

The Bangladesh Maritime Zones Act, 2018
(Draft)

Maritime Affairs Unit
Ministry of Foreign Affairs
Government of the People's Republic of Bangladesh
Dhaka

An act to provide for the declaration and determination of the maritime zones and to provide for the suppression of piracy, armed robbery, theft and to make provisions for punishment and for matters connected therewith;

WHEREAS clause (2) of Article 143 under PART XI of the Constitution provides that Parliament may from time to time by law provide for the determination of the boundaries of the territory of Bangladesh and of the territorial seas and the continental shelf of Bangladesh;

AND WHEREAS it is necessary to determine maritime boundaries of territorial sea, internal waters, continental shelf, contiguous zone and Exclusive Economic Zone between Bangladesh and its neighbouring coastal States in the territorial sea in accordance with the 14 March 2012 Judgment of the International Tribunal for the Law of the Sea in the *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)* and the 7 July 2014 Award of the Arbitral Tribunal in the *Bay of Bengal Maritime Boundary Arbitration between Bangladesh and India*;

AND WHEREAS it is necessary to suppress maritime terrorism and unlawful acts against the safety of maritime navigation and to provide for matters connected therewith or incidental thereto;

AND WHEREAS it is necessary to guide on international law applicable to armed conflicts at sea and to give conscious effect of the intrinsic, ecological, social, economic, scientific, educational, values of ocean governance, armed conflicts at sea and its *components* and protection of marine environment;

AND WHEREAS it is expedient and necessary to amend the Act 'The Territorial Waters and Maritime Zones Act, 1974 (Act XXVI of 1974)' to fulfill the objectives.

It is hereby enacted as follows:-

PART I

Short Title and Commencement

1. (1) This Act may be cited as 'The Bangladesh Maritime Zones Act, 2018'.
- (2) It shall come into force on such date as the Government may, by notification in the Official Gazette, specify.

Interpretation

2. In this Act-

- (1) "Aircraft" means a machine that is able to fly by gaining support from the air with countering the force of gravity by using dynamic lift of an airfoil, not against the earth surface and also includes free or tethered balloon, air ship, kite, drone, glider and flying machines;
- (2) "Artificial Island" means a man-made extension of the seabed where or not such extension breaks the surface of the superjacent waters during high tide;
- (3) "Authority" means the International Seabed Authority (ISA);

- (4) "Autonomous Underwater Vehicle (AUV)" means a robot that travels underwater without requiring input from an operator;
- (5) "Baseline" means the low-water line or where applicable the system of straight lines as notified from time to time in the official gazette of Bangladesh from which the breadth of the territorial sea is measured;
- (6) "Chart datum" means the tidal level to which depths on a nautical chart are referred to constitute a vertical datum;
- (7) "Continental margin" comprises the submerged prolongation of the land mass of Bangladesh, and consists of the seabed and subsoil of the shelf, the slope and the rise. It does not include the deep ocean floor with its oceanic ridges or the subsoil thereof;
- (8) "Continental Slope" is that part of the continental margin that lies between the shelf and rise;
- (9) "Convention" means the United Nations Convention on the Law of the Sea (UNCLOS), 1982;
- (10) "Due publicity" means the notification of a given action for general information through appropriate authority within a reasonable amount of time in a suitable manner;
- (11) "Geodesic" is a curve that defines the shortest distance between two points on a given surface;
- (12) "Geodetic datum" positions and orients a geodetic reference system in relation to the geoid and astronomical reference system;
- (13) "Government" means the Government of the People's Republic of Bangladesh;
- (14) "Harbour works" means the permanent manmade structures built along the coast which form an integral part of the harbour system such as jetties, moles, quays or other port facilities, coastal terminals, wharves, breakwaters, sea walls, etc;
- (15) "Historic waters" means the internal waters landwards of the baseline that have been historically recognized as forming an integral part of Bangladesh;
- (16) "Installations" include a permanently moored vessel, a communication cable, an oil pipeline, a military surveillance installation, a pipeline which is used for the transfer of any substance to or from a vessel, a research, exploration or production platform around the coast of Bangladesh, an exploration or production platform including oil rig used in the prospecting for or mining of any substance, an exploration or production vessels used in the prospecting for or mining of any substance, a telecommunication apparatus as defined in section 1 of the Bangladesh Telecommunications Act 2001, a vessel or equipment used for the exploration or exploitation of the seabed, any other structure whether permanent or temporary within the maritime zones, which is being or intended to be used for or in

- connection with the exploration and exploitation and conservation and management of the natural resources;
- (17) "Island" means a naturally formed area of land, surrounded by water, which is above water at high tide;
- (18) "Land territory" is a general term that refers to both insular and continental land masses that are above water at high tide;
- (19) "Low water line" is defined as 'intersection of the plane of low water' with the shore; the line along a coast or beach, to which the sea recedes at low water as marked on the large scale chart officially recognized by the Government. The actual level of water taken as low water for charting purposes is known as the level of Chart Datum;
- (20) "Maritime zones" means the internal waters, the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelf, the high sea and the Area;
- (21) "Master" includes every person lawfully having for the time being, in command or charge of a vessel not being a vessel of war;
- (22) "Marine Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment of Bangladesh, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;
- (23) "Mouth of river" is the place of discharge of a river into the ocean;
- (24) "Nautical Miles(NM)" is a unit used in measuring distances at sea, equal to 1852 meters;
- (25) "Radioactive materials" means any substances that, as a result of being radioactive, are subject to international controls or international instruments applying specifically to radioactive materials;
- (26) "Remotely Operated Underwater Vehicle (ROV)" means non-autonomous remotely operated sub-aquatic vehicle, which is controlled and powered from the surface by an operator/pilot via an umbilical or using a remote control;
- (27) "Seabed" means the top of the surface layer of the sand, rock, mud or other material lying at the bottom of the sea and immediately above the subsoil;
- (28) "Sedimentary rock" means the rock formed by the consolidation of sediment that has accumulated in layers;
- (29) "Safety zone" means zones established by Bangladesh around artificial islands, installations and structures in which appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures are taken. Such zones shall not exceed a distance of 500 metres around them, except as authorized

by generally accepted international standards or as recommended by the competent international organization;

- (30) "Straight line" shall mean in this Act as a geodesic joining two points on the surface;
- (31) "Submarine" includes any underwater vehicle however propelled;
- (32) "Submarine cable" is an insulated, waterproof wire or bundle of wires or fibre optics for carrying an electric current or a message under water;
- (33) "Subsoil" means all naturally occurring matter lying beneath the seabed or deep ocean floor;
- (34) "Superjacent waters" means the waters overlying the seabed or deep ocean floor;
- (35) "Thalweg" means the line of maximum depth along a river channel. It may also refer to the line of maximum depth along a river valley or in a lake;
- (36) "Tide" means the periodic rise and fall of a surface of the oceans and other large bodies of water due principally to the gravitational attraction of the moon and the sun on a rotating earth;
- (37) "Unmanned Underwater Vehicles (UUVs)" means any underwater vehicles that are able to operate without a human occupant and may include Remotely Operated underwater Vehicles (ROVs), and Autonomous Underwater Vehicles (AUVs);
- (38) "Vessel" includes ship, boat or any other mode of water transport employed in navigation for transporting passengers, goods etc. but does not include a warship;
- (39) "Waste" includes any matter prescribed to be waste and any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume, composition or manner as to cause an adverse effect;
- (40) "Warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline;
- (41) "Water column" is a vertical continuum of water from sea surface to seabed.

Act to override other laws

- 3. Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall have the effect.

PART II

Territorial Sea Baseline

4. (1) For the purposes of this Act “Bangladesh” means all the territory of the People’s Republic of Bangladesh including inland waters and water column superjacent to the seabed, of the seabed and its sub-soil thereof the internal waters, historic waters, the territorial sea, to the extent that the area called Contiguous Zone, Exclusive Economic Zone, Continental Shelf in accordance with international law has been or may hereafter be designated under Bangladesh law as area within which Bangladesh exercise sovereignty and sovereign rights with respect to the exploration and exploitation of the natural resources of the water column, seabed and its sub-soil.
- (2) The Territorial Sea Baseline (TSB) of Bangladesh, from which the breadth of the Territorial Sea is measured seaward, enclosing those waters, which as a result of their close inter-relationship with the land, have the character of internal water shall consist of series of geodesics joining the base points at -
- (a) Land Boundary Terminus(LBT)(21°38’40.2”N, 89°09’-20.0”E);
 - (b) Putney Island (21°-36’-39.2”N, 89°-22’-14.0”E);
 - (c) The appropriate base point located along the furthest seaward extend of the low water line at Dakshin Bhasan Char (21°-38’-16.0N”, 90°-47’-16.5”E); and
 - (d) finally ending at base point at Cox’s Bazar (21°-25’-51.0”N, 91°-57’-42.0”E);
 - (e) The TSB South of Cox’s Bazar from base point (d) 21°-25’-51.0”N, 91°-57’-42.0”E) shall be normal baseline i.e. the low water line along the coast up to Teknaf point and Southern end of St. Martin’s Island as marked on the large scale chart officially recognized by Bangladesh.
- (3) The government may amend the above baseline by official gazette from which the Territorial Sea of Bangladesh shall be measured.

PART III

Internal Waters

5. “Internal waters” of Bangladesh means the areas of the sea that are on the landward side of the TSB from where the breadth of the territorial sea is measured; upto the mouths of all rivers, historic waters, outer limits of the ports, and harbours; Historic waters mean the body of waters over which Bangladesh has exercised its open, effective, long term and continuous authority.

Closing Line

6. Closing line is a dividing line between the inland waters enclosing river mouths and the internal waters, historic waters and normal baseline.

Rights over the Internal Waters

7. (1) The sovereignty of Bangladesh extends beyond its land territory to the water column, the seabed and its subsoil, and the air space over the internal water.
- (2) Bangladesh, in exercising its sovereignty, has exclusive rights and jurisdiction over the internal waters;
8. Bangladesh can exercise its right to suspend the movement of any vessel and warship in the internal waters.

PART IV The Territorial Sea

9. The territorial sea comprises areas of the sea having defined not exceeding 12 NM from the nearest base points of the TSB and normal baselines, measured seaward from the TSB.

Limits of the Territorial Sea

10. (1) "Territorial Sea" of Bangladesh shall be measured 12 NM from the TSB;
- (2) For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the existing harbour system of Bangladesh like Chittagong and Mongla Port and their assigned outer anchorages, Payra Port, Matarbari port, Saint Martin's anchorage etc.; all be treated as forming part of the coast.

Rights over the Territorial Sea

11. (1) The sovereignty of Bangladesh extends beyond its land territory to the water column, seabed, subsoil and the airspace over the territorial sea;
- (2) Bangladesh, in the exercise of its sovereignty, has exclusive jurisdiction over the territorial sea, subject to the Convention and other international laws;

Rights of Innocent Passage in the Territorial Sea

12. (1) For the purposes of this section, "innocent passage" means navigation through the territorial sea for the purpose of traversing that sea without entering the internal waters or proceeding to or from internal waters to call at port facilities of Bangladesh;
- (2) Innocent passage shall be continuous and expeditious and not prejudicial to the peace, good order or security of Bangladesh and shall include stopping and anchoring, but only in so far as they are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the propose of rendering assistance to persons, vessels or aircraft in danger or distress.

- (3) In exercising the right of innocent passage, a foreign vessel shall comply with the laws of Bangladesh, any order, direction, license or any other authority relating to the exercise of innocent passage through the territorial sea.
- (4) Any determination of non-innocent passage by a ship must be made on the basis of acts it commits while in the Territorial Sea and not on the basis of cargo, means of propulsion, flag state and destination on purpose. For the purpose of resource conservation, environmental protection and navigational safety, Government may establish certain restrictions on the right of innocent passage of foreign vessels and may adopt with due publicity laws and regulations relating to innocent passage through the territorial sea in respect of all or any of the following areas:
 - (a) safety of navigation and the regulation of maritime traffic;
 - (b) protection of navigation aids and other facilities and installations;
 - (c) protection of cables and pipelines;
 - (d) conservation of the living resources of the sea;
 - (e) prevention of the infringement of fisheries regulations;
 - (f) preservation of the environment and the prevention, reduction and control of pollution thereof;
 - (g) prevention of infringement of customs, fiscal, immigration or sanitary regulations;

Regulating Innocent Passage

13.
 - (1) A foreign warship, including a submarine and any other underwater vessel of war, may enter or pass through the territorial sea after giving prior notice to the Government.
 - (2) A submarine or any other underwater vehicle like ROV, AUV, and UUV etc, whether or not a vessel of war, exercising the right of innocent passage through the territorial sea shall navigate on the surface and show its flag while passing through the territorial sea.
 - (3) The Government may, in the interest of safety of navigation and by order designate sea lanes and prescribe traffic separation schemes for the regulation of the passage of vessels through the internal waters and territorial sea.
 - (4) A master of a submarine, not of a vessel of war, including ROV, AUV, and UUV, if contravenes sub-section (2) and thus commits an offence, shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to taka four hundred million or with both. In addition, the Maritime Zones Tribunal may order the forfeiture of the submarine and any such vehicle.
14.
 - (1) The passage of a foreign vessel is prejudicial to the peace, good order and security of Bangladesh and the passage is not innocent if, while in the territorial sea, the vessel engages in-
 - (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Bangladesh or any other act which violates the

- principles of international law embodied in the Charter of the United Nations;
- (b) any exercise or practice with weapons of any kind;
 - (c) any act aimed at collecting information, which would be prejudicial to the defence or security of Bangladesh;
 - (d) any act of propaganda circulated to affect the defence or security of Bangladesh;
 - (e) launching of, landing on any aircraft;
 - (f) launching of, landing on board of any military device;
 - (g) loading or unloading of any commodity, currency or person contrary to the customs, excise, immigration or sanitation laws or regulations of Bangladesh;
 - (h) any act of willful pollution in contravention of the Convention;
 - (i) any fishing activities;
 - (j) carrying out of research or surveying activities;
 - (k) any act designed to interfere with any system of communication or any other facility or installation in Bangladesh; or
 - (l) any other activity not directly related to its passage.
- (2) The master of a foreign vessel or submarine, not of a vessel of war, who takes part in or caused the vessel or submarine to be engaged in, and any other person on board who takes part in, any activity specified in subsection (1)-
- (a) commits an offence and shall be punishable with imprisonment for a term which may extent to five years or with fine which may extent to taka four hundred million or with both; and
 - (b) where the offence is continued after conviction, the master and the other person who were convicted, each commits a further offence and is liable on conviction to a fine of taka twenty four million for each day on which the offence is continued, and in addition any designated court may order the forfeiture of the vessel or submarine.

Security Measures

15. (1) The Government may make orders and exercise powers and take measures in relation to the territorial sea as considered necessary in the interest of the peace, good order or security of Bangladesh, including the suspension, whether absolutely or subject to any exceptions and qualifications as the Government considers appropriate, of the right of innocent passage of all or any class of foreign vessels through any area of the territorial sea.
- (2) In the event the Government exercises power under subsection (1), such suspension shall take effect only after having been duly published.
- (3) There is no right of innocent passage for all types of aircraft through the territorial sea and cannot pass without the prior expressed consent of the Government.

- (4) Advanced notification or authorization for innocent passage of warships and naval auxiliaries, ships owned or operated by a state and used only on non-government, non-commercial service and of nuclear powered warship or warships and naval auxiliaries carrying nuclear weapons or specific cargos, through the Territorial Sea will be required.
- (5) Ship to ship transfer of fuel and goods in the territorial sea or internal water must be done through advanced notification.

Foreign Vessels Carrying Nuclear or Other Hazardous Wastes

- 16. (1) A master of a foreign vessel shall not store, transport or permit to store or transport any nuclear or other inherently dangerous or noxious substances, harmful substances and hazardous wastes in the internal waters and territorial sea except with the prior permission of the Government.
- (2) Where any foreign nuclear-powered vessel or foreign vessel carries nuclear or other inherently dangerous or noxious substances while exercising the right of innocent passage through the territorial sea, the master of the vessel shall, in relation to the vessel and substances, carry the necessary documents and shall observe the precautionary measures that are established for those vessels by the International Atomic Energy Agency (IAEA) applicable to the carrying of those substances for the time being in force.
- (3) A vessel carrying radioactive materials shall not pass through any part of the internal waters or territorial sea, unless prior notification of intended passage and the route to be taken by the vessel through those waters or the sea has been intimated in accordance with regulations.
- (4) A vessel to which subsections above refer may be required to confine its passage to sea lanes as may be prescribed.
- (5) A master of a vessel who contravenes this section commits an offence shall be punishable with imprisonment for a term which may extend to seven years or with fine which may extent to taka twelve hundred million or with both but shall not be less than taka eight hundred million.
- (6) The Government may make additional regulations for the passage of vessels carrying nuclear and radioactive substances and hazardous waste through all or any part of the internal waters and territorial sea.
- (7) Regulations made under this section shall provide for the action that may be taken, including stopping and boarding vessels to ensure compliance with the regulations.

Discharge of Harmful Substances and Hazardous Wastes

- 17. (1) A master of a foreign vessel shall not discharge or permit to discharge any nuclear or

other inherently dangerous or noxious substances, harmful substances and hazardous wastes in the internal waters and territorial sea except with the prior written permission of the Government.

- (2) A master of a vessel who contravenes this section commits an offence and shall be punishable with imprisonment for a term which may extend to ten years or with fine which may extend to taka four thousand million but shall not be less than taka two thousand million.

Criminal Jurisdiction on Board a Foreign Ship

18. (1) The criminal jurisdiction of Bangladesh should only be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage in the following cases:
 - (a) if the consequences of the crime extend to Bangladesh;
 - (b) if the crime is of a kind to disturb the peace of Bangladesh or the good order of its territorial sea;
 - (c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State; or
 - (d) if such measures are necessary for the suppression of illicit trafficking in narcotic drugs or psychotropic substances.
- (2) The above provisions may not affect the right of Bangladesh to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship within the internal waters or passing through the territorial sea after leaving internal waters.

Civil Jurisdiction in Relation to Foreign Ships

19. (1) The Government should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.
- (2) The Government may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the territorial sea of Bangladesh.
- (3) Sub-sections above are without prejudice to the right of Bangladesh, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying within the internal waters or in the territorial sea, or passing through the territorial sea after leaving internal waters.

Sea Lanes and Traffic Separation Schemes

20. (1) Bangladesh may, with regard to the safety of navigation where necessary, require foreign ships exercising the right of innocent passage through its territorial sea to

use sea lanes and traffic separation schemes as it may designate or prescribe for the regulation of the passage of ships; and in particular, tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may be required to confine their passage to such sea lanes.

- (2) The Government shall clearly indicate sea lanes and traffic separation schemes on charts to which due publicity shall be given by the hydrographic department of Bangladesh Navy.

Rights of Laying Submarine Cables and Pipelines

21. The Government has the right under general international law to lay and maintain submarine cables in waters under their sovereignty, including internal waters, and territorial sea.

PART V

The Contiguous Zone

22. The Contiguous Zone refers to an area seaward of the territorial sea in which Bangladesh may exercise the control necessary to prevent or punish infringement of its customs, fiscal, immigration and sanitary laws and regulations that occur within its territory or territorial sea.

Limits of the Contiguous Zone

23. “Contiguous zone” of Bangladesh may not extend beyond 24 NM from the territorial sea baselines.

Grounds for Denial of Entry

24. Where the Government has reasonable grounds to believe that in the contiguous zone a vessel has committed or likely to commit (as per the information of last port of call or any other) an offence in relation to the customs, fiscal, immigration or sanitary laws or regulations of Bangladesh, the Government may, subject to international obligations, deny that vessel’s entry into Bangladesh, including the territorial sea.

Commission of Offences in the Contiguous Zone

25.
 - (1) The Government may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of, and attempt to contravene the customs, fiscal, immigration or sanitary laws and regulations in the contiguous zone which are in practice in Bangladesh.
 - (2) The Government may make regulations that permit, in the contiguous zone, the exercise of controls necessary to –
 - (a) prevent infringement of any customs, fiscal, immigration or sanitary laws or regulations within Bangladesh, its internal waters and territorial sea; and

- (b) punish the infringement of those laws or regulations committed within Bangladesh, including its internal waters and territorial sea.
- (3) Subject to subsection above, where there is reasonable ground to believe that a vessel has committed an offence in the contiguous zone in respect of any customs, fiscal, immigration or sanitary laws or regulations of Bangladesh, every power of arrest, entry, search or seizure or other power that could be exercised in Bangladesh in respect of that offence may also be exercised in the contiguous zone.
- (4) A power of arrest shall not be exercised without the consent of the Government in the contiguous zone on board any vessel registered outside Bangladesh.
- (5) Without limiting subsections above, the Government may exercise other powers and take measures in or in relation to the contiguous zone if the Government considers it necessary for the security of Bangladesh.
- (6) Any person who commits an offence in the contiguous zone or enters Bangladesh having committed an offence in the contiguous zone shall be punishable with imprisonment for a term, which may extend to seven years or with fine which may extend to taka three hundred and fifty million or with both.

PART VI

The Exclusive Economic Zone

26. "Exclusive Economic Zone (EEZ)" of Bangladesh comprises an area of the sea beyond and adjacent to the territorial sea extending to a line every point of which is at a distance of 200 NM from the nearest points of the territorial sea baselines/normal baseline of the nearest coastline.

Limits of the Exclusive Economic Zone

27. The Exclusive Economic Zone of Bangladesh comprises area of sea extending to a line every point of which is at a distance of 200 NM, from the nearest point of the territorial sea baseline with geographical coordinates of 18° 15' 54.12" N, 89° 21' 47.56" E (along the Bangladesh-India Maritime Boundary line) and 17° 52' 34.06" N, 90° 15' 4.66" E (along the Bangladesh-Myanmar Maritime Boundary line) respectively.

Rights and Duties in the Exclusive Economic Zone

28. (1) In accordance with international law and in particular Article 56 of the Convention, Bangladesh, in the EEZ has-
- (a) Sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, currents and winds;
 - (b) Exclusive rights and jurisdiction for the construction, maintenance or operation of artificial island, offshore terminals, installations and other

structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purposes.

- (c) Jurisdiction to authorize, regulate and control marine scientific research;
 - (d) Jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution;
 - (e) Jurisdiction with regard to customs, fiscal, health, security and immigration laws;
 - (f) Any other rights that are recognized by international law;
- (2) In the EEZ, other states enjoy freedom of navigation and over-flight and other internationally lawful uses of the sea related to those except military exercise.
29. The rights specified in this section with respect to the seabed and subsoil shall be exercised in accordance with applicable international law.

Submarine Cables and Pipelines

30. Submarine cables refer to communication cables that include telegraph, telephone, and high-voltage power cables, telecommunications cables, particularly the new fiber-optic cables, which are essential to modern internet communications. Pipelines include those, which deliver water, oil and natural gas, and other commodities.

Exercise of Jurisdiction in Laying Cables and Pipelines

31. According to this Act, no states shall be allowed to lay any submarine cables and pipelines in its EEZ or continental shelf except with the consent of the Government. With respect to the course of the cables/pipelines and in all areas, states shall take into account existing infrastructure, the interests of other marine users, and environmental impacts.

Submarine Cables and Pipelines in the EEZ and on the Continental Shelf

32. Other States/entities may lay and operate submarine cables and pipelines in Bangladesh's EEZ and continental shelf subject to these limitations:
- (a) The government may not impede the laying (of new cables) or maintenance of (new and existing) cables, subject to Bangladesh's right to take reasonable measures to explore its continental shelf and to exploit the natural resources of its shelf, and the reduction and control of pollution from pipelines (but not cables).
 - (b) Exercise of Bangladesh's rights over the continental shelf must not infringe or result in any unjustifiable interference with others' right to lay and maintain cables on its shelf.
 - (c) Delineation of the course for laying pipelines (but not cables) on the continental shelf is subject to the consent of the Government.

- (d) The government has the right to establish conditions for cables or pipelines entering into its territory or territorial sea, and its jurisdiction over cables and pipelines constructed or used in connection with exploration or exploitation of its natural resources, or the operation of artificial islands, installations and structures under its jurisdiction.
- (e) Existing cables are protected from being interfered with in the laying of new cables; all States are required to have "due regard to cables already in position". Particular care is to be taken to ensure that the possibility of repairing existing cables is not prejudiced. In the case of a continental shelf extending more than 200 miles, incidents and activities involving cables and pipelines on the extended shelf are covered by the continental shelf provisions.

Protections for Submarine Cables and Pipelines

- 33. This Act addresses the breaking or injury to a submarine cable or pipeline, and provide for indemnity for loss incurred by a ship in its efforts to avoid injuring a cable or pipeline. In this respect they apply to incidents of navigation and activities involving cables and pipelines in all maritime areas beyond the outer limits of the territorial sea.
- 34. Bangladesh shall consider the act of breaking or injuring a submarine cable beneath the high seas, willfully or by culpable negligence, in such a manner as to liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking of a submarine pipeline or high-voltage power cable, and to conduct calculated or likely to result in such breaking or injury a punishable offence. It does not apply to any break or injury caused by persons who acted merely with the legitimate object of saving lives or their ship, after having taken all necessary precautions to avoid doing so.
- 35. Bangladesh shall adopt the laws and regulations necessary to provide that, if persons/entities subject to its jurisdiction who are owners of a submarine cable or pipeline beneath the high seas, in laying or repairing that cable or pipeline, causes a break in or injury to another cable or pipeline, they shall bear the cost of the repairs.
- 36. If any owners of any ships that have sacrificed an anchor or fishing gear in order to avoid injury to a submarine cable, shall enjoy indemnity.
- 37. The Convention on the International Regulations for Preventing Collisions at Sea (COLREGs), 1972 contains some protections for cable laying ships. Nevertheless, these cables form part of the critical infrastructure of the Bangladesh's economy.

Authority to Explore or Exploit the Exclusive Economic Zone

38. (1) No person, including a foreign government and an international organization, may-
- (a) explore or exploit any natural resources whether living or non-living;
 - (b) carry out any search or excavation, or conduct any research; or
 - (c) drill or construct, maintain or operate any artificial island, off shore terminal, installation or other structure or device for any purpose in the exclusive economic zone, except under and in accordance with the terms of a license or letter of authority granted by the Government.
- (2) Nothing in this section shall apply to fishing by a citizen of Bangladesh.
- (3) (a) Any person who contravenes subsection (1) commits an offence and shall be punishable with fine which may extend to taka four hundred million. In addition, the Maritime Zones Tribunal before which the person is convicted may order the forfeiture of any vessel and equipment used in the commission of the offence.
- (b) The provisions of subsection 3(a) shall not apply to the violations of the fisheries laws or regulations of Bangladesh. Such violations shall be governed by the relevant provisions of the laws of Bangladesh.

Declaration of Designated Areas in the Exclusive Economic Zone

39. (1) The Government may make regulations to-
- (a) provide for the authorization of persons or organizations to explore natural resources, or to recover or attempt to recover any such resources, in accordance with such terms and conditions as may be determined by the Government.
 - (b) declare any area to be a Marine Protected Area as a measure to conserve rare marine species including fishes, and marine mammals from extinct.
 - (c) regulate the laying of pipelines or cables;
 - (d) provide for the authorization and regulation of any drilling; and
 - (e) regulate the construction, operation and use of artificial islands and installations and structures for the purposes in accordance with the Article 56 of the Convention; and
 - (f) protect the marine environment of the designated area.

Extension of Norms, Regulations and Measures to the Exclusive Economic Zone

40. The norms, regulations and measures for the prevention, reduction and control of pollution from vessels, aircraft, artificial islands, scientific research stations, installations and structures which are in effect within the limits of the internal waters and territorial sea shall

extend to the exclusive economic zone, taking into account international rules and standards, international treaties and conventions to which Bangladesh is a party.

Conservation of the Living Resources

41. (1) The Government shall determine the allowable catch of the living resources in the EEZ and shall intimate from time to time through gazette notifications. Bangladesh, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the EEZ is not endangered by over-exploitation. As appropriate, other coastal states and competent international organizations, whether sub-regional or global, may cooperate to that end.
- (2) Foreign vessels shall not fish within the territorial seas and EEZ of Bangladesh.

Utilization of the Living Resources

42. (1) Bangladesh will promote the objective of optimum utilization of the living resources in the EEZ without prejudice to Article 61 of the Convention. The Government will determine its capacity to harvest the living resources of the EEZ.
- (2) Bangladesh shall exercise its sovereign rights to explore, exploit, conserve, and manage the living resources in the EEZ and take such legal measures as appropriate for ensuring compliance with the laws and regulations adopted by Bangladesh in the EEZ. Bangladesh may also comply with the relevant UNCLOS provisions to notify the flag State when such measures will be taken.

Stocks Occurring within the EEZ of Two or More Coastal States or both Within the EEZ and in an Area Beyond and Adjacent to it

43. Where the same stock or stocks of associated species occur both within the EEZ and in an area beyond and adjacent to the zone, Bangladesh and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate sub-regional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area.

Highly Migratory Species and Marine Mammals

44. (1) Bangladesh and other States, whose nationals fish highly migratory species in the region, shall cooperate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the EEZ. The regions for which no appropriate international organization exists, Bangladesh and other States, whose nationals harvest these species in the region, shall cooperate to establish such an organization and participate in its work.
- (2) The Government shall enjoy the right to prohibit, limit or regulate the exploitation of marine mammals. Other States are also expected to cooperate with a view to the

conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organizations for their conservation, management and study.

Navigation in the Exclusive Economic Zone

45. Other states may not conduct military activities such as anchoring, exercises, etc. within the EEZ but may only do so with the obligations to have due regard to Bangladesh's resource and other rights as well as the rights of other states as set forth in the convention. All vessels over 100 Gross Registered Tonnages (GRT) to declare and report any hazardous cargo carried on board at least 24 hours before entering Bangladesh's EEZ. Following Bangladesh's jurisdiction in its Exclusive Economic Zone with regard to protection, preservation of marine environment and its obligations to prevent, reduce and control pollution of the marine environment, these obligations must be carried out in consistent with international laws.

Enforcement of Laws and Regulations

46. (1) The Government may exercise its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with the Convention.
- (2) The Government shall promptly, in cases of arrest or detention of a foreign fishing vessel, notify the action taken to the flag State through appropriate diplomatic channels. Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security by the flag state.
- (3) Penalties for violations of fisheries laws and regulations in the exclusive economic zone will be in accordance with the laws and regulations enunciated by the Government.
- (4) With regard to environmental protection, The Government shall use existing mechanism which could enable it to effectively monitor, regulate or prevent incidents related to Ship to Ship (STS) transfers occurring in Exclusive Economic Zone and which does not require any changes to following regulations of existing International Convention for the Prevention of Pollution from Ships (MARPOL):
- i. Oil Pollution Preparedness, Response and Cooperation (OPRS);
 - ii. Long Range Identification and Tracking (LRIT);
 - iii. Automatic Identification System (AIS);
 - iv. Conditions of port entry for STS transfer;
 - v. Regulation of STS Service providers that operate from Bangladesh;

- vi. Voluntary measures and bilateral agreement between coastal and flag states.

Illegal, Unreported and Unregulated Fishing (IUU)

47. (1) To prevent, deter and eliminate illegal, unreported and unregulated fishing, Government in any of her ports, may notify fishing vessels to inform the port about detail of its fishing operations while requesting permission to dock or enter at a port, and permission to dock can be denied if there are good reason to believe that the vessel was engaged in IUU fishing. Any port authorities of Bangladesh as a part of other measures may carry out inspections of equipment, paperwork, catches, and ship's records.
- (2) Bangladesh may ensure that they continue to exercise control over vessels flying their flags in areas beyond their national jurisdiction, and may ensure that IUU-catch products are not entering national and international market.
- (3) If required, to prevent, deter and eliminate illegal, unreported and unregulated fishing, Bangladesh may act in accordance with the Port State Measures Agreement (PSMA) of Food and Agriculture Organization (FAO).

Penalty for Illegal, Unreported and Unregulated Fishing

48. If any person involves in or helps any person to involve in illegal, unreported and unregulated fishing and destructive fishing practices, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend up to taka eight million, or with both.

PART VII

The Continental Shelf

49. The Continental Shelf of Bangladesh comprises the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin.

Limits of the Extended Continental Shelf

50. (1) Since the outer edge of the continental margin of Bangladesh extends beyond 200 NM from the base line, the Government may, by regulation, establish the outer limits of the continental shelf based on the principles and methods of delineation of the continental shelf beyond that point specified in Article 76 of the Convention; and especially to:
- (a) the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 percent of the shortest distance from such point to the foot of the continental slope; or
- (b) the outer limits of the continental shelf on the seabed, drawn in accordance with sub-section above, shall not exceed 100 nautical miles from the 2,500 metre

isobaths;

- (c) the foot of the continental slope as referred in sub-section (a) above, shall be determined as the point of maximum change in the gradient at its base, and the outer limits of its continental shelf, by straight lines not exceeding 60 nautical miles in length, connecting fixed points, defined by coordinates of latitude and longitude.
 - (2) For the purposes of sub-section above, the continental margin comprises the submerged prolongation to the land mass of Bangladesh consisting of the seabed and its subsoil, the slope and the rise of the continental shelf, but does not include the deep ocean floor with its oceanic ridges or its subsoil.
 - (3) In accordance with international law and in particular Article 77 of the Convention, Bangladesh shall exercise sovereign rights over the continental shelf to explore it and exploit its natural resources.
51. Subject to Article 84 of the Convention, the Government may, by notification in the Official Gazette, specify the outer limits of the Continental Shelf.
52. No person or organization shall, except under and in accordance with the terms of a license or permission granted by the Government, explore or exploit any resources of the continental shelf or carry out any search on the continental shelf. No such license or permission shall be necessary for fishing by a citizen of Bangladesh who uses vessels which are not mechanically propelled.

Rights and Jurisdictions in the Continental Shelf

53. (1) In the continental shelf Bangladesh shall have exclusive sovereign rights and jurisdiction for the purposes of-
- (a) exploring and exploiting its natural resources;
 - (b) authorizing and regulating the construction, operation, maintenance and use of artificial islands, off-shore terminals, installations and other structures and devices, including designated safety zones, necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other economic purpose;
 - (c) authorizing and regulating drilling for any purposes;
 - (d) authorizing, regulating and controlling marine scientific research;
 - (e) preserving and protecting the marine environment, and preventing and controlling marine pollution; and
 - (f) constructing artificial lands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

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

License or Authority to Explore or Exploit Resources

54. (1) No person, including a foreign government and an international organization, may-
- (a) explore or exploit any resources;
 - (b) carry out any search or excavation, or conduct any research; or
 - (c) drill or construct installations or other structure or devices for any purpose in the continental shelf, except under and in accordance with the terms of a license or a letter of authority granted by the Government.
- (2) Any person or organization who contravenes sub-section (1) commits an offence and shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to two hundred and forty million or with both. In addition, the Maritime Zones Tribunal before which the person was convicted may order the forfeiture of any vessel and equipment used in the commission of the offence.

Declaration of Designated Area

55. The Government may, by order:
- (1) declare any area of the continental shelf to be a designated area for any purpose; and
 - (2) make any provision considers necessary with respect to –
 - (a) exploration, exploitation and protection of the resources of the continental shelf within the designated area;
 - (b) preservation and protection of the marine environment of the designated area;
 - (c) conducting of marine scientific research in the designated area;
 - (d) safety and protection of artificial islands, off-shore terminals, installations, and other structures and devices in the designated area;
 - (e) customs and other fiscal matters in relation to the designated area; and
 - (f) the entry into and passage through the designated area by foreign vessels by the establishment of fairways, sea lanes, traffic separation schemes or any other mode of navigation which is not prejudicial to the interests of Bangladesh.

Exercise of Jurisdiction in the Continental Shelf

56. (1) Bangladesh has the jurisdiction to exercise laws and regulations with regard to customs, fiscal, health, security and immigration in relation to the artificial islands, installations and structures, including safety zones, on the continental shelf.
- (2)
- (a) The laws and regulations of Bangladesh shall be extended to the continental shelf to the extent permitted by international law.
- (b) In particular, the laws of Bangladesh shall apply to artificial islands, installations and structures, including safety zones, on the continental shelf as if they were located in the territorial sea.
- (3) Rights in the continental shelf that are not stipulated in this Act, shall be exercised in accordance with the Convention, international law and any other laws of Bangladesh.
- (4) The Government shall not impede the laying or maintenance of any submarine cables or pipelines on the continental shelf by other States provided that the consent of the Government shall be necessary for the delineation of the course for the laying of the cables or pipelines.
- (5) In exercising its rights and performing its duties in the continental shelf, Bangladesh shall have due regard to the rights and duties of other States and shall act in a manner compatible with international law.

Grey Area

57. (1) Grey areas of Bangladesh are two separate areas beyond 200 nm of the EEZ and situated separately within the 200 nm EEZs of Myanmar and India, as determined by the judgment of the ITLOS (Bangladesh-Myanmar maritime boundary case, 2012) and Arbitral Tribunal award (Bangladesh-India maritime boundary case, 2014) respectively.
- (2) The water column on each segment of the Grey Area shall belong to Myanmar and India respectively, and the water column on their common overlapping grey area shall be owned by both the countries.
- (3) In grey areas, Bangladesh shall have sovereign and exclusive rights for the purpose of exploring and exploiting the natural resources of the seabed and sub-soil together with the living organisms belonging to sedentary species.
- (4) Bangladeshi fishermen according to international law may not exploit living resources in the grey area belonging to other states.

PART VIII

High Sea

58. High sea refers to an area beyond and adjacent to the outer limit of the 200 NM EEZ of Bangladesh or beyond EEZ of other States; where like all other States, Bangladesh has the right to exploit living resources.

Freedom of the High Seas

59. (1) Bangladesh shall enjoy freedom of the high seas under the conditions laid down by the Convention and by other rules of international law and it comprises:
- (a) freedom of navigation;
 - (b) freedom of over-flight;
 - (c) freedom to lay submarine cables and pipelines;
 - (d) freedom to construct artificial islands and other installations permitted under international law;
 - (e) freedom of fishing;
 - (f) freedom of scientific research.
- (2) All states shall enjoy freedom to lay submarine cables and pipelines on the high seas provided that the consent of the Government shall be necessary for the delineation of the course for the laying of the cables or pipelines.
- (3) These freedoms shall be exercised by Bangladesh with due regard for the interests of other States in their exercise of the freedom of the high seas and also with due regard for the rights under this Convention with respect to activities in the Area.

Submarine Cables and Pipelines on the High Seas and Deep Seabed

60. (1) All States are entitled to lay submarine cables and pipelines on the bed of the high seas beyond the continental shelf.
- (2) The protections regarding cables already in position on the continental shelf apply to the bed of the high seas beyond the continental shelf, i.e., the Area, for the purpose of facilitating cable routings, in accordance with the provisions of the MOU established by International Cable Protection Committee (ICPC) and the International Seabed Authority (ISA).

General Provisions in the High Sea

61. (1) Bangladesh shall have the following rights:
- (a) to sail ships flying its flag on the high seas;
 - (b) to fix the conditions for the grant of its nationality to ships, for the

registration of ships in its territory, and for the right to fly its flag;

- (c) to sail ships under the flag of Bangladesh only maintaining the Status of ship and save in exceptional cases expressly provided for in international treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas.
 - (d) Sub-Para 'c' shall not prejudice the question of ships of Bangladesh employed on the official service of the United Nations, its specialized agencies or the International Atomic Energy Agency, flying the flag of the organization.
- (2) The Government shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag such as maintaining a register of ships, overseeing its construction, assuming jurisdiction under its internal law over each ship and its master, officers and crew, and ensuring safety at sea including the seaworthiness of ships.

Maritime Law Enforcement

62. (1) In this act, maritime law enforcement actions mean assertion of jurisdiction over the vessel or aircraft in the maritime zones of Bangladesh. Jurisdiction, in turn, depends upon the nationality, the location, the status, and the activity of the vessel or aircraft over which maritime law enforcement action is contemplated. The five principles recognized in international law that authorize Bangladesh to enact criminal laws applicable to maritime law enforcement operations are-
- (a) Territorial Principle recognizes the right of Bangladesh to proscribe conduct within its territorial borders, including its internal waters and territorial sea, by vessels flying its flag as well as foreign flag vessels.
 - (b) Nationality Principle is based on the concept that Bangladesh may apply its laws to its nationals wherever they may be and to all persons, activities, and objects on board ships and aircraft having Bangladeshi nationality.
 - (c) Under Passive Personality Principle, jurisdiction is based on the nationality of the victim, irrespective of where the crime occurred or the nationality of the offender.
 - (d) Protective Principle recognizes the right of Bangladesh to prosecute acts that have a significant adverse impact on its national security or governmental functions. Foreign drug smugglers apprehended on non-Bangladesh flag vessels on the high seas may be prosecuted under this principle of international criminal jurisdiction.
 - (e) Universal Principle recognizes that certain offenses are so heinous and so widely condemned that Bangladesh may apprehend, prosecute, and punish that offender on behalf of the world community regardless of the nationality of the offender or victim. Offences like piracy, armed

robbery, human trafficking, arms trafficking and slave trade will be considered under this principle.

- (2) Maritime law enforcement actions may be taken against a foreign flag vessel without the authorization of the flag State within its internal waters, and territorial sea when there are reasonable grounds for believing that the vessel is engaged in violation of Bangladesh's law applicable in those waters, including illicit traffic of narcotic drugs and psychotropic substances. Similarly, such law enforcement action may be taken against foreign flag vessels without the authorization of the flag State in Bangladesh's contiguous zone (for fiscal, immigration, sanitary and customs violations), in the EEZ (for all natural resource law violations), and over the continental shelf (for seabed resource violations).

Sovereign Immunity of Warships and Military Aircraft

63. Warships and military aircrafts of Bangladesh shall enjoy sovereign immunity from arrest, attachment, or execution, or search in the maritime zones of any other foreign state. In the territorial sea, public vessels operated for non-commercial services shall enjoy immunity only from the jurisdiction of the port or the Government to enforce its laws against them.

Sunken Warships and Military Aircraft

64. Sunken warships and military aircraft, and other sunken government ships operated for non-commercial purposes, shall be recognized as the properties of Bangladesh.

Hot Pursuit

65. (1) In this Act, the hot pursuit of a foreign ship may be undertaken when Bangladesh Law Enforcing Agencies have good reason to believe that the ship has violated the laws and regulations of Bangladesh. The pursuit must be commenced when the foreign ship or one of its boats is within the internal waters, the territorial sea, or the contiguous zone of Bangladesh, and may only be continued outside the territorial sea or contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the ship is within a contiguous zone, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established.
- (2) The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of own state or of a third State.
- (3) The right of hot pursuit may be exercised only by warships, military aircraft or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

- (4) The right of hot pursuit applies also to violations in the EEZ and on the continental shelf, including safety zones around continental shelf installations, of the laws and regulations of Bangladesh applicable to the EEZ or the continental shelf, including such safety zones.

Commencement of Hot Pursuit

66. Hot pursuit shall not deem to have begun unless the pursuing ship is satisfied by such practicable means are available that the ship pursued, or one of its boats or other craft working as a team and using the ship pursued as a mother ship, is within the limits of the territorial sea, within the contiguous zone or the EEZ, or on the continental shelf. Pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.

Hot Pursuit by Aircraft

67. According to this Act, where hot pursuit is affected by aircraft, all the preceding subsections apply. The aircraft must do more than merely sight the offender or suspected offender to justify an arrest outside the territorial sea. It must first order the suspected offender to stop. Should the suspected offender fail to comply, pursuit may be commenced alone or in conjunction with other aircraft or ships.

Requirement for Continuous Pursuit

68. Hot pursuit must be continuous, either visually or through electronic means. The ship or aircraft giving the order to stop must itself actively pursue the ship until another ship or aircraft of or authorized by Bangladesh, summoned by the ship or aircraft, arrives to over the pursuit, unless the ship or aircraft is itself able to arrest the ship.

Constructive Presence

69. A foreign vessel may be treated as if it were actually located at the same place as any other vessels with which it is cooperatively engaged in the violation of law. This doctrine is most commonly used in cases involving mother ships which use contact boats to smuggle contraband into the Bangladesh's waters. In order to establish constructive presence for initiating hot pursuit in Bangladesh, and exercising law enforcement authority, there must be:
- (a) a foreign vessel serving as a mother ship beyond the maritime area over which Bangladesh may exercise maritime law enforcement jurisdiction;
 - (b) a contact boat in a maritime area over which Bangladesh may exercise jurisdiction (i.e., internal waters, territorial sea, contiguous zone, EEZ, or waters of the continental shelf) and committing an act subjecting it to such jurisdiction; and

- (c) good reason to believe that the two vessels are working as a team to violate the laws of that State.

Laws Applicable to Rights of Hot Pursuit

70. (1) Where any authorized officer has reason to believe that a foreign vessel has contravened any provision of this Act or any applicable written law, he may undertake the hot pursuit of such vessel with a view to stopping and arresting it.
- (2) An authorized officer making an arrest under this Act or any applicable written law shall, without unnecessary delay, produce the person arrested before a magistrate or the Maritime Zones Tribunal.
- (3) No authorized officer shall keep in custody a person arrested for a longer period than under all the circumstances of the case is reasonable.
- (4) Any vessel detained and the crew thereof shall be taken to the nearest or most convenient port and dealt in accordance with the provisions of this Act or any applicable written law.
- (5) The laws of Bangladesh shall apply with respect to the execution of operation in relation to hot pursuit by the Naval ships, Coast Guard ships including the officers and sailors above the rank of Petty Officer, designated officers above the rank of Sub-Inspector of Bangladesh Police, other government vessels and officers of relevant Ministries and agencies within the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf, including safety zones around installations, and conduct obstructing such execution.
- (6) A person who does any act in pursuance or intended pursuance of the functions conferred on him by or under this Act shall not be subject to any civil or criminal liability in respect of such act, whether on the ground of want of jurisdiction, mistake of law or fact or on any other ground, unless that person has acted or omitted to act, in good faith.

Authorized Officers for 'Hot Pursuit'

71. Petty officers (PO), Chief Petty Officer (CPO) and above, Commissioned Officers of any rank of Bangladesh Navy, Bangladesh Coast Guard and Sub-Inspectors and above ranked officers of the Bangladesh Police, concerned Ministries/Departments/Organization of the Government pertinent to the customs, fiscal, fisheries, environment, immigration or sanitary laws and regulations; shall be considered as the authorized officers for 'Hot pursuit'.

Rights of Approach and Visit

72. As a general principle, vessels on the high seas or EEZ are immune from jurisdiction of any State other than the flag State. However, under international law, a warship, military aircraft, or other duly authorized ship or aircraft may approach and visit any vessel in

international waters to verify its nationality unless the vessel encountered is itself a warship or government vessel of another State.

PART IX

Area

73. "Area" means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction. However, Area in the Bay of Bengal may only be determined after the submissions of respective continental shelf claims of Bangladesh, India and Myanmar are considered and recommended by the Commission on the Limits of the Continental Shelf (CLCS) and the limits of national jurisdiction are duly published by all states.

Resources of the Area

74. "Resources" means all solid, liquid or gaseous mineral resources in situ in the Area at or beneath the seabed, including but not limited to (a) polymetallic nodules; defined as may deposit or accretion of nodule on or below the surface of the deep sea level which contains metals such as manganese, nickel, cobalt and copper; (b) polymetallic sulphides, defined as hydro thermally formed deposits of sulphides and accompanying mineral resources in the sea which contains concentration of metals such as copper, lead, zinc, gold, silver etc.; and (c) cobalt crusts, defined as cobalt rich ferromanganese hydroxide/oxide deposits or from direct precipitation of minerals from sea from sea water on to substrates and containing concentrations of metal such as cobalt, lithium nickel, platinum, molybdenum, deuterium, cerium and other and other metallic and rare earth elements; and resources, when recovered from the Area, are referred to as "minerals".

Common Heritage of Mankind

75. The Area and its resources are the common heritage of mankind.

General Conduct of States in Relation to the Area

76. The general conduct of States in relation to the Area shall be in accordance with the relevant provisions of the Convention, the principles embodied in the Charter of the United Nations and other rules of international law in the interests of maintaining peace and security and promoting international cooperation and mutual understanding.

Exercise of Powers and Functions by the Authority

77. The Government shall avoid discrimination in the exercise of its powers and functions, including the granting of opportunities for activities in the Area.

System of Exploration and Exploitation

78. (1) Activities in the Area shall be organized, carried out and controlled by the Authority on behalf of mankind as a whole in accordance with this article as well as other relevant provisions of the relevant part of the Convention, and the rules, regulations and procedures of the Authority.
- (2) Activities in the Area may be carried out in association with the Government, or

state enterprises or natural or juridical persons who possess the nationality of Bangladesh or are effectively controlled by Bangladesh or its nationals, if sponsored by Bangladesh, or any group of the foregoing which meets the requirements provided in the relevant part of the Convention.

Bangladesh's Participation in the ISA

79. Bangladesh being one of the ipso facto member of the Authority, may continue to participate in the sessions of the ISA, as those take place time to time, and may contribute by providing views and comments, in formulating the rules, regulations and procedures of the Authority. The Government may make rules and regulations and exercise such powers and take such measures as it may consider necessary to regulate mining activities within its territorial sea, EEZ, continental shelf and Area in conformity with the guidelines of the Authority.

PART X

Marine Pollution and Environmental Protection

Marine Pollution

80. (1) For the purpose of this Act, 'Marine Pollution' refers to the introduction by man, directly or indirectly, of substances or energy from ships, oil spillage, noxious liquid substances, harmful substances in packed form, sewage, garbage, dumping of wastes, marine litter and micro-plastics, and from air pollution and underwater noise, caused during navigation and over-flight, resource development, and marine scientific research in the sea, of any kind from any sources of pollution such as incidental vessel-sources, land-based sources, sea-based sources, atmospheric sources; which results or is likely to result in such deleterious effects as harm to living resources and marine biodiversity, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.
- (2) In this Act-
- (a) 'Air pollution from ships' refers to emission of smoke and hazardous gases, from any type of marine engines, sulphur content and marine fuel oil, and ozone depleting substances, that eventually is liable to create hazards to human health, to harm living resources and marine biodiversity, to damage amenities or to interfere with other legitimate uses of the sea;
 - (b) 'Dumping of wastes' means the activities, in the sea, of discharging wastes, by dumping/ throwing of wastes and other matters, conducted by or from vessels, aircraft, all types of ships and offshore platforms or other man-made structures, causing marine pollution, which eventually is liable to create hazards to human health, to harm living resources and marine biodiversity, to damage amenities or to interfere with other legitimate uses of the sea;
 - (c) 'Garbage' means disposal, into the sea, of any type of materials from any source such as vessels, yachts, fishing vessels, all types of ships and offshore platforms, including synthetic fishing nets, ropes and plastic rubbish bags; dunnage, lining and packing material; and paper products, rags, glass, metal,

bottles and crockery, which eventually are liable to create hazards to human health, to harm living resources and marine biodiversity, to damage amenities or to interfere with other legitimate uses of the sea;

- (d) 'Harmful substances in packaged form' means discharges, into the sea, of any form of harmful substances in packaged form, of containment other than the structure of the ship, including packaging, freight containers, portable tanks and road and rail tank wagons, which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code);
- (e) 'Marine litter' means discharge or release, in a lake, sea, ocean or waterway, deliberately or accidentally, of human-created wastes like oceanic debris as well as frequently washing aground, known as beach litter or tide-wrack, floating mass at the centre of gyres and on coastlines;
- (f) 'Micro-plastics' means discharge, in the marine environment, of small plastic particles less than 5 mm in diameter, coming from a variety of sources, including cosmetics, clothing, and industrial processes, which remains as unbroken particle in the bodies and tissues of many organisms for many years;
- (g) 'Noxious Liquid Substances' means discharges, into the sea, of any effluent containing liquid substances originating from cargo residues, cleaning and ventilation operations, transboundary movement of hazardous wastes, carried by *ships* in bulk, posing a threat of harm to the marine environment; and air pollution from ships; that is obnoxious for human health and marine biodiversity;
- (h) 'Oil Spillage' means operational discharges, subject to the transit passage regime; of oil from machinery spaces of all ships as well as discharge of oil from cargo-tank areas of oil tankers, in the sea;
- (i) 'Pollution from ships' means the acts of sea water pollution in any means by any ships or vessels, while availing innocent passage facilities through the international waters such as in the Territorial Sea and the Contiguous Zone, the EEZ, and the high seas;
- (j) 'Sewage' means discharge, into the sea, of liquids from any type of ships;
- (k) 'Underwater Noise' means the introduction, under waters of the ocean, of noises, causing deleterious effects as harm to living resources, marine species and ecosystems; broader impacts on the marine environment and biodiversity and other biota in the marine environment; hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities, directly or indirectly created, by or from-
 - (i) any anthropogenic noises from the deployment of sonar for naval purposes;
 - (ii) natural sources such as wind, waves and eddies or water itself;

- (iii) biological sources such as cetaceans as well as certain species of fish and shrimp etc.;
- (iv) local transmission conditions as well as bottom and surface variables;
- (v) the presence of certain types of natural phenomena such as ice or from marine dredging and construction activities;
- (vi) the oil and gas industry;
- (vii) sound pulses emitted from surveys; and
- (viii) any other sources of any kind.

Environmental Protection

81. (1) The Government may, subject to the provisions of international laws and guidelines, exercise such powers and enforcement rights, and take such measures in or in relation to its maritime zones, internal waters, the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelf and other sea areas under jurisdiction, for the promotion of sustainable economic and social development, as it may consider necessary with respect to:
- (a) protection and preservation of the marine environment, marine resources, ecological balance, as a fundamental duty, from pollutions;
 - (b) prevention of pollution damage;
 - (c) safeguard of human health;
 - (d) improvement of the marine environment.
- (2) For the purpose of environment protection, The Government may, by notification, subject to national jurisdiction in conformity with international laws and guidelines,-
- (a) formulate a national plan for the protection of marine environment from pollutions caused by or from any sources under paragraphs above;
 - (b) formulate a contingency plan for major national marine pollution accidents based on the need to prevent the pollution of the marine environment and pollution accidents;
 - (c) apply generally accepted international rules, standards and mechanism established through the Convention; or the competent international organization or general diplomatic conference;
 - (d) set its mechanism to regulate discharges or disposals from any sources;
 - (e) formulate the national marine environmental quality standards according to the quality of the marine environment and the national economic and technological conditions;

- (f) formulate local marine environmental quality standards;
 - (g) initiate to establish, according to the maritime functional zoning system, the Marine Environmental Protection Regional Cooperation Organization for the protection of the regional marine environment in key sea area;
 - (h) initiate measures to set cooperation with other states in dealing with oil spills;
 - (i) formulate a major offshore oil spill contingency plan for the national offshore oil exploration and exploitation;
 - (j) promulgate rules and regulations as necessary from time to time, to control, reduce and prevent the marine environment from pollutions;
- (3) The relevant departments of the government shall be responsible to determine the objectives and tasks for the protection of the marine environment, and incorporate them into work plans, and implement them in accordance with the corresponding marine environmental quality standards.

Particularly Sensitive Sea Areas (PSSAs)

82. Bangladesh defines PSSAs as:

- (a) sea areas within its jurisdiction or even in the high seas which are in special need of protection against marine pollution from ships and dumping, on account of the areas' particular sensitivity in respect of their renewable natural resources or in respect of their importance for scientific purposes;
- (b) areas which need special protection through action by IMO because of their significance for recognized ecological or socio-economic or scientific reasons and which may be vulnerable to damage by maritime activities; and
- (c) comparatively limited areas of high sensitivity which are also at risk from shipping.

Control of Marine Pollution, Pollution Damage and Protecting Coastal Ecosystems

83. (1) In accordance with the provisions of the Convention and international laws, the Government may, with a view to preventing and controlling marine pollution, preserving the quality and ecological balance in the marine environment in the seas adjacent to the territorial seas, take such measures as it may deem appropriate, by notification:
- (a) adopt laws and regulations to prevent, reduce and control pollution of the marine environment;

- (b) take appropriate measures to prevent, reduce and control pollutions from land-based sources, sea-based activities, by dumping or from vessels, from or through atmosphere;
 - (c) adopt laws and regulations to sustainably manage and protect marine and coastal ecosystems including, by strengthening their resilience, and their restoration, in order to achieve healthy and productive oceans and conserving coastal and marine areas;
 - (d) adopt laws and regulations to protect marine resources, preventing pollution damage, maintain ecological balance, safeguard human health and promote sustainable economic and social development;
- (2) The Government may, with a view to sustainably managing, preserving and protecting marine and coastal ecosystems including by strengthening their resilience, and their restoration in order to achieve healthy and productive oceans and conserving coastal and marine areas through preventing and controlling marine pollution, consistent with national and international law, take such measures as it may deem appropriate for the purpose of formulating Environmental Impact Assessment (EIA) through the appropriate body.
- (3) The existing laws and regulations of Bangladesh shall apply to its maritime zones, internal waters, the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelf and other sea areas under the jurisdiction.
- (4) Any of the following acts committed by any person (including an entity), which directly or indirectly, affect the marine environment in coastal areas within the jurisdiction of Bangladesh, shall be punishable:
 - (a) navigation, exploration, development, production, tourism, scientific research or other activities;
 - (b) damaging behaviors, which happened in areas outside the jurisdiction of Bangladesh, but cause pollution in areas under its jurisdiction;
 - (c) discharge of any types of pollutants or other substances that are prohibited by this Act;
 - (d) discharge of pollutants to sea without following the provisions of this Act or discharging pollutants exceeding the standard;
 - (e) dumping of wastes into sea without obtaining ocean dumping permits;
 - (f) causing of marine pollution incidents and without immediate measures to deal with due to accidents or other unexpected events;
 - (g) any activity affecting the marine environment in coastal areas;
- (5) Whoever contravenes any provision of this Act or of any notification thereunder shall (without prejudice to any other action which may be taken against such person under any other provision of this or of any other enactment) be punishable with imprisonment which may extend to three years, or with fine no less than taka twenty million no more than taka fifty million, or with both.

- (6) If any person or entity possesses, does, or initiates anything that may cause pollution, fails or show negligence to take measures to prevent marine pollution of all kinds, in particular from land-based activities or sources, including marine debris and nutrient pollution or pollution from sea-bed activities or pollution from activities in the area or pollution by dumping or pollution from vessels or pollution from or through the atmosphere shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to taka four million, or with both.
- (7) Where an offence under this Act or the rules made thereunder has been committed by an entity, every person who at the time the offence is committed was in charge of and was responsible to the entity for the conduct of the business of the entity, as well as the entity shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (8) Where an offence, with regard to sewage or dumping wastes into the sea under this Act or the rules made thereunder, committed by an entity or a person, of discharge of pollutants directly to the sea, shall be deemed be guilty, and a fine as sewage charges or dumping fees, in accordance with the provisions and regulations laid down by Bangladesh, must be paid. The sewage charges and dumping fees collected according to the provisions of this law must be used for remediation of marine environmental pollution and should not be diverted for other purposes.
- (9) Where an offence, under this Act or the rules made thereunder, committed by an entity or a person, of pollution accidents due to accidents or other emergencies in the sea, the entity or the person must take immediate effective measures, and promptly notify those who may be harmed and in accordance with the provisions of this Law, submit report to the department which have marine environment supervision and management right and shall be investigated and dealt with. When the environment in the offshore area is seriously polluted, the local government must take effective measures to relieve or mitigate the harm.

Enforcement with Respect to Pollution

84. The Government shall enforce and adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or Convention to prevent, reduce and control pollution of the marine environment from land-based sources, seabed activities, and activities in the Area and dumping.

Enforcement by Flag State

85. (1) The government shall ensure compliance by vessels flying their flag or of their registry with laws and regulations adopted in accordance with the Convention for the prevention, reduction and control of pollution of the marine environment from vessels and shall accordingly adopt laws and regulations and take other measures necessary for their implementation.
- (2) The Government shall provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where a violation occurs in the waters of Bangladesh or outside the jurisdiction of Bangladesh

Legal Liability

86. Such acts that include violation of the provisions of the Law changing the coastline of the Marine Islands by filling the sea and reclaiming land from the sea, and filling the sea to connect the islands shall be sanctioned in accordance with the Law of Bangladesh.

Prevention and Control of Marine Environment Pollution by Coastal Construction Project

87. (1) The entity of the coastal construction project must conduct a scientific investigation of marine environment at feasibility study stage of the construction project and make a sound site selection, and an environmental impact report according to the natural and social conditions must be made. After the concerned department submits its opinion, the environmental impact report shall be submitted to the BORI in charge of environmental protection for examination and approval.
- (2) No entity may dump any wastes into the sea area under the jurisdiction of Bangladesh without approval of the government. Entities that need to dump wastes must submit a written application to the environment department for examination and approval.

PART XI

Marine Scientific Research in the Maritime Zones

88. For the purpose of this Act,
- (a) 'Marine Scientific Research (MSR)' shall include activities related to ocean state estimation, weather and climate forecasting, oceanography, exploration & exploitation of natural resources and underwater cultural heritage; physical oceanography, marine chemistry, marine biology, scientific ocean drillings and coring geological/ geophysical research as well as other activities with a scientific purpose in its maritime zones, territorial sea, EEZ, and on continental shelf, high seas and the Area.
- (b) 'Hydrographic Survey' shall include activities undertaken for the making of navigation charts and for the safety of navigation including determination of the depth of water, the configuration and nature of the sea floor, the direction and force of the currents, tides and times of tides and water stage and hazards for navigation.
- (c) 'Military surveys' shall include activities undertaken in the EEZ, high sea and on the continental shelf involving marine data collection for military purposes.

Marine Scientific Research (MSR) in Maritime Zones

89. (1) (a) As provided by international law and Convention, Government, in the Exercise of its sovereignty, has the exclusive right to regulate, authorize and conduct marine scientific research in its territorial sea;
- (b) As provided by international law and in particular Article 246 of the Convention, government, in the exercise of its jurisdiction, has the right to

regulate, authorize and conduct marine scientific research in its EEZ and on its continental shelf;

- (2) Marine Scientific Research shall not be conducted in any maritime zone except with the expressed consent of the Government and in accordance with regulations as may be made by the Government;
- (3) No such installations and equipment may be deployed, in case of deployment and use of installations and equipment to support research seaward of the territorial sea baseline thereof, in such fashion as to constitute an obstacle to established international shipping routes: provided that those installations and equipment must bear identification markings indicating the state of registry or the international organization to which they belong, and have adequate internationally agreed warning signals;
- (4) Subject to the provisions of the Convention, a state or a competent international organization, shall be responsible for conducting an MSR, whether undertaken by them or on their behalf, and wherever conducted seaward of the territorial sea baseline, is conducted in accordance with the Convention;
- (5) Subject to article 235 of the Convention, a state or a competent international organization, shall be liable, while conducting an MSR, for any measures taken by them or other states, their natural or juridical persons or by competent international organizations, on their behalf in contravention of the Convention, or for any damage caused by pollution of the marine environment arising out of MSR undertaken; and in that case states and organizations shall be responsible and liable and shall provide compensation for damage resulting from such measures.
- (6) The Government has the right of restricting the conduct of MSR in the maritime zones if the following principles are not complied:
 - a) It is conducted for peaceful purposes only;
 - b) Appropriate scientific methods are used in conducting;
 - c) It does not interfere with other legitimate oceanic uses;
 - d) It is conducted in compliance with regulations for the protection and preservation of the marine environment.

Exercise of Rights and Jurisdiction for MSR in Maritime Zones

90. (1) The consent of government for a research project may be granted, either explicitly or implicitly, upon a notification is served, in accordance with Article 248 of the Convention, by a state or an organization sponsoring the project, to the Government, at least six months in advance of the expected starting date of the project, with a full description of the project.
- (2) The government may, subject to the provisions of international laws and in particular Article 246 of the Convention, exercise such powers and exclusive enforcement rights, and take such measures in or in relation to its maritime zones, including the exclusive economic zone and on the continental shelf, for the interest of the peace, good order or security of Bangladesh, including suspension, whether

absolutely or subject to any exceptions and qualifications as it considers appropriate, of the right of MSR project of other states or competent.

- (3) The research activities shall be conducted, in the EEZ or on the continental shelf of Bangladesh, by or through a state or a competent international organization or on their behalf in compliance with the specific conditions, the right of Bangladesh to participate in the project, in particular inclusion of scientists on board research vessels; provision to Bangladesh of reports and access to data and samples; assistance to Bangladesh, if requested, in assessing and interpreting data and results; and ensuring that results are made internationally available as soon as practicable, set forth in article 249 of the Convention. Provided that additional conditions may be, with respect to a category of research activities, established by Bangladesh, over which it has discretion to withhold consent pursuant to article 246.
- (4) MSR is most restricted within territorial waters. Therefore, MSR in the EEZ requires obtaining prior expressed consent of Bangladesh and submitting to any rules or conditions outlined by Bangladesh. As per the guidelines of the Convention, the government may give consent for MSR if it is carried out “exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind.” However, Bangladesh may withhold consent for MSR related to the exploration and/or exploitation of natural resources. There is no obligation for Bangladesh to give its consent to MSR within territorial waters, regardless of the nature of the MSR.

Duty to Provide Information by Desiring States or International Organizations to the Government

- 91 (1) States and competent international organizations which intend to undertake marine scientific research in the EEZ or on the continental shelf of Bangladesh shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide the Government with a full description of:
- (a) the nature and objectives of the project;
 - (b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
 - (c) the precise geographical areas in which the project is to be conducted;
 - (d) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate;
 - (e) the name of the sponsoring institution, its director, and the person in charge of the project; and
 - (f) the extent to which it is considered that Bangladesh should be able to participate or to be represented in the project.
- (2) If there is good reason to believe that the information given by States or competent international organizations as mentioned sub-section (1) are wrong or incomplete or insufficient, government may/shall abstain from giving necessary permission to conduct such marine scientific research.

Discretion of Government in Conducting the Marine Scientific Research

92. (1) The government may, subject to the provisions of international laws and in particular Article 253 of the Convention, exercise such powers and exclusive enforcement rights, and take such measures in its discretion to withhold or suspend its consent; if-
- (a) the research project is of direct significance for the exploration and exploitation of living or non-living resources; or
 - (b) the state or organization sponsoring the research project fails to comply with provisions set forth in article 249 of the Convention; or
 - (c) the research is not being conducted in accordance with the information initially supplied to Bangladesh, in accordance with article 253 of the Convention; or
 - (d) carrying out of the research does not comply within a reasonable period of time; or
 - (e) the non-compliance constitutes a major change in the research; or
 - (f) the state or organization sponsoring the research project involves drilling, the use of explosives or introduction of harmful substances into the marine environment; or
 - (g) the state or organization sponsoring the research project involves the construction, operation and use of artificial islands, installations or structures; or
 - (h) the sponsor of the research has not provided accurate information about the project, or the nature and objectives of the project which is inaccurate, or has outstanding obligations in respect of past projects;
- (2) If requested, government may indicate the reasons for denying its consent, with a view to enabling the state or state sponsoring the research project to determine what adjustments would be required to enable the project to proceed.

Regulation of Marine Scientific Research in the Maritime Zones

93. (1) Regulations made under sub-section (1) shall-
- (a) establish procedures to ensure that consent for marine scientific research is not delayed or denied unreasonably;
 - (b) ensure that any person who is given consent for marine scientific research under this section makes the results of his work available to the Government; and
 - (c) ensure that, in appropriate cases, intellectual property rights that Bangladesh has in the use of any living or non-living resources, are recognized and vested in Bangladesh.

94. The Government may take such measures as it may deem appropriate to increase scientific knowledge, develop research capacity and transfer marine technology in order to improve ocean health and to enhance the contribution of marine biodiversity and minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels.

PART-XII

Piracy, Armed Robbery, Maritime Terrorism, Theft and Unlawful Acts Against Safety of Maritime Navigation

95. (1) In this Act, unless the context otherwise requires,—
- (a) "Code" means the Code of Criminal Procedure, 1898;
 - (b) "Convention State" means a State party to the United Nations Convention of the Law of the Sea 1982;
 - (c) "Maritime Zones Tribunals" means a Court specified under this Act;
 - (d) "Notification" means a notification published in the Official Gazette;
 - (e) "Piracy" means, —
 - (i) any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; or against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
 - (ii) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts, making it a pirate ship or aircraft;
 - (iii) any act of inciting or of intentionally facilitating an act described in sub-section (i) and (ii);
 - (iv) any act which is deemed piratical under the customary international law;
 - (f) "pirate ship or aircraft" means a ship or aircraft which, if, —
 - (i) it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in (i) to (iii) of sub-section (1) e;
 - (ii) it has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.
- (2) In accordance with the article 58(2) of the Convention, the above-mentioned acts of piracy as articulated in the sub-section (1) and other pertinent rules of international law shall equally be applied to the Exclusive Economic Zone.
- (3) The undefined words and expressions used in this Act which are defined in the Penal Code or the Code shall have the meanings respectively assigned to them in those Codes.

96. (1) Notwithstanding anything contained in the Code, for the purposes of this Act, the Government may, by notification, confer on any Gazetted officer of Bangladesh Navy, Bangladesh Coast Guard and Bangladesh Police the powers of arrest of any person, investigation and prosecution under the said Code.
- (2) The Maritime Zones Tribunal shall have jurisdiction to prosecute—
- (a) any person who apprehended by or in the custody of the Coast Guard vessel or Bangladesh naval warship regardless the nationality or citizenship of such person and is accused of committing an act punishable under this Act;
 - (b) when a person is accused of committing an act of piracy is a citizen or national of Bangladesh or is a resident foreign national in Bangladesh or is a stateless person;
 - (c) when an offence under this Act is committed on board a foreign flag ship, where the law enforcement or other public authority of the port or place where the ship is located has been requested to intervene by the State whose flag the vessel is entitled to fly, or by the owner of the ship or its master or other person on board the ship: Provided that nothing in this subsection shall apply if the ship in question is a warship or auxiliary ship or is a government owned ship employed in non-commercial service and under the control of the government authorities at the time of the act of piracy.
- (3) Notwithstanding anything contained in any other law for the time being in force, the Maritime Zones Tribunal shall have the jurisdiction to try a proclaimed offender in absentia.

Transnational Organized Crime Related to Piracy

97. The Government shall criminalize participation in an organized criminal group, laundering proceeds of crimes, corruption, obstruction of justice, and participation in serious crimes under this Act. It applies to organized criminal groups of three or more persons.

Armed Robbery

98. For the purpose of this Act, “Armed robbery against ships” means any of the following acts:
- (1) any illegal act of violence or detention, or any act of depredation, committed for private ends and directed against a ship, or against persons or property on board such ship, in a place within the internal waters, territorial sea, EEZ of Bangladesh over such offences;
 - (2) any act of voluntary participation in the operation of a ship with knowledge of facts of making it a ship for armed robbery;
 - (3) any act of inciting or of intentionally facilitating an act described in the subsections (1) and (2).

Theft

99. For the purpose of this Act, whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property from vessels/ships/boats in order to such taking, is said to commit “theft”. It should be a

minimum significant incident of theft within the internal waters and the territorial sea where the robbers boarding the vessel were not armed and the crew of the vessel was not harmed.

Maritime Terrorism at Sea

100. In this Act, unless the context otherwise requires, offences with regard to 'Maritime Terrorism at sea', refers to-

- (1) Any person commits an offence if that person unlawfully and intentionally,-
 - (a) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or
 - (b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or
 - (c) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or
 - (d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or
 - (e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or
 - (f) communicates information which he knows to be false, thereby endangering the safe navigation of a ship; or
 - (g) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subsections above.
- (2) Any person also commits an offence if that person:
 - (a) attempts to commit any of the offences set forth in sub-section 1; or
 - (b) abets the commission of any of the offences set forth perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or
 - (c) threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in, if that threat is likely to endanger the safe navigation of the ship in question

101. Any person who seizes or detains and threatens to kill, to injure or to continue to detain another person (hereinafter referred to as the "hostage") in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain.

Suppression of Piracy, Armed Robbery, Theft and Maritime Terrorism at Sea

102. (1) the Government shall take appropriate measures as may be necessary for the suppression of incidents of piracy, armed robbery, theft and maritime terrorism at sea and shall establish its jurisdiction over the offences in accordance with this Act and international laws.
- (2) such measures shall apply if the ship is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea and internal waters of Bangladesh, or the lateral limits of its territorial sea with adjacent States for offences like armed robbery and petty theft.
- (3) such measures shall equally be applicable in case of an offence of piracy and maritime terrorism at sea committed in the territory of Bangladesh, including its exclusive economic zone.
103. The Government shall, in accordance with its national laws and regulations and applicable rules of international law, make every effort to take effective measures in respect of the following:
- (1) to prevent and suppress piracy, armed robbery and theft against ships;
- (2) to arrest pirates or persons who have committed armed robbery and theft against ships;
- (3) to seize ships or aircraft used for committing piracy or armed robbery against ships, to seize ships taken by and under the control of pirates or persons who have committed armed robbery against ships, and to seize the property on board such ships; and
- (4) to rescue victim ships and victims of piracy or armed robbery against ships.
104. In any prosecution of an offence under this Act, if it is proved—
- (1) that the arms, ammunition, explosives and other equipment were recovered from the possession of the accused and there is a reason to believe that such arms, ammunition, explosives or other equipment of similar nature were used in the commission of the offence; or
- (2) that there is evidence of use of the force, threat of force or any other form of intimidation caused to the crew or passengers of the ship in connection with the commission of the offence; or
- (3) that there is evidence of an intended threat of using bomb, arms, firearms, explosives or committing any form of violence against the crew, passengers or cargo of a ship, the Maritime Zones Tribunal shall presume, unless the contrary is proved that the accused had committed such offence and the burden of proof that the accused has not committed such offence shall shift to the accused.

Right of Visit

105. (1) A warship or authorized ships or aircraft in the service of the Government which encounters on the high seas a foreign ship, other than a ship entitled to complete immunity, is justified in boarding it if there is reasonable ground for suspecting that

the ship is engaged in piracy, slave trade, unauthorized broadcasting, the ship is without nationality, or through flying a foreign flag or refusing to show its flag, the ship is, in reality, of the nationality of another state.

- (2) In the cases provided for in sub-section(1), the warship or authorized ships or aircraft of Bangladesh, may send a *boat* or board under the command of an officer of Bangladesh Navy, Bangladesh Coast Guard or Bangladesh Police to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which may be carried out with all possible consideration.

Arrest and Seizure of Property

106. (1) On the high seas, or in any other place outside the jurisdiction of any State, Bangladesh may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board.
- (2) A seizure on account of piracy may be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on Government service and authorized to that effect.

Punishment for Piracy, Armed Robbery, Maritime Terrorism at Sea and Theft

107. (1) Whoever commits an act of piracy and maritime terrorism at sea shall be punished with imprisonment for life except where the accused has caused death in committing the act of piracy or attempt thereof in which case he may be punished with death and in addition the Maritime Zones Tribunal may also subject to any restitution or forfeiture of property involved in the commission of the offence;
- (2) An attempt to commit piracy, maritime terrorism or any unlawful attempt intended to aid, abet, counsel or procure for the commission of an offence of piracy shall also constitute an offence and is liable on conviction to be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine of taka twenty million and with both;
- (3) Every person who is an accomplice to an act of piracy and maritime terrorism shall be liable on conviction to be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine of taka twenty million and with both;
- (4) Whoever commits armed robbery shall be punishable with rigorous imprisonment for a term which may extend to ten years, and shall be liable to fine or with both;
- (5) Whoever commits theft shall be punishable under respective code of CrPC 1898 or with imprisonment of either description for a term which may extend to three years, or with fine, or with both.
- (6) Whoever commits any act of, hostage taking, transnational organized crime related to piracy, maritime terrorism and other offences against safety of maritime navigation under this Act shall be punishable with imprisonment for life time or for a

term which may extent to 20 (twenty) years but not less than 5(five) years or with fine which may extent to taka four thousand million or with both;

108. If requested by any state or competent international organization, government may provide assistance, in connection with criminal proceedings brought for offenses, including hostage-taking, to other states or competent international organizations and make rules and laws, consistent international laws, in respect of transfer of individuals in the custody of Bangladesh to provide assistance to the requesting State in connection with an investigation or prosecution for offenses under this Act.
109. The Government shall, subject to its national laws and regulations, endeavor to render mutual legal assistance in criminal matters, including the submission of evidence related to piracy and armed robbery against ships, at the request of another state.

Unlawful Acts against Maritime Safety of Navigation

110. For the purposes of Suppression of Unlawful Acts against Safety of Maritime Navigation in this Act, unless the context otherwise requires,-
- (1) “ship” means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles, or any other floating craft;
 - (2) “transport” means to initiate, arrange or exercise effective control, including decision-making authority, over the movement of a person or item;
 - (3) “serious injury or damage” means-
 - (a) serious bodily injury; or
 - (b) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss; or (m) substantial damage to the environment, including air, soil, water, fauna, or flora;
 - (4) “Biological, Chemical or Nuclear (BCN)” weapons means-
 - (a) “biological weapons” which are-
 - (i) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; or
 - (ii) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;
 - (b) “chemical weapons”, which are, together or separately-
 - (i) toxic chemicals and their precursors, except where intended for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes; or protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons; or military purposes not

- connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or law enforcement including domestic riot control purposes, as long as the types and quantities are consistent with such purposes;
- (ii) munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in sub-section (b)(i), which would be released as a result of the employment of such munitions and devices;
 - (iii) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subsection (b)(ii),
 - (c) nuclear weapons and other nuclear explosive devices.
- (5) "toxic chemical" means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.
- (6) "precursor" means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi-component chemical system;
111. (1) This Act does not apply to a warship; or a ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes; or a ship which has been withdrawn from navigation or laid up;
- (2) Nothing in this Act affects the immunities of warships and other government ships operated for non-commercial purposes.
112. Nothing in this Act shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international human rights, refugee and humanitarian law.
113. The Act does not apply to the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, and the activities undertaken by armed forces of Bangladesh in the exercise of their official duties, in as much as they are governed by other rules of international law.
114. Any person commits an offence within the meaning of this Act, if that person unlawfully and intentionally:
- (1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or
 - (2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or

- (3) destroys a ship or causes damage to a ship or to its cargo, which is likely to endanger the safe navigation of that ship; or
 - (4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or
 - (5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or
 - (6) communicates information which that person knows to be false, thereby endangering the safe navigation of a ship; or
 - (7) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in sub-sections (1)-(6).
115. Any person also commits an offence if that person threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in sub-sections (2),(3),(5) of section 114, if that threat is likely to endanger the safe navigation of the ship in question.
116. Any person commits an offence within the meaning of this Act and if that person unlawfully and intentionally:
- (1) when the purpose of the Act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act:
 - (a) uses against or on a ship or discharges from a ship any explosive, radioactive material or BCN weapon in a manner that causes or is likely to cause death or serious injury or damage; or
 - (b) discharges, from a ship, oil, liquefied natural gas, or other hazardous or noxious substance, which is not covered by sub-sections above in such quantity or concentration that causes or is likely to cause death or serious injury or damage; or
 - (c) uses a ship in a manner that causes death or serious injury or damage; or
 - (2) threatens, with or without a condition, to commit an offence set forth in sub-section 1(a)–(c) transports on board a ship:
 - (a) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, with or without a condition, as is provided for under national law, death or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act; or

- (b) any BCN weapon, knowing it to be a BCN weapon as defined in article I; or
 - (c) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an IAEA comprehensive safeguards agreement; or
 - (d) any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon, with the intention that it will be used for such purpose.
117. Any person commits an offence within the meaning of this Act if that person unlawfully and intentionally transports another person on board a ship knowing that the person has committed an act that constitutes an offence set forth an offence in section 159, and intending to assist that person to evade criminal prosecution.
118. Any person also commits an offence within the meaning of this Act if that person:
- (1) unlawfully and intentionally injures or kills any person in connection with the commission of any of the offences set forth;
 - (2) attempts to commit an offence set forth sub-section (1) (a), (b) of section 114 or (c) of section 116 or sub-section (1) of this section;
 - (3) participates as an accomplice in an offence set forth;
 - (4) organizes or directs others to commit an offence set forth;
 - (5) contributes to the commission of one or more offences set forth by a group of persons acting with a common purpose, intentionally and either:
 - (a) with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence set forth;
 - (b) in the knowledge of the intention of the group to commit an offence set forth;
119. The Act applies if the ship is navigating, or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of Bangladesh, or the lateral limits of its territorial sea and internal waters of Bangladesh with adjacent States.
120. (1) The Government shall take such measures as may be necessary to establish its jurisdiction over the offences set forth when an offence is committed:
- (a) against or on board a ship flying the flag of a State at the time the offence is committed; or

- (b) in the territory of Bangladesh, including its internal waters and territorial sea; or
 - (c) by a national of that State.
 - (2) The Government may also establish its jurisdiction over any such offence when:
 - (a) it is committed by a stateless person whose habitual residence is in that State; or
 - (b) during its commission a national of that State is seized, threatened, injured or killed; or
 - (c) it is committed in an attempt to compel that State to do or abstain from doing any act;
 - (3) The Government shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in cases where the alleged offender is present in its territory and it does not extradite the alleged offender to any of the States Parties, which have established their jurisdiction in accordance of this the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;
 - (4) This Act shall not exclude any criminal jurisdiction exercised in accordance with national law.
- 121.
- (1) The Government, upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present shall, in accordance with its law, take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
 - (2) The Government shall immediately make a preliminary inquiry into the facts, in accordance with its own legislation.
 - (3) Any person regarding whom the measures referred to in sub-section (1) and (2) are being taken shall be entitled to:
 - (a) communicate without delay with the nearest appropriate representative of the State of which he is a national or, if he is a stateless person, the State in the territory of which he has his habitual residence;
 - (b) be visited by a representative of that State.
 - (4) The rights, referred to in sub-sections above, shall be exercised in conformity with the laws and regulations of Bangladesh of which the offender or the alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this section are intended.
 - (5) (a) When the Government, pursuant to this Act, has taken a person into

custody, it shall immediately notify the State which has established jurisdiction in accordance with this Act and, if it considers it advisable, any other interested States, of the fact that such person is in custody and of the circumstances which warrant his detention.

- (b) The Government shall, make the preliminary inquiry contemplated in this Act, and promptly report its findings to the said State and shall indicate whether it intends to exercise jurisdiction.

122. The Government shall, subject to its national laws and regulations, endeavor to extradite pirates or persons who have committed piracy or armed robbery against ships, and who are present in its territory, to the other state, which has jurisdiction over them, at the request of that state who is a Contracting Party of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

123. (1) The Government shall co-operate to the fullest extent possible to prevent and suppress unlawful acts covered by this Act, in conformity with international law, and shall respond to requests pursuant to this Act as expeditiously as possible.

(2) Each request pursuant to this Act should, if possible, contain the name of the suspect ship, the IMO ship identification number, the port of registry, the ports of origin and destination, and any other relevant information. If a request is conveyed orally, the requesting Party shall confirm the request in writing as soon as possible. The requested Party shall acknowledge its receipt of any written or oral request immediately.

(3) The Government shall take into account the dangers involved in boarding a ship at sea and searching its cargo, and give consideration to whether other appropriate measures agreed between the States concerned could be more safely taken in the next port of call or elsewhere.

(4) The Government that has reasonable grounds to suspect that an offence set forth in this Act has been, is being or is about to be committed involving a ship flying its flag, may request the assistance of other States Parties in preventing or suppressing that offence.

The flag State shall either:

- (i) authorize the requesting Party to board and to take appropriate measures set out in subsection(b), subject to any conditions it may impose in accordance with this Act; or
- (ii) conduct the boarding and search with its own law enforcement or other officials; or
- (iii) conduct the boarding and search together with the requesting Party, subject to any conditions it may impose in accordance with this Act; or

- (iv) decline to authorize a boarding and search. The requesting Party shall not board the ship or take any measures without the express authorization of the flag State.
- (5) For all boarding, the flag State has the right to exercise jurisdiction over a detained ship, cargo or other items and persons on board, including seizure, forfeiture, arrest and prosecution. However, the flag State may, subject to its laws, consent to the exercise of jurisdiction by another State having jurisdiction.
- (6) When carrying out the authorized actions under this Act, the use of force shall be avoided except when necessary to ensure the safety of its officials and persons on board, or where the officials are obstructed in the execution of the authorized actions. Any use of force pursuant to this Act shall not exceed the minimum degree of force which is necessary and reasonable in the circumstances.
- (7) Safeguards:
 - (a) Where the Government takes measures against a ship in accordance with this Act, it shall:
 - (i) take due account of the need not to endanger the safety of life at sea;
 - (ii) ensure that all persons on board are treated in a manner which preserves their basic human dignity, and in compliance with the applicable provisions of international law, including international human rights law;
 - (iii) ensure that a boarding and search pursuant to this article shall be conducted in accordance with applicable international law;
 - (iv) take due account of the safety and security of the ship and its cargo;
 - (v) take due account of the need not to prejudice the commercial or legal interests of the flag State;
 - (vi) ensure, within available means, that any measure taken with regard to the ship or its cargo is environmentally sound under the circumstances;
 - (viii) ensure that the master of a ship is advised of its intention to board, and is, or has been, afforded the opportunity to contact the ship's owner and the flag State at the earliest opportunity; and
 - (ix) take reasonable efforts to avoid a ship being un- duly detained or delayed;
 - (b) For the purposes of this Act "law enforcement or other authorized officials" means an officer of Bangladesh Navy, Bangladesh Coast Guard or Bangladesh Police duly authorized by the government. For the specific purpose of law

enforcement under this Act, law enforcement or other authorized officials shall provide appropriate government-issued identification documents for examination by the master of the ship upon boarding.

124. Nothing in this Act shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the Government has substantial grounds for believing that the request for extradition for offences set forth in this Act or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinion or gender, or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Maritime Zones Tribunal

125. (1) For the purpose of providing for speedy trial of the offences under this section, the Government shall, by notification, specify one or more Court of Session to be the Maritime Zones Tribunal for the purposes of trial of piracy, armed robbery and maritime terrorism and unlawful acts against safety of navigation related offences under this section.
- (2) Government shall, by notification, establish one or more Tribunal, shall be called as 'The Maritime Zones Tribunal'.
- (3) The Government shall appoint Judges as the 'Judge for the Maritime Zones Tribunal' from the pool of District Judges and the tribunal shall be continued the service without any prejudice by a Judge. The Tribunal Judge shall take cognizance of the offences under this Act.
- (4) Provided that, the District Judge of concerned the District shall act as the 'Judge for the Maritime Zones Tribunal' until the establishment of the Tribunal.
- (5) The offences stated in this Act shall be deemed as, criminal offences and cognizable, bailable and compoundable under sections 11 (4), 12(2), 14(5), 15(2), 26(6), 54(3) of the Code of Criminal Procedure, 1898.
- (6) Provided that such offences, not inconsistent with this Act, shall be applicable for investigations and trials in line with the rules and regulations of the CrPC, 1898.
- (7) If any offence under this Act committed by any person beyond the limits of Bangladesh, shall be brought in to trial under this Act as if it had been committed at any place within Bangladesh.
- (8) Any party with grievances to the verdict of the Tribunal may, within thirty (30) days of the declaration of the verdict, proceed to appeal to the High Court Division of the Supreme Court.
- (9) The provisions of the Code, so far only as they are not inconsistent with the provisions of this Act, shall apply to the proceedings of the Maritime zones tribunal,

and such tribunal shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction, and a person conducting prosecution before such maritime zones tribunal shall be deemed to be a public prosecutor.

CHAPTER XIV

Ocean Governance, Blue Economy and Maritime Cooperation

126. For the purpose of this Act,

- (1) Ocean governance refers to managing and using the oceans and their resources in ways that keep our oceans healthy, productive, safe, secure and resilient. It shall help Bangladesh in building capacity, specially developing human capital. Human capital, with expertise, sufficient knowledge and understanding of ocean governance, in turn will play their parts to take necessary actions and advise strategic directions to the stakeholders. This decision making shall take place to conform to the procedural management being applied and the process involved. It shall also involve funding to materialize ideas and plans.
- (2) The principles of ocean activities to be governed in or in relation to,-
 - (a) the use of marine resources and protection of the marine environment, pursuant to the provisions of the Convention on the Law of the Sea (UNCLOS);
 - (b) the exploration and mining of mineral resources on the seabed and subsoil of the EEZ, CS and of international waters, pursuant to the provisions of the UNCLOS and the ISA;
 - (c) maritime cooperation in the context of sustainable use of ocean with the other countries, pursuant to the provisions of the International laws and IMO.

Multinational Ocean Governance

127. (1) For the purposes of the safeguarding world peace, the protection of human rights and the promotion of international cooperation, and whatsoever relevant to this context, following maritime activities, shall be governed or regulated, such as-
- (a) the exploration and mining of mineral resources (ores) on the seabed of international waters, pursuant to the provisions of the ISA;
 - (b) the resources of “common heritage of mankind” in the Area are the, which should benefit all states equally, pursuant to the provisions of the Convention;
 - (c) sea-mining licenses by ISA; The ISA has recently released regulations, collectively known as ‘mining code’, for prospecting and exploration of deep-sea mineral resources, specifically polymetallic nodules, polymetallic sulfides, and cobalt-rich crusts which are also applicable in the Areas beyond the jurisdiction of Bangladesh. The ‘mining code’ requires applicants must obtain

- sponsorship from the state(s) of which it is a national or whose nationals effectively control it.
- (d) guarding against any destruction of marine habitats on the sea floor as a result of sea mining by ISA;
 - (e) commercial exploitation of deep-sea mineral resources cannot commence until the ISA releases regulations for the exploitation of mineral resources.
- (2) For the purpose of functioning Multinational Ocean Governance, following maritime activities, shall be governed or regulated:
- (a) shipping related activities throughout the world, by IMO;
 - (b) maritime safety, particularly safety of shipping, throughout the world, by the 1974 International Convention for the Safety of Life at Sea (SOLAS);
 - (c) protection of the ocean against pollution from shipping, by The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and other international laws;
 - (d) prevention of marine pollution, and particularly of coastal waters by shipping, by MARPOL;
- (3) The Government shall take necessary measures to, under the provisions of Port State Control (PSC), blacklist any ship coming to or in its ports, if the master of the ship contravenes or breaches any of the standards and provisions of international laws and regulations.
- (4) The Government shall exercise such powers, subject to the provisions of Port State Control (PSC), and take necessary measures to check the attendance of mariners and staff on board the ships from different states in its port areas.
- (5) The Government shall take necessary measures to, with regard to any maritime disputes, settle through the ICJ, the ITLOS and arbitral tribunals for its compliance.

Biodiversity of Areas beyond National Jurisdiction (BBNJ)

128. (1) The Government may initiate programmes, under the Convention/implementing agreements, for the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ), especially on Marine Genetic Resources (MGRs), access and benefit-sharing; Area Based Management Tools (ABMTs) including Marine Protected Areas (MPAs); Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs); Capacity Building & Transfer of Technology (CB&TT).
- (2) For the purpose of marine genetic resource from the maritime zones, compliance obligations shall include:
- (a) ensuring utilization of marine genetic resources within its jurisdiction have been accessed in accordance with prior informed consent, and that mutually agreed terms have been established;

- (b) cooperating in cases of alleged violation of another party's requirements;
 - (c) encouraging contractual provisions on dispute resolution in mutually agreed terms;
 - (d) taking measures regarding access to and benefit sharing according to national and international laws;
 - (e) taking measures to monitor the utilization of marine genetic resources after they leave Bangladesh.
- (3) This Act shall complement Ocean Policy of Bangladesh which will promote:
- (a) to create of legal certainty, clarity and transparency;
 - (b) to provide fair and non-arbitrary rules and procedures;
 - (c) to establish clear rules and procedures for prior informed consent and mutually agreed terms;
 - (d) to provide for issuance of a permit or equivalent when access is granted;
 - (e) to create conditions to promote and encourage research contributing to biodiversity conservation and sustainable use;
 - (f) to pay due regard to cases of present or imminent emergencies that threaten human, animal or plant health;
 - (g) to consider the importance of marine genetic resources for food and agriculture for food security;
 - (h) to analyze the impacts, dependencies, opportunities, and risks of individual sectors as they relate to biodiversity and ecosystem services;
 - (i) to consider covering the effects of their business operations on biodiversity and their reliance on ecosystem services, and adopt practices and strategies that contribute to achieving the goals and objectives;
 - (j) to align investments in support of the conservation and sustainable use of biodiversity and ecosystem services;
 - (k) to continue dialogue with government on all relevant aspects of the national and international biodiversity agenda;
 - (l) to collaborate with relevant organizations on the development of reporting standards on biodiversity.
- (4) Marine Protected Areas (MPAs) are widely accepted tool for managing, conserving, and protecting designated marine areas. Effectively managed MPAs aim to contribute to a global network of MPAs. Marine and Coastal Program shall include the following to reach MPA's desired outcome:
- (a) establishing and strengthening national and regional systems of MPAs;
 - (b) enhancing the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction;
 - (c) achieving effective management of existing MPAs;

- (d) providing support for monitoring national and regional MPAs;
- (e) facilitating research to identify knowledge gaps in MPA management.

Benefits of Blue Economy from Marine Resources

129. (1) For the purpose of this Act, the Blue Economy is comprised of economic activities that directly or indirectly take place in the seas, oceans and coastal waters using sea/oceanic resources; exploration and exploitation of ocean resources in a sustainable manner, appropriate use of ocean and coastal waters, use of ocean products as main input, making provision of goods and services to support activities of the oceans and seas and protection of ocean environment. Blue Economy espouses improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities and endorses the same principles of low carbon, resource efficiency and social inclusion, but it is grounded in a developing world context and fashioned to reflect the circumstances and needs of countries whose future resource base is marine.
- (2) The Government may, with a view to increasing the economic benefits from the blue economy, sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and providing access for small-scale artisanal fishers to marine resources and markets take such measures as it may deem appropriate for the purpose.
130. For the purpose of maritime cooperation with the other countries, the Government shall-
- (a) enforce and adopt laws and regulations and take other measures necessary to formulate cooperative mechanism for promotion of safety of navigation, weather forecasting and the protection of the marine environment;
 - (b) exercise jurisdictions with regard to customs, fiscal, immigration or sanitary control and others, such as the removal of cultural or historical objects, like the remnants of shipwrecks in the zone;
131. (1) The Government shall enforce and adopt and enforce laws and regulations and take other measures necessary to formulate cooperative mechanism for-
- (a) the delimitation of the contiguous zone boundaries in order to make it more effective, particularly in the sea area beyond their territorial seas, but are less than 24 nautical miles from baselines from which the breadth of the territorial sea is measured;
 - (b) the conduct of marine scientific research, environmental protection and the establishment of artificial islands and structures, in addition to their sovereign rights concerning the resources of the economic zones, particularly fisheries.
- (2) The Government shall enforce and adopt and enforce laws and regulations and take other measures necessary to formulate cooperative mechanism for the determination of the 'allowable catch' of the fisheries, their 'capacity to harvest',

and the possibility of sharing the ‘surplus fisheries resources’ of other countries in the EEZ.

Resource Conservation

132. (1) Government, either on bilateral or on multilateral agreements, shall adopt and enforce laws and regulations and take other measures necessary, in accordance with national and international laws and regulations to formulate cooperative mechanism for preservation and protection of fish and marine mammal stocks, not only in the high seas but also in the exclusive economic zones, contiguous zones, and territorial seas of individual States.
133. (1) Nothing in “The 2009 Agreement on Port State Measures to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing” shall prejudice the rights, jurisdiction and duties of government under international law. In particular, nothing in this Act shall be construed to affect:
- (a) the sovereignty of Bangladesh over its internal, and territorial sea or its sovereign rights over its continental shelf and in its exclusive economic zones;
 - (b) the exercise by government of their sovereignty over ports in its territory in accordance with international law, including its right to deny entry thereto as well as to adopt more stringent port State measures than those provided for in this Act, including such measures adopted pursuant to a decision of a regional fisheries management organization.
- (2) In applying this Act, government does not thereby become bound by measures or decisions of, or recognize, any regional fisheries management organization of which it is not a member.
- (3) In no case is government obliged under this Act to give effect to measures or decisions of a regional fisheries management organization if those measures or decisions have not been adopted in conformity with international law.
- (4) This Act shall be interpreted and applied in conformity with international law taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.
- (5) Government shall fulfill in good faith the obligations assumed pursuant to this Act and shall exercise the rights recognized herein in a manner that would not constitute an abuse of right.

Power to Make Rules

134. (1) The Government may make rules for carrying out the purposes of this Act;
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide-

- (a) for the regulation of the conduct of any person in or upon the internal waters, territorial sea, contiguous zone, the exclusive economic zone, and the continental shelf;
- (b) for measures to protect, use and exploit the resources of the exclusive economic zone;
- (c) for conservation measures to protect the living resources of the sea;
- (d) for measures regulating the exploration and exploitation of resources within the continental shelf;
- (e) for measures designed to prevent and control of marine pollution of the high seas;
- (f) for conservation and sustainable use of marine resources.

Authority to Amend Annexure

135. (1) The guidance on the armed conflict at sea described in the Annexure is attached for the information of all.
- (2) The Government may amend the Annexure by notification in the official gazette.

Repeal and Savings

136. (1) The Territorial Waters and Maritime Zones Act, 1974. (Act No. XXVI of 1974) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken, including any notification published, notice issued, order made or appeal preferred under the said Act shall be deemed to have been done, taken, published, imposed, assessed, issued, made or preferred under the corresponding provisions of this Act.
137. (1) The text of the Act shall be published in both Bengali and English.
- (2) In the event of conflict between the Bengali and the English text, the English text shall prevail.

ANNEX

Armed Conflict at Sea

1. For the purposes of this Act,

- (a) “attack” means an act of violence, whether in offence or in defence;
- (b) “auxiliary aircraft” means an aircraft, other than a military aircraft, that is owned by or under the exclusive control of the armed forces of a State and used for the time being on government non-commercial service;
- (c) “auxiliary vessel” means a vessel, other than a warship, that is owned by or under the exclusive control of the armed forces of a State and used for the time being on government non-commercial service;
- (d) “civil aircraft” means an aircraft other than a military, auxiliary, or State aircraft such as a customs or police aircraft, that is engaged in commercial or private service;
- (e) “civil airliner” means a civil aircraft that is clearly marked and engaged in carrying civilian passengers in scheduled or non-scheduled services along Air Traffic Service routes.
- (f) “collateral casualties” or ‘collateral damage’ means the loss of life of, or injury to, civilians or other protected persons, and damage to or the destruction of the natural environment or objects that are not in themselves military objectives;
- (g) “hospital ships, coastal rescue craft and other medical transports” means vessels that are protected under the Second Geneva Convention of 1949 and Additional Protocol I of 1977;
- (h) “international humanitarian law” means international rules, established by treaties or custom, which limit the right of parties to a conflict to use the methods or means of warfare of their choice, or which protect States not party to the conflict or persons and objects that are, or may be, affected by the conflict;
- (i) “medical aircraft” means an aircraft that is protected under the Geneva Conventions of 1949 and Additional Protocol I of 1977;
- (j) “merchant vessel” means a vessel, other than a warship, an auxiliary vessel, or a State vessel such as a customs or police vessel, that is engaged in commercial or private service;
- (k) “military aircraft” means an aircraft operated by commissioned units of the armed forces of a State having the military marks of that State, commanded by a member of the armed forces and manned by a crew subject to regular armed forces discipline;
- (l) “neutral” means any State not party to the conflict;

Basic Rules of Armed Conflicts and the Law of Self-defense

2.
 - (1) The exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter of the United Nations is subject to the conditions laid down in the Charter, and arising from general international law, including in particular the principles of necessity and proportionality.
 - (2) The rules set out in the UN Charter and any other rules of international humanitarian law shall be applied equally to all parties to the conflict.
 - (3) In any armed conflict the right of the parties to the conflict to choose methods or means of warfare is not unlimited.
 - (4) Parties to the conflict shall at all times distinguish between civilians or other protected persons and combatants and between civilian or exempt objects and military objectives.
 - (5) In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.
 - (6) Attacks may be limited strictly to military objectives. Merchant vessels and civil aircraft are civilian objects unless they are military objectives in accordance with the principles and rules set forth in the UN Charter.
 - (7) In addition to any specific prohibitions binding upon the parties to a conflict, it is forbidden to employ methods or means of warfare which,-
 - (a) are of a nature to cause superfluous injury or unnecessary suffering; or
 - (b) are indiscriminate, in that-
 - (i) they are not, or cannot be, directed against a specific military objective; or
 - (ii) their effects cannot be limited as required by international law as reflected in the UN Charter.
3. Methods and means of warfare should be employed with due regard for the natural environment taking into account the relevant rules of international law. Damage to or destruction of the natural environment not justified by military necessity and carried out wantonly is prohibited.

Precautions in Attack

4.
 - (1) Those who plan, decide upon or execute an attack, shall:

- (a) take all feasible measures to gather information which will assist in determining whether or not objects which are not military objectives are present in an area of attack;
- (b) in the light of the information available to them, do everything feasible to ensure that attacks are limited to military objectives;
- (c) take all feasible precautions in the choice of methods and means in order to avoid or minimize collateral casualties or damage; and

Areas of Naval Warfare

5. (1) Hostile actions by naval forces may be conducted in, on or over:
 - (a) the territorial sea and internal waters, the land territories, the exclusive economic zone and continental shelf and, where applicable, of belligerent States;
 - (b) the high seas; and
 - (c) subject to paragraphs above, the Exclusive Economic Zone and the continental shelf of neutral States.
- (2) The parties to the conflict are encouraged to agree that no hostile actions will be conducted in marine areas containing:
 - (a) rare or fragile ecosystems; or
 - (b) the habitat of depleted, threatened or endangered species or other forms of marine life.

Neutral Waters and Territorial Sea

6. (1) Neutral waters consist of the internal waters, territorial sea, and, where applicable, the archipelagic waters, of neutral States. Neutral airspace consists of the airspace over neutral waters and the land territory of neutral States.
- (2) Hostile actions within the meaning of this Act include, inter alia:
 - (a) attack on or capture of persons or objects located in, on or over neutral waters or territory;
 - (f) laying of mines; or
 - (d) visit, search, diversion or capture.
- (3) Belligerent forces may not use neutral waters as a sanctuary.
- (4) Belligerent military and auxiliary aircraft may not enter neutral airspace. Should they do so, the neutral State shall use the means at its disposal to require the aircraft to land within its territory and shall intern the aircraft and its crew for the duration of

the armed conflict. Should the aircraft fail to follow the instructions to land, it may be attacked, subject to the special rules relating to medical aircraft.

- (5) A neutral State may, on a non-discriminatory basis, condition, restrict or prohibit the entrance to or passage through its neutral waters by belligerent warships and auxiliary vessels.
- (6) Subject to the duty of impartiality, a neutral State may, without jeopardizing its neutrality, permit the following acts within its neutral waters:
 - (a) passage through its territorial sea, and where applicable its archipelagic waters, by warships, auxiliary vessels and prizes of belligerent States; warships, auxiliary vessels and prizes may employ pilots of the neutral State during passage;
 - (b) replenishment by a belligerent warship or auxiliary vessel of its food, water and fuel sufficient to reach a port in its own territory; and
 - (c) repairs of belligerent warships or auxiliary vessels found necessary by the neutral State to make them seaworthy; such repairs may not restore or increase their fighting strength.
- (7) A belligerent warship or auxiliary vessel may not extend the duration of its passage through neutral waters, or its presence in those waters for replenishment or repair, for longer than 24 hours unless unavoidable on account of damage or the stress of weather.
- (8) If the neutral State fails to terminate the violation of its neutral waters by a belligerent, the opposing belligerent must so notify the neutral State and give that neutral State a reasonable time to terminate the violation by the belligerent. If the violation of the neutrality of the State by the belligerent constitutes a serious and immediate threat to the security of the opposing belligerent and the violation is not terminated, then the belligerent may in absence of any feasible and timely alternative, use such force as is strictly necessary to respond to the threat posed by the violation.

Exclusive Economic Zone and Continental Shelf

- 7. (1) If hostile actions are conducted within the exclusive economic zone or on the continental shelf of a neutral State, belligerent States shall, in addition to observing the other applicable rules of the law of armed conflict at sea, have due regard for the rights and duties of the coastal State, inter alia, for the exploration and exploitation of the economic resources of the exclusive economic zone and the continental shelf and the protection and preservation of the marine environment. They shall, in particular, have due regard for artificial islands, installations, structures and safety zones established by neutral States in the exclusive economic zone and on the continental shelf.
- (2) If a belligerent considers it necessary to lay mines in the exclusive economic zone or the continental shelf of a neutral State, the belligerent shall notify that State, and shall ensure, inter alia, that the size of the minefield and the type of mines used do

not endanger artificial islands, installations and structures, nor interfere with access thereto, and shall avoid so far as practicable interference with the exploration or exploitation of the zone by the neutral State. Due regard shall also be given to the protection and preservation of the marine environment.

High Seas and Seabed beyond National Jurisdiction

8. (1) Hostile actions on the high seas shall be conducted with due regard for the exercise by neutral States of rights of exploration and exploitation of the natural resources of the sea-bed, and ocean floor, and the subsoil thereof, beyond national jurisdiction;
- (2) Belligerents shall take care to avoid damage to cables and pipelines laid on the seabed, which do not exclusively serve the belligerents;

Enemy Vessels and Aircraft Exempt from Attack

9. (1) Subject to international laws, enemy vessels, as per the following classes, are exempted from attack-
 - (a) hospital ships;
 - (b) small craft used for coastal rescue operations and other medical transports;
 - (c) vessels granted safe conduct by agreement between the belligerent parties, including-
 - (i) cartel vessels, e.g., vessels designated for and engaged in the transport of prisoners of war;
 - (ii) vessels engaged in humanitarian missions, including vessels carrying supplies indispensable to the survival of the civilian population, and
 - (iii) vessels engaged in relief actions and rescue operations;
 - (d) vessels engaged in transporting cultural property under special protection;
 - (e) passenger vessels when engaged only in carrying civilian passengers;
 - (f) vessels charged with religious, non-military scientific or philanthropic missions;
 - (g) small coastal fishing vessels and small boats engaged in local coastal trade, subject to the regulations of a belligerent naval commander operating in the area and to inspection;
 - (h) vessels designated or adapted exclusively for responding to pollution incidents in the marine environment;

- (i) vessels which have surrendered;
- (ij) life rafts and life boats.

Loss of Exemption-Hospital Ships

10. (1) The exemption from attack of a hospital ship may cease only by reason of a breach of a condition of exemption and, in such a case, only after due warning has been given naming in all appropriate cases a reasonable time limit to discharge itself of the cause endangering its exemption, and after such warning has remained unheeded.
- (2) If after due warning a hospital ship persists in breaking a condition of its exemption, it renders itself liable to capture or other necessary measures to enforce compliance.
- (3) A hospital ship may only be attacked as a last resort, if-
 - (a) diversion or capture is not feasible;
 - (b) no other method is available for exercising military control;
 - (c) the circumstances of non-compliance are sufficiently grave that the hospital ship has become, or may be reasonably assumed to be, a military objective; and
 - (d) the collateral casualties or damage will not be disproportionate to the military advantage gained or expected.

All Other Categories of Vessels Exempt from Attack

11. (1) If any other class of vessel exempt from attack breaches any of the conditions of its exemption in section 136, it may be attacked only, if-
 - (a) diversion or capture is not feasible;
 - (b) no other method is available for exercising military control;
 - (c) the circumstances of non-compliance are sufficiently grave that the vessel has become, or may be reasonably assumed to be, a military objective; and
 - (d) the collateral casualties or damage will not be disproportionate to the military advantage gained or expected.
- (2) The following classes of enemy aircraft are exempt from attack-
 - (a) medical aircraft;
 - (b) aircraft granted safe conduct by agreement between the parties to the conflicts; and
 - (c) civil airliners.

Conditions of Exemption

12. (1) Aircrafts granted safe conduct are exempt from attack only if they:
 - (a) are innocently employed in their agreed role;
 - (b) do not intentionally hamper the movements of combatants; and
 - (c) comply with the details of the agreement, including availability for inspection;
- (2) Civil airliners are exempt from attack only, if they-
 - (a) are innocently employed in their normal role; and
 - (b) do not intentionally hamper the movements of combatants.

Loss of Exemption

13. (1) If aircraft exempt from attack breach any of the applicable conditions of their exemption, they may be attacked only, if-
 - (a) diversion for landing, visit and search, and possible capture, is not feasible;
 - (b) no other method is available for exercising military control;
 - (c) the circumstances of non-compliance are sufficiently grave that the aircraft has become, or may be reasonably assumed to be, a military objective; and
 - (d) the collateral casualties or damage will not be disproportionate to the military advantage gained or anticipated;
- (2) In case of doubt whether a vessel or aircraft exempt from attack is being used to make an effective contribution to military action, it shall be presumed not to be so used.

Other Enemy Vessels and Aircraft

14. (1) The following activities may render enemy merchant vessels as military objectives-
 - (a) engaging in belligerent acts on behalf of the enemy, e.g., laying mines, minesweeping, cutting undersea cables and pipelines, engaging in visit and search of neutral merchant vessels or attacking other merchant vessels;
 - (b) acting as an auxiliary to an enemy's armed forces, e.g., carrying troops or replenishing warships;
 - (c) being incorporated into or assisting the enemy's intelligence gathering system, e.g., engaging in reconnaissance, early warning, surveillance, or command, control and communications missions;
 - (d) sailing under convoy of enemy warships or military aircraft;

- (e) refusing an order to stop or actively resisting visit, search or capture;
 - (f) being armed to an extent that they could inflict damage to a warship; this excludes light individual weapons for the defence of personnel;
 - (g) otherwise making an effective contribution to military action, e.g., carrying military materials.
- (2) The following activities may render enemy civil aircraft military objectives:
- (a) engaging in acts of war on behalf of the enemy, e.g., laying mines, minesweeping, laying or monitoring acoustic sensors, engaging in electronic warfare, intercepting or attacking other civil aircraft, or providing targeting information to enemy forces;
 - (b) acting as an auxiliary aircraft to an enemy's armed forces, e.g., transporting troops or military cargo, or refueling military aircraft;
 - (c) being incorporated into or assisting the enemy's intelligence-gathering system, e.g., engaging in reconnaissance, early warning, surveillance, or command, control and communications missions;
 - (d) flying under the protection of accompanying enemy warships or military aircraft;
 - (e) refusing an order to identify itself, divert from its track, or proceed for visit and search to a belligerent airfield that is safe for the type of aircraft involved and reasonably accessible, or operating fire control equipment that could reasonably be construed to be part of an aircraft weapon system, or on being intercepted clearly maneuvering to attack the intercepting belligerent military aircraft;
 - (f) being armed with air-to-air or air-to-surface weapons; or
 - (g) otherwise making an effective contribution to military action.

Means of Warfare

15. (1) Missiles and other projectiles- Missiles and projectiles, including those with over-the-horizon capabilities, shall be used in conformity with the principles of target discrimination as set out in paragraphs above.
- (2) Torpedoes- It is prohibited to use torpedoes which do not sink or otherwise become harmless when they have completed their run.
- (3) Mines- Mines may only be used for legitimate military purposes including the denial of sea areas to the enemy.
- (a) The parties to the conflict shall not lay mines unless effective neutralization occurs when they have become detached or control over them is otherwise lost;

- (b) It is forbidden to use free-floating mines, unless-
 - i. they are directed against a military objective; and
 - ii. they become harmless within an hour after loss of control over them;
 - (c) The laying of armed mines or the arming of pre-laid mines must be notified unless the mines can only detonate against vessels, which are military objectives;
 - (d) Belligerents shall record the locations where they have laid mines;
 - (e) Mining operations in the internal waters, territorial sea or archipelagic waters of a belligerent State should provide, when the mining is first executed, for free exit of shipping of neutral States;
 - (f) Mining of neutral waters by a belligerent is prohibited;
 - (g) Mining shall not have the practical effect of preventing passage between neutral waters and international waters;
 - (h) The mine laying States shall pay due regard to the legitimate uses of the high seas by, inter alia, providing safe alternative routes for shipping of neutral States.
- (4) After the cessation of active hostilities, parties to the conflict shall do their utmost to remove or render harmless the mines they have laid, each party removing its own mines.
 - (5) With regard to mines laid in the territorial seas of the enemy, each party shall notify their position and shall proceed with the least possible delay to remove the mines in its territorial sea or otherwise render the territorial sea safe for navigation.
 - (6) In addition to their obligations parties to the conflict shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations, on the provision of information and technical and material assistance, including in appropriate circumstances joint operations, necessary to remove minefields or otherwise render them harmless.
 - (7) Neutral States do not commit an act inconsistent with the laws of neutrality by clearing mines laid in violation of international law.

Methods of Warfare

- 16. (1) For the purpose of a blockade, the following declarations and notifications, in or in relation to specifying the commencement, duration, location, and extent of the blockade and the period, to all belligerents and neutral States, within which vessels of neutral States may leave the blockaded coastline:
 - (a) the blockade must be effective;
 - (b) the force maintaining the blockade may be stationed at a distance determined by military requirements;

- (c) A blockade may be enforced and maintained by a combination of legitimate methods and means of warfare provided this combination does not result in acts inconsistent with the rules set out in this Act ;
 - (d) Merchant vessels believed on reasonable grounds to be breaching a blockade may be captured;
 - (e) Merchant vessels which, after prior warning, clearly resist capture may be attacked;
 - (f) A blockade must not bar access to the ports and coasts of neutral States;
 - (g) A blockade must be applied impartially to the vessels of all States;
 - (h) The cessation, temporary lifting, re-establishment, extension or other alteration of a blockade must be declared and notified as in above paragraphs;
- (2) The declaration or establishment of a blockade is prohibited, if-
- (a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or
 - (b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.
- (3) If the civilian population of the blockaded territory is inadequately provided with food and other objects essential for its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies, subject to:
- (a) the right to prescribe the technical arrangements, including search, under which such passage is permitted; and
 - (b) the condition that the distribution of such supplies shall be made under the local supervision of a Protecting Power or a humanitarian organization, which offers guarantees of impartiality, such as the International Committee of the Red Cross.
- (4) The blockading belligerent shall allow the passage of medical supplies for the civilian population or for the wounded and sick members of armed forces, subject to the right to prescribe technical arrangements, including search, under which such passage is permitted.

Setting Up of Zones

17. (1) For the purpose of setting of zones, a belligerent cannot be absolved of its duties under international humanitarian law by establishing zones, which might adversely affect the legitimate uses of defined areas of the sea. If a belligerent, as an exceptional measure, establish such a zone:
- (a) the same body of law applies both inside and outside the zone;

- (b) the extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principles of proportionality;
- (c) due regard shall be given to the rights of neutral States to legitimate uses of the seas;
- (d) necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
 - (i) where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral State;
 - (ii) in other cases where normal navigation routes are affected, except where military requirements do not permit; and
- (e) the commencement, duration, location and extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.

Aircraft-Deception, Ruses of War and Perfidy

18. (1) Military and auxiliary aircraft are prohibited at all times from feigning exempt, civilian or neutral status.
- (2) Ruses of war are permitted.
- (3) Warships and auxiliary vessels, however, are prohibited from launching an attack whilst flying a false flag, and at all times from actively simulating the status of:
 - (a) hospital ships, small coastal rescue craft or medical transports;
 - (b) vessels on humanitarian missions;
 - (c) passenger vessels carrying civilian passengers;
 - (d) vessels protected by the United Nations flag;
 - (e) vessels guaranteed safe conduct by prior agreement between the parties, including cartel vessels;
 - (f) vessels entitled to be identified by the emblem of the red cross or red crescent; or
 - (g) vessels engaged in transporting cultural property under special protection.
- (4) Perfidy is prohibited.
- (5) Acts inviting the confidence of an adversary to lead it to believe that it is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, constitute perfidy. Perfidious acts include the launching of an attack while feigning:
 - (a) exempt, civilian, neutral or protected United Nations status;

- (b) surrender or distress by, e.g., sending a distress signal or by the crew taking to life rafts.

Determination of Enemy Character of Vessels and Aircraft

- 19. (1) Enemy character of a vessel or a merchant vessel or a civil aircraft can be determined by registration, ownership, charter or other criteria, and the fact that-
 - (a) a merchant vessel is flying the flag of an enemy State or that a civil aircraft bears the marks of an enemy State is conclusive evidence of its enemy character;
 - (b) a merchant vessel is flying the flag of a neutral State or a civil aircraft bears the marks of a neutral State is prima facie evidence of its neutral character;
- (2) The commander of a warship, or a military aircraft is entitled to exercise the right of visit and search, including the right of, diversion or interception, if he suspects that-
 - (a) a merchant vessel flying a neutral flag in fact has enemy character;
 - (b) a civil aircraft with neutral marks in fact has enemy character;
- (3) If, after visit and search, there is reasonable ground for belief that the merchant vessel flying a neutral flag or a civil aircraft with neutral marks has enemy character, the vessel or aircraft may be captured as prize subject to adjudication.