

United States Department of State
***Bureau of Oceans and International
Environmental and Scientific Affairs***

Limits in the Seas

No. 135

Grenada:

Archipelagic and other Maritime Claims and Boundaries



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GRENADA

ARCHIPELAGIC AND OTHER MARITIME CLAIMS AND BOUNDARIES

March 28, 2014

**Office of Ocean and Polar Affairs
Bureau of Oceans and International Environmental and Scientific Affairs
U.S. Department of State**

This study is one of a series issued by the Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs in the Department of State. The purpose of the series is to examine a coastal State's maritime claims and/or boundaries and assess their consistency with international law. This study represents the views of the United States Government only on the specific matters discussed therein and does not necessarily reflect an acceptance of the limits claimed.

This study, and earlier studies in this series, may be downloaded from <http://www.state.gov/e/oes/ocns/opa/c16065.htm>. Comments and questions should be emailed to LimitsInTheSeas@state.gov. Principal analysts for this study are Brian Melchior and Kevin Baumert.

Introduction

This study analyzes the maritime claims and maritime boundaries of Grenada, including its archipelagic baseline claim. The Grenada Territorial Seas and Maritime Boundaries Act, 1989, Act Number 25 of July 13, 1989 (Annex 1 to this study) took effect August 16, 1991, and established a 12-nautical mile (nm) territorial sea, 24-nm contiguous zone and 200-nm exclusive economic zone.¹ Pursuant to Act No. 25, the Grenada Territorial Sea and Maritime Boundaries (Archipelagic Baselines) Order of 1992 set forth coordinates for Grenada's archipelagic baselines and bay closing lines.² The archipelagic baselines are shown on Map 1 to this study. Grenada ratified the United Nations Convention on the Law of the Sea (LOS Convention) on April 25, 1991 and consented to be bound by the 1994 Agreement relating to the Implementation of Part XI of the Convention on July 28, 1995.³

Basis for Analysis

The LOS Convention contains certain provisions related to archipelagic States. Article 46 provides that an "archipelagic State" means "a State constituted wholly by one or more archipelagos and may include other islands." An "archipelago" is defined as "a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such."

Only an "archipelagic State" may draw archipelagic baselines. Article 47 sets out geographic criteria to which archipelagic States must adhere when establishing archipelagic baselines (Annex 2 to this study).

Under Article 47.1, an archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago, provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1. In addition, the length of any baseline segment shall not exceed 100 nm except that up to 3 percent of the total number of baselines may have a length up to 125 nm (Article 47.2).

Additional provisions of Article 47 state that such baselines shall not depart to any appreciable extent from the general configuration of the archipelago; that such baselines shall not be drawn,

¹ The text of the Grenada Act reproduced in Annex 1 of this study is adapted from <http://www.laws.gov.gd>, Chapter 318. It can also be found in *Law of the Sea Bulletin* No. 71, at 36-39 (2009) and is available from UN Division for Ocean Affairs and the Law of the Sea (DOALOS), at:

<http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/GRD.htm>.

² The schedule of coordinates set forth in the Order (SRO 31 of 1992) is reproduced in Annex 3 of this study and is adapted from <http://www.laws.gov.gd>, Chapter 318, Subsidiary Legislation, Grenada Territorial Sea and Maritime Boundaries (Archipelagic Baselines) Order. Paragraph 3 of the Order states: "The Archipelagic Baselines of Grenada are loxodromic lines joining in succession the positions set out in the Schedule of geographical coordinates on 1927 North American datum." The schedule is also available at *Law of the Sea Bulletin* No. 71, at 36 (2009).

³ United Nations Convention on the Law of the Sea, Montego Bay, opened for signature Dec. 10, 1982, entered into force Nov. 10, 1994, 1833 UNTS 397, available from DOALOS, at: http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm.

with noted exceptions, using low-tide elevations; and that the system of such baselines shall not be applied in such a manner as to cut off from the high seas or exclusive economic zone (EEZ) the territorial sea of another State (Article 47.3 - 47.5).

The LOS Convention further reflects the specific rights and duties given to archipelagic States over their land and water territory. Article 53 allows the archipelagic State to “designate sea lanes . . . suitable for the continuous and expeditious passage of foreign ships . . . through . . . its archipelagic waters and the adjacent territorial sea.” Also, Article 53.12 provides that “[i]f an archipelagic State does not designate sea lanes . . . , the right of archipelagic sea lanes passage may be exercised through the routes normally used for international navigation.”

Analysis⁴

Grenada is an archipelagic State that forms part of the Lesser Antilles in the Eastern Caribbean. Grenada consists of four main islands—Grenada, Ronde Island, Carriacou, and Petite Martinique—and a number of smaller features. The archipelagic baseline system of Grenada is composed of 23 line segments, ranging in length from 0.05 nm (segment 19-20) to 29.58 nm (segment 12-13), with a total length of 86 nm. The baseline points for Grenada’s archipelagic baselines are on three of its main islands.

The archipelagic baseline system meets the water-to-land area ratio set forth in Article 47.1:

Total Area = 899 square kilometers
 Water Area = 555 square kilometers
 Land Area = 344 square kilometers⁵
 Water-to-land area ratio = 1.61:1

In accordance with Article 47.2 of the LOS Convention, none of the baseline segments exceed 100 nm in length. Annex 3 to this study lists the lengths of each segment.

The configuration of the baselines does not appear to depart to any appreciable extent from the general configuration of the archipelago (Article 47.3). None of the baselines appear to be drawn using low tide elevations (Article 47.4). The baselines are not drawn in a way that would cut off from the high seas or EEZ the territorial sea of another State (Article 47.5).

Therefore, Grenada’s archipelagic baseline system set forth pursuant to Act No. 25 of 1989 appears to be consistent with Article 47 of the LOS Convention.

⁴ Calculations for this analysis were conducted in ESRI ArcMap 10, using the Universal Transverse Mercator, Zone 20 North, projection and are based on the World Geodetic System 1984 (WGS84) datum. It should be noted that Grenada’s baseline coordinates are based on the North American Datum 1927. For the geographic calculations and purposes of creating the illustrative maps, the coordinates were transformed to WGS84.

⁵ Land area number may be found in the CIA World Factbook entry for Grenada, at: <https://www.cia.gov/library/publications/the-world-factbook/geos/gj.html>.

Internal Waters

Pursuant to Act No. 25, the Grenada Territorial Sea and Maritime Boundaries (Closing Lines – Internal Waters) Order of 1992 sets forth coordinates for closing lines defining the internal waters of Grenada. As provided for in Article 50 of the LOS Convention, “Within its archipelagic waters, the archipelagic State may draw closing lines for the delimitation of internal waters, in accordance with articles 9, 10 and 11 [pertaining to mouths of rivers, bays, and ports, respectively].” The closing lines pertain to 28 named and unnamed bays and harbors. The coordinates set forth in Grenada’s 1992 order properly enclose these bays, in accordance with Article 10 of the LOS Convention. All the bays pass the “semi-circle test” and none of the closing lines exceed 24 nm, per Articles 10.2 and 10.4, respectively, of the LOS Convention.⁶

Territorial Sea, Contiguous Zone, Exclusive Economic Zone and Continental Shelf

By Act No. 25, the archipelagic waters of Grenada comprise those waters enclosed by the archipelagic baselines. Grenada’s 12-nm territorial sea and 24-nm contiguous zone, established in Sections 5 and 9 of Act No. 25, are measured from the archipelagic baselines established in this law. Section 10 of the Act provides that the continental shelf of Antigua and Barbuda extends 200 nm from the archipelagic baselines, or further wherever the continental margin extends beyond this distance. Section 12 of the Act established a 200-nm EEZ measured from the archipelagic baselines.

Navigation

Sections 17-20 of Act No. 25 recognize certain navigational rights within the territorial sea and archipelagic waters of Grenada, including the right of archipelagic sea lanes passage and the right of innocent passage. Section 20 provides that Grenada may designate sea lanes, air routes or traffic separation schemes for use by foreign ships or aircraft when exercising their navigational rights.

An archipelagic State may designate such sea lanes, and also traffic separation schemes, provided that “an archipelagic State shall refer [such] proposals to the competent international organization with a view to their adoption” (LOS Convention, Article 53, paragraphs 1 and 9). As the competent international organization, the International Maritime Organization (IMO) may “adopt only such sea lanes and traffic separation schemes as may be agreed with the archipelagic State, after which the archipelagic State may designate, prescribe, or substitute them” (Article 53.9). As of March 2014, the government of Grenada had not formally designated any archipelagic sea lanes or prescribed traffic separation schemes, nor had it presented proposals to this effect to the IMO. Consistent with Article 53.12 of the LOS Convention, Section 19(5) of the Act provides that where no sea lanes or air routes have been designated, “the right of archipelagic sea lanes passage may be exercised through or over the routes normally used for international navigation or overflight.”

⁶ Bay closing-line tests were conducted in CARIS LOTS v4.1.

Exclusive Economic Zone and Continental Shelf Jurisdiction

Section 11 and 13 of the Act pertain to the continental shelf and EEZ, respectively, and provide for sovereign rights and jurisdiction similar to what is provided for in Parts V (Exclusive Economic Zone) and VI (Continental Shelf) of the LOS Convention. However, whereas Grenada claims “exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution,” the LOS Convention provides merely for “coastal State . . . jurisdiction *as provided for in the relevant provisions of this Convention*” (emphasis added). Part XII of the Convention pertains to Protection and Preservation of the Marine Environment.

Submarine Cables and Pipelines

Section 14 of the Act pertains to the laying or maintenance of submarine cables or pipelines on Grenada’s continental shelf. Section 14(3) of the Act provides that the course for the laying of submarine cables on Grenada’s continental shelf is subject to the consent of the Minister. Article 79(3) of the LOS Convention, however, limits the coastal State’s authority in this regard to the course for the laying of pipelines only.

Maritime Boundaries

Grenada has established a maritime boundary with Trinidad and Tobago.⁷ As of March 2014, Grenada had not yet established maritime boundaries with its other neighbors—Saint Vincent and the Grenadines and Venezuela.

Grenada’s maritime boundary agreement with Trinidad and Tobago, concluded in 2010, delimits the two countries’ respective EEZs and continental shelves. The agreement provides for a maritime boundary 60 nm in length connecting two points, and then extending further to the northeast along a geodetic azimuth until it meets the jurisdiction of a third state. This maritime boundary is shown on Map 2 to this study.

Several provisions of Act No. 25 address the situation of undelimited boundaries. With respect to the territorial sea, Section 5 of the Act provides, in part: “Wherever the equidistance line between Grenada and a foreign state is less than 12 nautical miles from the nearest point of the baselines, the delimitation of the territorial sea shall, if possible, be effected by agreement between Grenada and the foreign state; but to the extent that no such agreement is effected, that equidistance line shall constitute the seaward limit of the territorial sea.”

With respect to the EEZ and continental shelf, Section 16 provides: “Wherever the equidistance line between Grenada and a foreign state is less than 200 nautical miles from the nearest point of the baselines, Grenada shall use its best endeavours to ensure that the delimitation of the continental shelf or exclusive economic zone is effected by agreement between Grenada and the

⁷ Treaty between the Republic of Trinidad and Tobago and Grenada on the Delimitation of Marine and Submarine Areas (with map), Port of Spain, Apr. 21, 2010, entered into force Apr. 27, 2010, UNTS Registration No. I-47548; *Law of the Sea Bulletin* No. 73, at 43-46 (2010); *International Maritime Boundaries*, 1-16 (Rpt. No. 2-31). Available at: http://www.gov.gd/egov/docs/other/delimitation_treaty_trinidad_tobago_grenada.pdf.

foreign state on the basis of international law, in order to achieve an equitable solution, or is otherwise effected in accordance with relevant international law for the settlement of disputes.”

Map 1
Illustrative Map of Grenada's Archipelagic Baselines



Map 2
Illustrative Map of Grenada's Maritime Boundaries



Annex 1

CHAPTER 318 TERRITORIAL SEA AND MARITIME BOUNDARIES ACT Act No. 25 of 1989 13th July 1989

An Act to make provision with respect to the territorial sea of Grenada and other maritime areas; to make provision for the exercise of the rights of archipelagic sea lanes passage, innocent passage and transit passage; and to provide for connected matters therewith or incidental thereto.

PART I Preliminary

1. Short title

This Act may be cited as the Grenada Territorial Sea and Maritime Boundaries Act, 1989.

2. Interpretation

In this Act—

- "archipelagic waters" means the archipelagic waters of Grenada, as defined in section 7;
- "archipelagic sea lanes passage" has the meaning assigned by section 19;
- "baselines" means the baselines for the purpose of measuring the breadth of the territorial sea, as specified in section 4;
- "competent authority" means the Minister responsible for External Affairs or any person designated by him as the competent authority for the purposes of this Act;
- "contiguous zone" means the contiguous zone of Grenada, as defined in section 9;
- "continental shelf" means the continental shelf of Grenada, as defined in section 10;
- "equidistance line", as between Grenada and a foreign state, means a line every point of which is equidistance from the nearest point of the baselines and the corresponding baselines of the foreign state;
- "exclusive economic zone" or "zone" means the exclusive economic zone of Grenada, as defined in section 12;
- "foreign ship" means the ship of a foreign state;
- "foreign state" means a state other than Grenada;
- "innocent passage" has the meaning assigned by section 17;
- "internal waters" means the internal waters of Grenada, as defined in section 6;
- "low-water line" means the low-water line of the coast of Grenada at lowest astronomical tide;
- "Minister" means
 - (a) the Minister responsible for External Affairs; or
 - (b) if the administration of any portion of this Act is assigned to any other Minister, that other Minister for the purposes of that provision;
- "nautical mile" means the international nautical mile;
- "ship" includes vessel, boat or sea-craft of any kind;
- "territorial sea" means the territorial sea of Grenada, as defined in section 5;
- "the Regulations" means regulations made under section 34;
- "transit passage" has the meaning assigned by section 18;

3. Act binding on Crown and Government

This Act binds the Crown and the Government.

PART II Territorial Sea, Internal Waters, Archipelagic Waters and Contiguous Zone

4. (1) The baselines, for the purpose of measuring the breadth of the territorial sea, shall be –
 - (a) the low-water line; or

- (b) if and to the extent that the Minister so directs under subsection (2) (a), straight archipelagic baselines established as provided in subsection (2) (b);
- (2) The Minister, by order –
 - (a) may direct that the baselines shall, subject to such limitations and exceptions as may be stated in the order, be straight archipelagic baselines; and
 - (b) if he does so, shall identify those baselines, drawn in accordance with international law, by reference to charts of a scale adequate for ascertaining their position or to lists of geographical co-ordinates specifying the geodetic datum.
- 5. (1) Subject to subsection (2) and any order made under section 32 with respect to the delimitation of the territorial sea, the territorial sea of Grenada comprises those areas of the sea having, as their landward limit, the baselines and, as their seaward limit, a line measured seaward from the baselines, every point of which is 12 nautical miles distant from the nearest point of the baselines.
- (2) Wherever the equidistance line between Grenada and a foreign state is less than 12 nautical miles from the nearest point of the baselines, the delimitation of the territorial sea shall, if possible, be effected by agreement between Grenada and the foreign state; but to the extent that no such agreement is effected, that equidistance line shall constitute the seaward limit of the territorial sea.
- 6. (1) The internal waters of Grenada comprise the areas of the sea that are on the landward side of –
 - (a) the low-water line; or
 - (b) if and to the extent that closing lines are prescribed pursuant to subsection (2), of those closing lines.
- (2) The Minister may, whenever he considers it appropriate to do so having regard to international law, by order, prescribe closing lines for the purpose of defining any of the internal waters of Grenada.
- 7. The archipelagic waters of Grenada comprise those areas of the sea (other than internal waters) on the landward side of any straight archipelagic baselines established as provided in section 4 (2).
- 8. The sovereignty of Grenada extends, and shall be deemed to always have extended, to –
 - (a) the internal waters, archipelagic waters and territorial sea; and
 - (b) the airspace over, and the seabed and subsoil underlying, that sea and those waters.
- 9. (1) Subject to subsection (2), the contiguous zone of Grenada comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their seaward limit, a line, measured seaward from the baselines, every point of which is 24 nautical miles distant from the nearest point of the baselines.
- (2) The contiguous zone shall not extend into any part of the territorial sea of a foreign state and, in any case where it would, but for this subsection, shall operate as though it were modified to ensure that the contiguous zone does not so extend.
- (3) Grenada has and may exercise in respect of the contiguous zone such power and authority as may be necessary to prevent, or punish, the infringement, within Grenada (including the archipelagic waters and the territorial sea), of any law providing controls or prohibitions for or with respect to customs, excise, immigration or health.

PART III

Continental Shelf and Exclusive Economic Zone

DIVISION 1 – continental shelf

- 10. (1) Subject to any order made under section 32 with respect to the delimitation of the continental shelf, the continental shelf of Grenada comprises those areas of the seabed and subsoil of the submarine areas that are beyond and adjacent to the territorial sea throughout the natural prolongation of the land territory of Grenada to the outer edge of the continental margin, or to a distance of 200 nautical miles from the nearest point of the baselines whenever the outer edge of the continental margin does not extend upon to that distance.
- (2) For the purposes of subsection (1), wherever the continental margin extends beyond 200 nautical miles from the nearest point of the baselines, the outer limits of the continental shelf shall be established and delineated with due regard to the requirements and limitations of international law relevant to the establishment and delineation of the continental shelf beyond that distance.

- (3) For the purposes of this section, the continental margin comprises the submerged prolongation of the land mass of Grenada consisting of the seabed and subsoil of the shelf, the slope and the rise, but does not include the deep ocean floor with its oceanic ridge or the subsoil thereof.

- 11.** (1) Subject to this Act, Grenada has, and shall be deemed always to have had, in relation to the continental shelf –
- (a) sovereign rights for the purpose of the exploration for, and exploitation and management of, natural resources;
 - (b) the exclusive rights to construct and to authorize and regulate the construction, operation and use of, and jurisdiction over –
 - (i) artificial islands; and
 - (ii) installations and structures for the purposes provided for under paragraph (a) or any other economic purposes;
 - (iii) installations and structures which may interfere with the exercise by Grenada of rights in respect of the continental shelf; and
 - (c) the exclusive right to regulate, authorise and conduct marine scientific research; and
 - (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.
- (2) In subsection (1) (a), "natural resources" means 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.

DIVISION 2 – exclusive economic zone

- 12.** Subject to any order made under section 32 with respect to the delimitation of the exclusive economic zone, the exclusive economic zone of Grenada comprises those areas of the sea and of the submarine areas that are beyond and adjacent to the territorial sea, having as their seaward limit, a line measured seaward every point of which is a distance of 200 nautical miles from the nearest point of the baselines.
- 13.** Subject to this Act, Grenada has, and shall be deemed always to have had, in relation to the exclusive economic zone –
- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, whether living or non-living, of the seabed, subsoil and superjacent waters well as producing energy from tides, winds and currents;
 - (b) rights and jurisdiction such as are referred to in section 11 (b), (c) and (d); and
 - (c) such other rights and duties which are recognized in international law.

DIVISION 3 – provisions applicable to the continental shelf and exclusive economic zone

- 14.** (1) Grenada shall not impede the laying or maintenance in accordance with this Act, of submarine cables or pipelines on the continental shelf or on the seabed of the zone.
- (2) Nothing in section (1) shall operate to prejudice the right of Grenada –
- (a) to take reasonable measures for the exploration of the continental shelf or the zone, the exploitation of its natural resources and the prevention, reduction and control of pollution from pipelines;
 - (b) establish conditions for cables or pipelines entering its territory, or its jurisdiction, over cables and pipelines constructed or used in connection with the exploration of the continental shelf or zone or the exploitation of its resources, or the operation of artificial islands, installations and structures under its jurisdiction.
- (3) The delineation of the course for the laying of submarine cables and pipelines on the continental shelf or on the seabed of the zone is subject to the consent of the Minister.
- 15.** The rights and jurisdiction of Grenada under Division 1 or 2 shall be so exercised so as not to infringe, or result in an unjustifiable interference with, navigation or other rights and freedoms of foreign states under international law.

16. Wherever the equidistance line between Grenada and a foreign state is less than 200 nautical miles from the nearest point of the baselines, Grenada shall use its best endeavours to ensure that the delimitation of the continental shelf or exclusive economic zone is effected by agreement between Grenada and the foreign state on the basis of international law, in order to achieve an equitable solution, or is otherwise effected in accordance with relevant international law for the settlement of disputes.

PART IV Rights of Passage

17. (1) Every foreign ship may, subject to and in accordance with international law, exercise in relation to the territorial sea and archipelagic waters the right of innocent passage, that is to say, a right of passage that is continuous and expeditious and not prejudicial to the peace, good order or security of Grenada for the purpose of –
- (a) traversing that sea or those waters without entering internal waters or calling at a roadstead or port facility outside internal waters; or
 - (b) proceeding to or from internal waters or a call at such a roadstead or port facility.
- (2) For the purposes of this section, the passage of a foreign ship shall be deemed to be prejudicial to the peace, good order or security of Grenada if, without due authority for doing so, the ship engages, within the territorial sea or archipelagic waters, in any of the following activities, namely –
- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Grenada, or any other act which is in violation of the principles of international law embodied in the Charter of the United Nations;
 - (b) the launching, landing or taking on board of any aircraft or military device;
 - (c) exercises or practices with weaponry of any kind;
 - (d) any act aimed at collecting information relating to the defence or security of Grenada;
 - (e) any act by way of propaganda aimed at affecting the defence or security of Grenada;
 - (f) the taking on board or off-loading of any person, commodity or currency in breach of any law relating to exchange control, customs, immigration, health or drugs or therapeutic substances;
 - (g) any act of pollution calculated or likely to cause damage or harm to Grenada, its resources or its marine environment;
 - (h) fishing or extracting living or non-living resources;
 - (i) the carrying out of research of whatever kind or survey activities;
 - (j) any act aimed at interfering with any system of communication or telecommunication whether such system is on land, on the sea, or under it;
 - (k) being a submarine or other underwater vehicle, navigating otherwise than as provided in sub-section (4); or
 - (l) such other activity as may be prescribed, being an activity not having a bearing on passage.
- (3) For the purposes of this section –
- (a) the passage of a foreign ship does not cease to be continuous and expeditious by reason only of the ship stopping or anchoring, if the stopping or anchoring –
 - (i) is incidental to ordinary navigation;
 - (ii) is rendered necessary by force majeure or distress; or
 - (iii) is for the purpose of rendering assistance to persons, ships or aircraft in danger or distress; and
 - (b) the foreign ship has due authority to engage in an activity of the kind referred to in subsection (2) if it does so –
 - (i) with the prior permission of the competent authority obtained by the captain or other person in charge of the ship; or
 - (ii) under the authority of a law, or a licence, lease or other authority lawfully given or issued under a law.
- (4) A submarine or other underwater vehicle wishing to exercise the right of innocent passage shall navigate on the surface and show its flag.
- (5) In exercising the right of innocent passage a foreign ship shall comply with the provisions of the Regulations, and with any enactment, order or direction, which have effect in relation to the territorial sea or archipelagic waters, or both, and to the ship, for or with respect to safety of navigation, the regulation of marine traffic or the use of sea lanes or traffic separation schemes.

- (6) The Minister may, by order, suspend the right of innocent passage for temporary period, and in such areas of the territorial sea or archipelagic waters, as specified in the order, where he is satisfied that it is essential to do so for the protection of the security of Grenada or for the conduct of exercises or practices with weaponry.
 - (7) An order made under subsection (6) does not take effect until it has been published in the Gazette.
- 18.** (1) Every foreign ship or aircraft may, subject to and in accordance with this section and international law, exercise in relation to a relevant strait the right of transit passage, that is to say, a right of freedom of navigation or overflight in the normal mode for the purpose of continuous and expeditious transit of the relevant strait.
- (2) For the purposes of subsection (1), a foreign ship or aircraft that engages in a relevant strait in any activity of the kind referred to in section 17(2)(a) to (j) or prescribed under section 17(2)(l), as the case may be, without due authority such as is referred to in section 17(3)(b), shall be deemed to have engaged in an activity which is not in the exercise of the right of transit passage.
 - (3) In exercising the right of transit passage of a relevant strait a foreign ship shall comply with—
 - (a) generally accepted international regulations, procedures and practices for safety at sea, or for the prevention, reduction and control of pollution from ships, which have effect in relation to the strait; and
 - (b) the provisions of the regulations, and of any enactment, Order or direction, which have effect in relation to the strait and the ship for or with respect to—
 - (i) the safety of navigation, the regulation of marine traffic or the use of sea lanes or traffic separation schemes,
 - (ii) fishing vessels, and the prevention of fishing, including the stowage of fishing gear, and
 - (iii) customs, excise, immigration or health controls in relation to the loading or unloading of any commodity, currency or person.
 - (4) In exercising the right of transit passage of a relevant strait, a foreign aircraft—
 - (a) shall observe the Rules of the Air established by the International Civil Aviation Organisation as they apply to civil aircraft, and a state aircraft shall normally comply with such safety measures and shall at all times operate with due regard for safety of navigation;
 - (b) shall comply with any applicable Order made under section 20 with respect to the use of air routes or traffic separation schemes; and
 - (c) shall at all times monitor the radio frequency assigned by the appropriate internationally designated air traffic control authority or the appropriate international distress radio frequency.
 - (5) For the purpose of this section, the transit of a foreign ship or aircraft does not cease to be continuous and expeditious by reason only of any activity of the ship or aircraft rendered necessary by force majeure or distress.
 - (6) In this section, “relevant strait” means a strait between Grenada and a foreign state which is being used for international navigation between—
 - (a) one part of the high seas or the zone; and
 - (b) another part of the high seas or the zone.
- 19.** (1) Every foreign ship or aircraft may, subject to and in accordance with this section and international law, exercise the right of archipelagic sea lanes passage, that is to say, a right of navigation or overflight in the normal mode through or over archipelagic waters for the purpose of continuous, expeditious and unobstructed transit between—
 - (a) one part of the high seas or the zone; and
 - (b) another part of the high seas or the zone.
- (2) Subject to subsection (5), the right of archipelagic sea lanes passage may be exercised only through sea lanes or air routes designated pursuant to section 20.
 - (3) In exercising the right of archipelagic sea lanes passage a foreign ship shall comply with—
 - (a) generally accepted international regulations, procedures and practices for safety at sea, or for the prevention, reduction and control of pollution from ships, which have effect in relation to archipelagic waters; and
 - (b) the provisions of the regulations, and with any enactment, Order or direction, which have effect in relation to archipelagic waters and the ship for or with respect to the safety of navigation or the regulation of marine traffic.

- (4) In exercising the right of archipelagic sea lanes passage a foreign aircraft shall observe the requirements of section 18(4)(a) and (c).
 - (5) To the extent that the Minister does not, pursuant to section 20, designate sea lanes or air routes through or over archipelagic waters, the right of archipelagic sea lanes passage may be exercised through or over the routes normally used for international navigation or overflight, as the case may be.
 - (6) Navigation by a foreign ship or aircraft through or over archipelagic waters does not cease to be continuous and expeditious by reason only of any activity of the ship or aircraft rendered necessary by force majeure or distress.
20. (1) The Minister may, by Order, designate sea lanes, air routes or traffic separation schemes for use by foreign ships or aircraft when exercising any of their rights of passage under this Part.
- (2) In exercising any power under subsection (1) the Minister shall have due regard to the requirements of international law, with respect to the exercise of the power.

PART V

Arrest, Jurisdiction and Offences

21. (1) Subject to this section, where an offence is committed on board a foreign ship (being a merchant ship or a government ship operated for commercial purposes) during its passage through the territorial sea, a prescribed power may be exercised, in relation to the offence, on board the ship during that passage, only if—
- (a) the consequences of the offence extend to Grenada;
 - (b) the offence is of a kind likely to disturb the peace of Grenada or the good order of the territorial sea;
 - (c) the assistance of the Government or a public officer has been requested by the master or other person in charge of the foreign ship or by a diplomatic agent or consular officer of the relevant foreign state; or
 - (d) it is necessary to exercise a prescribed power for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substances.
- (2) The limitation in subsection (1) shall not apply in any case where a foreign ship is passing through the territorial sea after leaving internal waters.
- (3) Subject to this section, where a foreign ship, proceeding from a port outside Grenada, is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage, only if—
- (a) there are clear grounds for believing that the ship has, in the zone, committed a violation of—
 - (i) applicable international rules and standards for the prevention, reduction and control of pollution from ships, or
 - (ii) any provision of the regulations, or any enactment, conforming to and giving effect to any such rules and standards; and
 - (b) there—
 - (i) are clear grounds for believing that that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment, or
 - (ii) is clear objective evidence that that violation has resulted in a discharge causing major damage or the threat of major damage to the coastline of Grenada or to any resources of its territorial sea or exclusive economic zone.
- (4) Nothing in this section shall affect the exercise of any power under section 23.
- (5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in subsection (1) or (3) shall be made or, as the case may be, carried out, with due regard to the interests of navigation.
- (6) The prescribed power referred to in subsection (8)(a) shall not be exercised in relation to a ship unless the ship has refused, when lawfully required to do so, to give information regarding its identity and port of registry, its last and next port of call and other relevant information required to establish whether a violation of the kind referred to in subsection (3)(a) has occurred.
- (7) The prescribed power referred to in subsection (8)(b) shall not be exercised in relation to a ship whenever appropriate procedures which bind Grenada have been established, either through the competent international organisation or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the ship.

- (8) For the purposes of this section, “prescribed power” means the power lawfully to arrest a person or to conduct an investigation into an alleged offence, and—
- (a) for the purpose of subsection (3)(b)(i), includes a power to undertake a physical inspection of a ship for matters relating to a violation of the kind referred to in subsection (3)(a); and
 - (b) for the purpose of subsection (3)(b)(ii), includes a power to detain a ship.
- 22.** (1) No foreign ship passing through the territorial sea shall be stopped or diverted for the purpose only of the exercise of any civil jurisdiction in relation to a person on board the ship.
- (2) Subject to subsection (3), no person shall arrest or levy execution against a foreign ship passing through the territorial sea for the purpose of any civil proceedings, except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the ship in the course of, or for the purpose of, its voyage through the territorial sea.
- (3) Subsection (2), in so far as it prohibits the arrest of, or the levying of execution against, a foreign ship, shall not apply in the case of a foreign ship which is lying in or passing through the territorial sea after leaving internal waters.
- 23.** (1) Where a foreign ship engages in any of the activities specified in section 17(2)(a) to (k) or prescribed under section 17(2)(l), as the case may be, or where a police officer or a person authorised by the Minister in writing suspects upon reasonable grounds that a foreign ship is engaged in any such activity, the police officer or authorised person may exercise all or any of the following powers, namely—
- (a) stop and board the ship for the purpose of carrying out enquiries and investigations;
 - (b) without a warrant arrest the ship and bring it into a port in Grenada; or
 - (c) without a warrant arrest the captain and any person on board the ship participating in the activity of the ship which is deemed to be prejudicial to the peace, good order or security of Grenada.
- (2) Where the passage of a foreign ship is deemed under section 17(2) to be prejudicial to the peace, good order or security of Grenada, the captain or other person in charge of the ship and any person participating in the activity of the ship which is deemed to be so prejudicial, is guilty of an offence under this Act and liable—
- (a) on conviction on indictment, to a fine of one hundred thousand dollars and to imprisonment for five years; or
 - (b) on summary conviction, to a fine of thirty thousand dollars and to imprisonment for two years, and in addition the court may order the forfeiture of any vessels engaged, or equipment used, in the activity which is the subject of the offence.
- (3) On a prosecution for an offence under subsection (2) it is sufficient defence if the defendant proves that the foreign ship had, under section 17(3)(b), due authority for engaging in the activity concerned.
- (4) In the exercise under this section of the power of enforcement against a foreign ship a police officer or a person authorised by the Minister shall not endanger the safety of navigation of, or otherwise create any hazard to, the ship, or bring the ship to an unsafe port or anchorage, or expose the marine environment to any unreasonable risks.
- (5) A person who in any way obstructs or hinders a police officer or an authorised person acting in exercise of a power conferred by subsection (1) is guilty of an offence under this Act and liable on conviction to the penalty referred to in subsection (2)(a) or (b), as the case may be.
- 24.** (1) Where the passage of a foreign ship is deemed under section 17(2) to be prejudicial to the peace, good order or security of Grenada and the ship or any person on board who participates in the activity which is deemed to be prejudicial is entitled to state or other immunity recognised by law, the flag state of the ship and the state of nationality of the person shall be deemed to bear international responsibility for the activity of the ship.
- (2) Where the flag state of a ship or the state of nationality of a person is deemed to bear international responsibility under this section, the Minister shall take all steps possible to obtain redress under international law.
- 25.** (1) Subject to this Act, no person shall on the continental shelf or within the exclusive economic zone, except under or in accordance with an agreement with the Government, or a permit granted under this Act by the Minister, or a licence, permit or other authority granted or issued under some other written law—
- (a) explore or exploit any resources thereof;

- (b) carry out any search or excavation;
 - (c) conduct any research;
 - (d) drill in or construct, maintain or operate any structure or device; or
 - (e) carry out any economic activity.
- (2) A person who contravenes this section is guilty of an offence and liable—
- (a) on conviction on indictment, to a fine of one hundred thousand dollars and to imprisonment for five years; or
 - (b) on summary conviction, to a fine of thirty thousand dollars and to imprisonment for two years, and in addition the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.
26. (1) For the purposes of the exercise of the jurisdiction of the courts of Grenada, the territory of Grenada shall include the internal waters, the territorial sea and the archipelagic waters.
- (2) The jurisdiction and powers of the courts of Grenada extend to the continental shelf and the exclusive economic zone for the purposes of giving effect to this Act and any other enactment extended to the continental shelf or the zone under section 31, as if the continental shelf or the zone were a part of the territory of Grenada.
- (3) Where any offence punishable on summary conviction is committed or suspected to have been committed within or in relation to internal waters, the territorial sea, archipelagic waters, the continental shelf or the zone, the offence may be dealt with and determined by a magistrate assigned to any magisterial district, and the magistrate shall have and may exercise all the powers, privileges, rights and jurisdiction conferred on him or her by the Magistrates Act, Chapter 177.
- (4) The quasi-criminal and civil jurisdiction conferred on a magistrate by the Magistrates Act, Chapter 177, shall in relation to the internal waters, the territorial sea, archipelagic waters, the continental shelf or the zone be exercised by a magistrate assigned to any magisterial district.
- (5) The jurisdiction conferred on any court under this section shall be without prejudice to the jurisdiction conferred on or exercisable by the court apart from this Act.
27. (1) In any proceeding in a court in relation to internal waters, the territorial sea, archipelagic waters, the continental shelf or the exclusive economic zone, the averment that an offence was committed or that an act was done within the limits of that sea, those waters, the continental shelf or, as the case may be, the zone shall, until the contrary is proved, be deemed to be prima facie evidence that the locus in quo was as so averred.
- (2) For the purposes of a written law conferring jurisdiction on a court in Grenada, an incident which occurs within the limits of the continental shelf or the zone shall be deemed to have occurred in Grenada if—
- (a) the incident occurs in, on, under, above or in relation to any structure or within five hundred metres of the structure; and
 - (b) the incident, if it had occurred in Grenada, would be an offence or give rise to quasi-criminal proceedings or a civil cause of action.
- (3) In subsection (2), “structure” includes any moored ship, artificial island, offshore terminal or offshore installation.

PART VI

Miscellaneous

28. The Minister shall cause to be prepared such charts, or lists of geographical co-ordinates specifying the geodetic datum, as he or she thinks fit, showing all or any of the following matters, namely—
- (a) the baselines, the low-water lines, and any closing lines prescribed pursuant to section 6(2);
 - (b) the seaward limits of the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone; or
 - (c) the axis of sea lanes, air routes or traffic separation schemes designated pursuant to section 20.
29. A document, purporting to be certified by the Minister to be a true copy of a chart or list of geographical co-ordinates prepared pursuant to section 28, shall be received in any proceedings as evidence of any matter referred to in that section and shown in the document.

- 30.** (1) The Minister shall cause—
- (a) due publicity to be given, in such manner as he or she deems appropriate, to charts or lists of geographical co-ordinates prepared pursuant to section 28; and
 - (b) a copy of each such chart or list to be deposited with the Secretary-General of the United Nations.
- (2) The Minister may, by Notice in the Gazette, specify the place where persons may inspect a chart or list so prepared or purchase a certified copy thereof.
- 31.** (1) The Minister may, by Order, with such exceptions and modifications as may be specified in the Order, extend the application of any enactment to the continental shelf or the exclusive economic zone, or any part thereof, and an enactment so extended shall have effect in relation to the continental shelf or, as the case may be, the zone as if it had been enacted by this Act.
- (2) An Order made under this section is subject to affirmative resolutions of the Senate and the House of Representatives.
- 32.** The Minister may, by Order, for the purpose of giving effect to—
- (a) international law or state practice;
 - (b) any agreement of the kind referred to in section 5 or 16; or
 - (c) the settlement reached in relation to any dispute, make provision with respect to the delimitation of the territorial sea, the continental shelf or the exclusive economic zone, as the case may be, and the Order shall have effect accordingly.
- 33.** (1) A reference in any written law to—
- (a) “territorial waters” or “territorial waters of Grenada”, in relation to a period after the commencement of this Act, shall be deemed to be a reference to the territorial sea construed in accordance with section 5; or
 - (b) a maritime area, in relation to such a period, shall be construed in accordance with the provisions of this Act relating to that area.
- (2) In subsection (1)(b), “maritime area” means—
- (a) the internal waters;
 - (b) the territorial sea;
 - (c) the archipelagic waters;
 - (d) the contiguous zone;
 - (e) the continental shelf; or
 - (f) the exclusive economic zone.
- 34.** (1) The Minister may make regulations generally for carrying into effect the provisions of this Act.
- (2) In particular, without limiting the generality of subsection (1), such regulations may provide for all or any of the following matters, namely—
- (a) regulating the conduct of persons in the territorial sea or archipelagic waters, or within the exclusive economic zone, or on or in relation to the continental shelf;
 - (b) regulating, in relation to the continental shelf—
 - (i) the exploration for, and exploitation and management of, natural resources,
 - (ii) the prevention and control of marine pollution,
 - (iii) the construction, operation and use of artificial islands, installations and structures, and
 - (iv) the authorisation and control of marine scientific research;
 - (c) regulating, in relation to the exclusive economic zone—
 - (i) the exploration or exploitation, conservation and management of the natural resources, whether living or non-living, of the sea-bed, subsoil and superjacent waters,
 - (ii) other activities for the economic exploitation of the zone,
 - (iii) the protection and preservation of the marine environment of the zone,
 - (iv) the construction, operation and use of artificial islands, installations and structures, and
 - (v) the authorisation and control of marine scientific research;
 - (d) providing for such other matters as are necessary or expedient for giving full effect to the rights and jurisdiction of Grenada in relation to the continental shelf or the zone;
 - (e) regulating, generally, the use of the internal sea, archipelagic waters or the territorial sea;

- (f) providing for the exercise of powers and authorities in relation to the contiguous zone for the purposes of section 9(3);
- (g) the fees to be paid under this Act whether in connection with any activity or otherwise; and
- (h) annexing to the contravention of any regulation made under this section a punishment on summary conviction of a fine not exceeding thirty thousand dollars and imprisonment for a term not exceeding two years, or both.

35. This Act shall not affect the operation of, or anything lawfully done under or for the purposes of—

- (a) the Fisheries Act, Chapter 108;
- (b) the Petroleum and Natural Gas Deposits Act, Chapter 240;
- (c) any licence, lease or other authority issued or granted, or agreement entered into, under either of those Acts.

Annex 2**United Nations Convention on the Law of the Sea*****Article 47******Archipelagic baselines***

1. An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.
2. The length of such baselines shall not exceed 100 nautical miles, except that up to 3 per cent of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.
3. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
4. Such baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.
5. The system of such baselines shall not be applied by an archipelagic State in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State.
6. If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, existing rights and all other legitimate interests which the latter State has traditionally exercised in such waters and all rights stipulated by agreement between those State shall continue and be respected.
7. For the purpose of computing the ratio of water to land under paragraph 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or early enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.
8. The baselines drawn in accordance with this article shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted.
9. The archipelagic State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

Annex 3

Grenada
Archipelagic Baseline Points and Baseline Segments

| Point Number | Name | Coordinates (NAD 27) | Baseline Segment | Length (nm) |
|--------------|---------------------------------|--------------------------|------------------|-------------|
| 1 | Gross Point rock | 12°11'00"N 61°43'29"W | 1-2 | 2.77 |
| 2 | Palmiste Point rock | 12°08'29"N 61°44'42"W | 2-3 | 9.02 |
| 3 | Point Salines | 12°00'05"N 61°48'11"W | 3-4 | 1.36 |
| 4 | Glover Island | 11°59'02"N 61°47'18"W | 4-5 | 1.84 |
| 5 | The Porpoises | 11°58'37"N 61°45'28"W | 5-6 | 3.02 |
| 6 | Point of Fort Judy | 11°59'33"N 61°42'32"W | 6-7 | 3.62 |
| 7 | Islet SW of Pte. Du Petite Trou | 12°01'24"N 61°39'21"W | 7-8 | 0.16 |
| 8 | Pointe du Petite Trou | 12°01'30"N 61°39'13"W | 8-9 | 0.49 |
| 9 | Requin Point rock | 12°01'50"N 61°38'51"W | 9-10 | 0.71 |
| 10 | Galby Bay South head | 12°02'21"N 61°38'21"W | 10-11 | 0.31 |
| 11 | St. Pierre Point | 12°02'35"N 61°38'08"W | 11-12 | 2.23 |
| 12 | Grand Bacolet Point | 12°04'33"N 61°37'02"W | 12-13 | 29.58 |
| 13 | Petite Martinique SE point | 12°30'45"N 61°22'44"W | 13-14 | 0.14 |
| 14 | Petite Martinique SE rock | 12°30'53"N 61°22'42"W | 14-15 | 0.23 |
| 15 | Petite Martinique E Point 1 | 12°31'07"N 61°22'44"W | 15-16 | 0.07 |
| 16 | Petite Martinique E Point 2 | 12°31'11"N 61°22'45"W | 16-17 | 0.11 |
| 17 | Petite Martinique NE Point 1 | 12°31'17"N 61°22'48"W | 17-18 | 0.2 |
| 18 | Petite Martinique NE Point 2 | 12°31'28"N 61°22'53"W | 18-19 | 0.06 |
| 19 | Petite Martinique N point rock | 12°31'31"N 61°22'55"W | 19-20 | 0.05 |
| 20 | Petite Martinique Rock | 12°31'32"N 61°22'58"W | 20-21 | 0.08 |
| 21 | Petite Martinique North Shore | 12°31'32"N 61°23'03"W | 21-22 | 3.2 |
| 22 | Gun Point (Rapid Point) | 12°31'44"N 61°26'19"W | 22-23 | 5.32 |
| 23 | Sister Rocks | 12°28'34"N 61°30'37"W | 23-1 | 21.47 |