Convention. The Convention further provides for, *inter alia*, the exercise of jurisdiction over the construction and the use of artificial islands, installations and structures. The Convention also lays down in its Part XII the requirements to be met by the coastal state's legislation with respect to its exclusive economic zone in the field of the protection of the marine environment, and Part XIII of the Convention provides specifically for third States' access to the continental shelf of the coastal state for the purpose of conducting marine scientific research. Suriname is bound by these rules in exercising its sovereign rights and jurisdiction on the continental shelf.

### **Article 16**

Article 16 of the Act refers to authorizations for acts in relation to matters over which Suriname has sovereign rights and jurisdiction on the continental shelf. This article is in accordance with Article 11 of the Act, which covers the same subject for the exclusive economic zone, edited.

### **Article 17**

Article 17 of the Act forbids everyone to carry out any deliberate disposal of waste and other matter on the continental shelf of Suriname without prior authorization granted by State Decree. Suriname's authority to prohibit the disposal of waste and other matter is based on Article 210, paragraph 5 of the Law of the Sea Convention. Article 17 applies the same definitions as Article 12 of the Act to determine which actions may be considered as deliberate disposal of waste and other matter. These provisions are especially of importance on that part of Suriname's continental shelf that is on the seaward side of the outer limit of the exclusive economic zone. In this area, Suriname cannot exercise jurisdiction over the deliberate disposal of waste and other matter on the basis of the jurisdiction Suriname has in the exclusive economic zone.

### **Article 18**

Article 29 of the Law of the Sea Convention guarantees to other States the right to lay submarine cables and pipelines on the continental shelf of the coastal state. This right must be exercised by other States in accordance with the provisions of Article 79. Article 18 of the Act contains a corresponding provision.

### **Article 19**

Article 19 of the Act provides for the possibility to lay down rules by State Decree for the implementation of Article 82 of the Law of the Sea Convention which obligates coastal state to make payments or contributions to the international community with respect to the exploitation of mineral resources on the continental shelf beyond 200 nautical miles. Such payments and contributions must be made annually with respect to all production at a site after the first five years of production (Article 82 paragraphs 1 and 2). Article 82 paragraph 3 of the Law of the Sea Convention lists the exceptions to making these payments and contributions for developing countries. These are possibly of relevance of Suriname as well. Such relevance may be determined at the moment Article 82 shall be implemented by Suriname.

The obligation to make payments and contributions under Article 82 of the Law of the Sea Convention is on the State and not on the companies actually extracting the mineral resources concerned. However, it is obvious that such companies will be obligated by the government to ensure that measures are in place which enable the State to render account in relation to Article 82 and that these companies will be held responsible for the costs of the implementation of Article 82. In addition, within the framework of the national implementation of the obligations contained in Article 82 of the Law of the Sea Convention it may be considered whether there are reasons to charge the costs involved in part, if at all, to the companies concerned.

## **Chapter 7 – Delimitation and Giving Publicity**

### **Article 20**

Article 20 of the Act contains a general provision with respect to the delimitation of the maritime zones of Suriname. Suriname's legislation does not contain any provisions relating to the delimitation of its maritime zones with neighbouring countries. The reason for including a provision on this subject in the present act is that a further definition of the outer limit of the continental shelf of Suriname beyond 200 nautical miles has made it clear that Suriname could well share continental shelf limits with other countries than its direct neighbours on the South American continent. In light of this new dimension of the delimitation issue, it is deemed desirable to state, in Suriname's legislation on its maritime zones, the position of Suriname in relation to the delimitation of these boundaries.

Suriname has always embraced the view that the delimitation of sea boundaries should be effected by agreements between the States concerned and that the delimitation of sea boundaries should yield a fair result. This viewpoint is reflected in the relevant provisions of the Law of the Sea Convention (Article 15 (territorial sea); Article 74 (exclusive economic zone), and Article 83 (continental shelf)).

The Law of the Sea Convention does not hold any provisions regarding the delimitation of the contiguous zone. It is deemed desirable, however, also that agreements be reached with the neighbouring countries concerned about the delimitation of this zone, which will be established upon the entry into force of the present act. In accordance with the existing international practice, Suriname seeks to have the limits of the contiguous zone coincide with the limits of the exclusive economic zone and the continental shelf. This approach avoids overlap of the contiguous zone of one State with the exclusive economic zone and the continental shelf of another State. Avoidance of such overlap is deemed desirable from the point of view of legal certainty.

Article 20 of the Act determines that the delimitation of the maritime zones of Suriname must be effected on the basis of international law. This places the emphasis on concluding agreements which should lead to an equitable result. Suriname underscores this principle.

This principle means specifically that it will not be possible to lay down in advance a specific delimitation method which will apply in full to all instances. Article 20 therefore refrains from mentioning such a method.

### **Article 21**

Article 21 of the Act provides that the Minister of Foreign Affairs shall give publicity to the baseline, the outer limits of the territorial zone, the contiguous zone, the exclusive economic zone and the continental shelf of the Republic of Suriname and the boundaries of these zones

determined in accordance with Article 20 of the Act. Article 21 lays down the procedure by which Suriname will fulfil its obligations to give publicity to these lines and boundaries to be implemented under the Law of the Sea Convention. This serves a Surinamese interest as well. Other States, and vessels and persons in the maritime zone of Suriname, will not be able to claim that sufficient publicity has not been given to the extent of the maritime zones of Suriname.

The Law of the Sea Convention includes a number of obligations for Suriname with regard to giving publicity to the boundaries of its maritime zones. In the first place, mention may be made of Article 16 of the Convention which relates to certain baselines and limits of the territorial sea. In the case of Suriname, Article 16 means that now information must be supplied about the boundary of the territorial sea between Suriname and Guyana, which has been set in accordance with Article 15 of the Law of the Sea Convention. Publicity must also be given to information about the closing lines across the major rivers in accordance with Article 16 of the Law of the Sea Convention. Article 16 does not contain any obligation in respect of the baseline of the territorial sea where this is the normal baseline in accordance with Article 5 of the Law of the Sea Convention. The same applies to the outer limit of the territorial sea where this is set on the basis of the normal baseline. These lines may now also be determined already on the basis of the nautical charts which are officially recognized by Suriname.

Article 75 of the Law of the Sea Convention provides for giving publicity to the outer limits of the exclusive economic zone and the delimitation of this zone between neighbouring countries, and Article 84 of the Law of the Sea Convention provides for giving publicity to the outer limits of the continental shelf and the delimitation of this zone between neighbouring countries. Article 84 is virtually identical to Article 75 of the Convention which relates to the exclusive economic zone. The only real difference concerns Article 84 paragraph 2 which contains the obligation in the case of the outer limit of the continental shelf to deposit information not only with the Secretary General of the United Nations but also with the Secretary General of the International Seabed Authority. This additional obligation is explained by the fact that the outer limit of the continental shelf also determines where the international seabed area starts, to which an international regime for mining is applicable, with a central regulatory power resting on the Authority. In addition to Article 84 of the Law of the Sea Convention, also of relevance for Suriname is Article 76 paragraph 9 of the Law of the Sea Convention in relation to giving publicity to the outer limits of its continental shelf. This provision differs in one important aspect of the other provisions relating to giving publicity to the limits of the maritime zones. In the event that a coastal state has implemented Article 76 paragraph 9, the outer limit is in principle final and can no longer be modified by the coastal state. Before a coastal state can implement Article 76 paragraph 9 in relation to its outer limit beyond 200 nautical miles, the other provisions of Article 76 must be implemented. The recommendations of the Commission to Suriname regarding the limits of the continental shelf enable Suriname to establish the definitive outer limits of the continental shelf. Article 14 of the Act determines the outer limits of the continental shelf on the basis of the recommendations of the Commission. In accordance with Article 21 of the Act, the Minister of Foreign Affairs will deposit relevant information on the outer limit with the Secretary General of the United Nations, which shall result in the final determination of this outer limit with respect to other States.

The low-water line along the coast of Suriname is subject to constant changes. Recordings along the coast of Suriname by the Suriname Maritime Authority will point out these changes and subsequently result in a modification of the low-water line along the coast on the relevant nautical charts. The latter modification may result in a modification of the position of the closing

lines in the major rivers of Suriname and the outer limit of the territorial sea, the contiguous zone and the exclusive economic zone of Suriname. This is not the case as regards the continental shelf, because the outer limit of this zone established will be final upon the entry into force of the Act and the implementation of Article 21. Future modifications in the position of the closing lines in the major rivers of Suriname and the outer limit of the exclusive economic zone will have to be given publicity to in accordance with the obligation under the Law of the Sea Convention.

## **Chapter 8 – Penal Provisions**

The penal provisions included in Articles 22 through 29 contained in Chapter 8 of the Act are substantively similar to the penal provisions contained in Articles 7 through 16 of the Act of 14 April 1978. Practices in respect of the penal provisions did not give rise to any revision. References to the amount of the fines in the relevant provisions of the Act of 14 April 1978, which are expressed in Suriname guilders, have been updated.

International law imposes a number of restrictions to the application of penal provisions. Article 73 of the Law of the Sea Convention includes a number of restrictions regarding enforcement of laws and regulations relating to the exercise of sovereign rights by the coastal state over the living resources in the exclusive economic zone. Article 73 paragraph 2 provides that arrested vessels and their crews must be promptly released upon the posting of reasonable bond or other security. It is in principle up to the coastal state to determine what is reasonable in any specific case. Article 73 paragraph 3 provides that the coastal state's penalties for violations of fisheries laws and regulations in the exclusive economic zone may not include imprisonment or other form of corporal punishment, unless agreements to the contrary by the states concerned.

Section 7 of Part XII of the Law of the Sea Convention relates to safeguards in the exercise of powers with respect to the provisions on prevention, reduction and control and pollution of the marine environment. These provisions are particularly important for cases which involve vessels flying the flag of another State.

## **Chapter 9 – Amendment of the Offshore Fishing Act 1980 and the Mining Decree Article 30**

Article 30 of the Act provides for two amendments of the Act of 31 December 1980 regulating sea fishing (Offshore Fishing Act). These amendments are required because of the proposed repeal of the Act of 14 April 1978 in connection with the entry into force of the present Maritime Zones Act. In the first place, it concerns the reference to the Act of 14 April 1978 contained in Article 1 under (a) of the Offshore Fishing Act. This reference must be replaced upon the entry into force of the Maritime Zones Act by a reference to the present Act. Secondly, Article 30 of the Offshore Fishing Act aims to be applicable also to the continental shelf. The practical significance of this lies in the fact that the continental shelf of Suriname extends beyond the exclusive economic zone of Suriname. Pursuant to Article 77 paragraph 4 of the Law of the Sea Convention the coastal state holds sovereign rights for exploring and exploiting the living organisms belonging to sedentary species. The Offshore Fishing Act of 31 December 1980 is currently not applicable to sedentary species fisheries on the part of the continental shelf of Suriname beyond 200 nautical miles.

### **Article 31**

Article 31 of the Act contains three amendments on the Mining Decree of 8 May 1986. Firstly, this concerns two amendments because of the proposed repeal of the Act of 14 April 1978 in connection with the entry into force of the present Maritime Zones Act. The Decree in article 2 paragraphs 2 and 3 refers to the Act of 14 April 1978. On the entry into force of the present Act, this reference must be replaced by a reference to the present Act.

The amendment of Article 2 paragraph 4 of this Decree is a consequence of the inclusion of a provision on the extent of the continental shelf in the present Act. The new wording of Article 2 paragraph 4 of the Decree aligns with the wording of paragraphs 2 and 3 of this Article, which provide for the land territory including the territorial sea and the exclusive economic zone.

## **Chapter 10 – General, transitional and final provisions**

### **Article 32**

Article 32 paragraph 1 provides that if the matters regulated in this Act require further regulation in the interest of an appropriate implementation of this Act, this may be arranged by State Decree. Article 32 paragraph 1 is in accordance with Article 17 of the Act of 14 April 1978. Paragraph 2 stipulates that the Act of 14 April 1978 shall be repealed at the time the present Act shall enter into force.

### **Article 34**

The State exercises its supervisory and protective functions in the territorial sea, the exclusive economic zone and the continental shelf, in accordance with or pursuant to the provisions of the Act Establishing the Coast Guard, the Offshore Fisheries Act 1980, the Fisheries Resources Protection Act 1961, the Shipping Act. This list of legal regulations shall be amended by State Decree.

### **Article 35**

Article 35 paragraph 1 of the Act stipulates that the short title of the act shall be: Maritime Zones Act. Article 35 paragraphs 2 and 3 of this Act concern the publication of the Act, and set the date of the entry into force of the Act. Article 33 paragraph 4 stipulates that the ministers of Natural Resources, of Agriculture, Animal Husbandry and Fisheries, and of Foreign Affairs shall be responsible for the implementation of this Act.

Paramaribo, 7 April 2017

**DESIRÉ D. BOUTERSE**