

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

Limits in the Seas

No. 131

Trinidad and Tobago:

Archipelagic and other Maritime Claims and Boundaries



LIMITS IN THE SEAS

No. 131

TRINIDAD AND TOBAGO

ARCHIPELAGIC AND OTHER MARITIME CLAIMS AND BOUNDARIES

January 31, 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 paper represents the views of the United States Government only on the specific matters discussed therein and does not necessarily reflect an acceptance of the 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 the Republic of Trinidad and Tobago, including its archipelagic baseline claim. Trinidad and Tobago's Archipelagic Waters and Exclusive Economic Zone Act, 1986, Act No. 24 of November 11, 1986 (Annex 1 to this study), declared Trinidad and Tobago to be an archipelagic State and described the archipelagic baselines of Trinidad and Tobago.¹ Trinidad and Tobago established its archipelagic baselines with its Archipelagic Baselines of Trinidad and Tobago Order, 2008.² The archipelagic baselines are shown on Map 1 to this study. Act No. 24 also established a 200-nm exclusive economic zone and provided that the breadth of the maritime zones of Trinidad and Tobago established through earlier legislation are to be measured from the archipelagic baselines. The Trinidad and Tobago Territorial Sea Act of 1969, Act No. 38 of December 6, 1969 as amended by Act No. 22 of 1986 (Annex 2 to this study), established a 12-nautical mile (nm) territorial sea and 24-nm contiguous zone.³ The Continental Shelf Act, 1969, Act No. 43 of December 30, 1969 as amended by Act No. 23 of 1986 (Annex 3 to the study), pertains to the continental shelf of Trinidad and Tobago.⁴ Trinidad and Tobago ratified the United Nations Convention on the Law of the Sea (LOS Convention) on April 25, 1986 and consented to be bound by the 1994 Agreement Relating to the Implementation of Part XI of the Convention on July 28, 1995.⁵

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,

¹ The text of the Act is available from the UN Division for Ocean Affairs and the Law of the Sea (DOALOS), at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/TTO.htm>. See also the earlier Ministry of Foreign Affairs Notice No. 500 of May 27, 1983, announcing the proclamation of its EEZ and declaration as an archipelagic State, in R.W. Smith, *Exclusive Economic Zone Claims: An Analysis and Primary Documents* 455-457 (Dordrecht: Martinus Nijhoff, 1986).

² Archipelagic Baselines of Trinidad and Tobago Order (LN 206/1988), available at: http://www.rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/51.06.pdf, pp. 20-21 (Naparima Datum 1955 -- International Spheroid). The coordinates as transformed to the World Geodetic System 1984 (WGS 84) are available from DOALOS, at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/TTO.htm> and *Law of the Sea Bulletin* No. 55, at 29-30 (2004). They are reprinted in Annex 5 of this study.

³ The text of the Trinidad and Tobago Territorial Sea Act 1969, No. 38 of Dec. 6, 1969, Chapter 1:51, as amended by Act No. 22 of November 11, 1986, may be found at the Ministry of Legal Affairs Trinidad and Tobago alphabetical list of laws, available at: http://www.rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/1.51.pdf. The unamended text is available from DOALOS, at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/TTO.htm>.

⁴ The text of Trinidad and Tobago Continental Shelf Act, 1969, as amended by Act 23 of 1986, may be found in the Ministry of Legal Affairs Trinidad and Tobago alphabetical list of laws, available at: http://www.rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/1.52.pdf. The unamended text and 1986 amendment are available from DOALOS, at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/TTO.htm>. The 1986 amendment may also be found in *Law of the Sea Bulletin* No. 56, at 125.

⁵ 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.

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 criteria to which an archipelagic State must adhere when establishing its archipelagic baselines (Annex 4 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, 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.”

Analysis⁶

Trinidad and Tobago is an archipelagic State located in the eastern Caribbean Sea, just to the northeast of Venezuela and south of Grenada, Saint Vincent and the Grenadines, and Barbados. Trinidad and Tobago consists of two main islands, Trinidad and Tobago, and a number of smaller islands and other features. Some of the islands and features are used for drawing the archipelagic baselines. The archipelagic baseline system of Trinidad and Tobago is composed of 11 line segments, ranging in length from 0.26 nm (segment 6-7) to 75.69 nm (segment 7-8), with a total length of 266 nm.

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

Total Area = 12,262 square kilometers
 Water Area = 7,134 square kilometers
 Land Area = 5,128 square kilometers⁷

⁶ Calculations for this analysis were conducted in ESRI ArcGIS 10, using the Universal Transverse Mercator, Zone 20 North, projection and area based on the World Geodetic System 1984 (WGS84) datum.

Water-to-land area ratio = 1.39 to 1

In accordance with Article 47.2 of the LOS Convention, none of the baseline segments exceed 100 nm in length. Annex 5 to this study lists the lengths of each segment.

The configuration of the baseline 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), with the exception of baseline point 5; however, this basepoint is situated within 12 nm of the nearest island, as permitted by Article 47.4. The baseline is 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, Trinidad and Tobago's archipelagic baseline system set forth in Act No. 24 of November 11, 1986 appears to be consistent with Article 47 of the LOS Convention.

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

By Act No. 24, the archipelagic waters of Trinidad and Tobago comprise those waters enclosed by the archipelagic baselines. Trinidad and Tobago's 12-nm territorial sea and 24-nm contiguous zone, established in Articles 2 and 3 of Act No. 38 of 1969, are measured from the archipelagic baselines. Article 14 of Act No. 24 of 1986 established a 200-nm EEZ measured from the archipelagic baselines.

Act No. 43 of 1969, as amended in 1986 (Article 2), refers to Trinidad and Tobago's continental shelf, extending 200 nm from the baseline from which the breadth of the territorial sea of Trinidad and Tobago is measured, or further wherever the continental margin extends beyond this distance. On May 12, 2009, Trinidad and Tobago submitted to the Commission on the Limits of the Continental Shelf information on the limits of its continental shelf beyond 200 nm.⁸

Navigation

Act No. 24, while addressing the right of innocent passage in archipelagic waters in Part II, makes no mention of navigation in the territorial sea. The Territorial Sea Act of 1969, as amended, also makes no mention of innocent passage. The definition of innocent passage in the territorial sea is set out in Article 19 of the LOS Convention. It is reproduced in Article 12 of the 1986 Act in the context of innocent passage in archipelagic waters.

Section 32(s) of Act No. 24 provides that the President may issue regulations relating to archipelagic sea lanes passage. Article 53 of the LOS Convention describes archipelagic sea lanes passage. As of January 2014, the Trinidad and Tobago government had not formally designated any archipelagic sea lanes. Since no archipelagic sea lanes have been designated in

⁷ Land area number may be found in the CIA World Factbook entry for Trinidad and Tobago, at: <https://www.cia.gov/library/publications/the-world-factbook/geos/td.html>.

⁸ The Executive Summary and Notification is available from DOALOS, at: http://www.un.org/depts/los/clcs_new/submissions_files/submission_tto_49_2009.htm.

accordance with the LOS Convention, the “right of archipelagic sea lane passage may be exercised through the routes normally used for international navigation” (Article 53.12).

Submarine Cables and Pipelines

Section 10 of Act No. 24 provides that “Trinidad and Tobago shall respect existing submarine cables laid by other States and passing through its waters without entering upon its territory and shall permit the maintenance and replacement of such cables upon receiving due notice of their location and the intention to repair or replace them.” This section repeats the wording of Article 51.2 of the LOS Convention.

Subsection 20(c) of the Act provides that “Subject to any other law in force every State enjoys in the economic zone, the freedom of: . . . [l]aying of submarine cables and pipelines on the continental shelf subject to the jurisdiction of Trinidad and Tobago over such cables and pipelines and the right of Trinidad and Tobago to establish conditions for their laying.” Article 58.1 of the LOS Convention provides that, in the EEZ, the laying of submarine cables and pipelines is a high seas freedom that all States enjoy, subject to the relevant provisions of the Convention.

Other relevant provisions relating to submarine cables and pipelines are found in Part VI of the LOS Convention concerning the continental shelf. In particular, Article 79.1 provides that “[a]ll States are entitled to lay submarine cables and pipelines on the continental shelf, in accordance with the provisions of this article.” Articles 79.2 and 79.3 state that “[s]ubject to its right to take reasonable measures for the exploration of the continental shelf, the exploitation of its natural resources and the prevention, reduction and control of pollution from pipelines, the coastal State may not impede the laying or maintenance of such cables or pipelines” and that “[t]he delineation of the course for the laying of such pipelines on the continental shelf is subject to the consent of the coastal State.”

Maritime Boundaries

Trinidad and Tobago has established its maritime boundaries with Venezuela, Barbados and Grenada. Trinidad and Tobago has an undelimited boundary with St. Vincent and the Grenadines. The maritime boundaries are shown on Map 2 to this study.

Trinidad and Tobago’s maritime boundary agreement with Venezuela, concluded in 1990, establishes an all-purpose maritime boundary that is nearly 440 nm in length composed of geodetic lines connecting 22 points.⁹

Trinidad and Tobago’s maritime boundary agreement with Grenada, concluded in 2010, delimits the two countries’ respective EEZs and continental shelves. The agreement provides for a

⁹ Treaty between the Republic of Trinidad and Tobago and the Republic of Venezuela on the Delimitation of Marine and Submarine Areas (with map), Caracas, Apr. 18, 1990, entered into force July 23, 1991, 1654 UNTS 293, I *International Maritime Boundaries* 675-690 (1993). Available at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/TTO-VEN1990SA.PDF>.

maritime boundary 65 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.¹⁰

The maritime boundary between Trinidad and Tobago and Barbados, delimited by an arbitral tribunal in 2006, is composed of 11 points.¹¹ The tribunal described the boundary as follows:

The delimitation shall extend from the junction of the line that is equidistant from the low water line of Barbados and from the nearest turning point of the archipelagic baselines of Trinidad and Tobago with the maritime zone of a third State that is to the west of Trinidad and Tobago and Barbados [i.e., Grenada]. The line of delimitation then proceeds generally south-easterly as a series of geodetic line segments, each turning point being equidistant from the low water line of Barbados and from the nearest turning point or points of the archipelagic baselines of Trinidad and Tobago until the delimitation line meets the geodetic line that joins the archipelagic baseline turning point on Little Tobago Island with the point of intersection of Trinidad and Tobago's southern maritime boundary ... with its 200 nm EEZ limit [point 10]. The boundary then continues along that geodetic line to the point of intersection just described [point 11].

One provision of Act No. 24 addresses the situation of undelimited boundaries. Specifically, with respect to the EEZ, Section 15 of the Act provides: "Where the distance between Trinidad and Tobago and opposite or adjacent States is less than four hundred nautical miles, the boundary of the exclusive economic zone shall be determined by agreement between Trinidad and Tobago and the States concerned on the basis of international law in order to achieve an equitable solution."

¹⁰ 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.

¹¹ Barbados-Trinidad and Tobago Arbitration Award of Apr. 11, 2006, V *International Maritime Boundaries* 3577 (2005), VI *id.* 4187-4200, 45 ILM 798 (2006), available at: http://www.pca-cpa.org/showpage.asp?pag_id=1152.

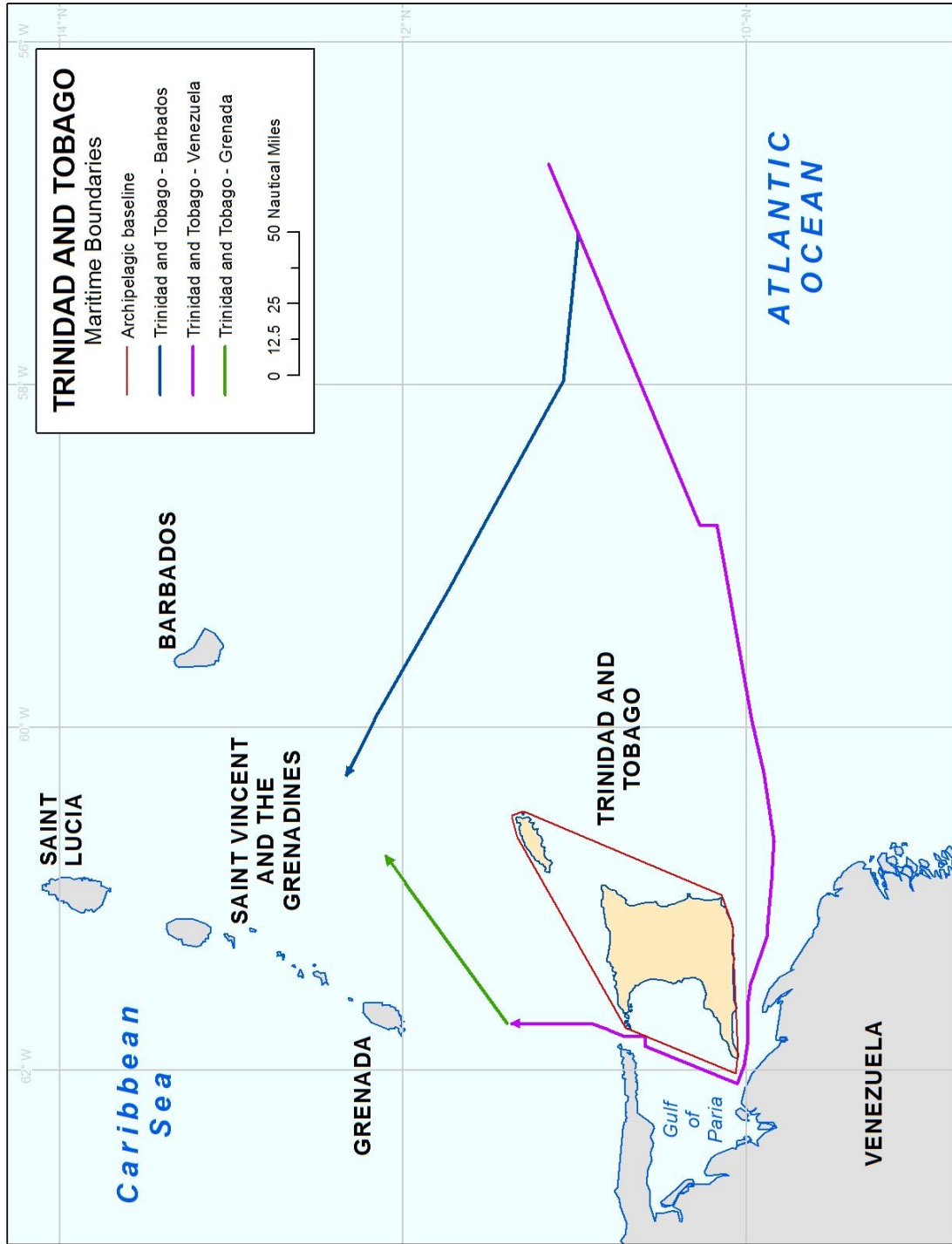
Map 1

Illustrative Map of the Archipelagic Baselines of Trinidad and Tobago



Map 2

Illustrative Map of the Maritime Boundaries of Trinidad and Tobago



Annex 1

Archipelagic Waters and Exclusive Economic Zone Act Act Number 24 of November 11, 1986 Chapter 51:06

1. This Act may be cited as the Archipelagic Waters and Exclusive Economic Zone Act.

PART I PRELIMINARY

2. In this Act—

“allowable catch” means the amount of living resources determined by the Minister to whom responsibility for fisheries is assigned in accordance with relevant environmental and economic factors;

“archipelagic State” means the political entity of Trinidad and Tobago comprising that group of islands including parts of islands inter-connecting waters and other natural features which are so closely interrelated that they form an intrinsic geographical and economic entity;

“archipelagic waters” means the waters enclosed by the archipelagic baselines as drawn in accordance with section 6;

“conservation and management” includes all methods and measures which are—

(a) required to rebuild, restore or maintain, or which are useful in rebuilding, restoring or maintaining any living resource or the marine environment; and (b) designed to ensure that—

(i) a supply of food and other products may be taken, and that recreational benefits may be obtained on a continuing basis;

(ii) irreversible or long-term adverse effects on fishery resources or the marine environment are avoided; and (iii) there will be a multiplicity of options available with respect to the use of such resources;

“contiguous zone” means that area contiguous to the territorial sea which does not extend beyond twenty-four nautical miles from the archipelagic baselines from which the breadth of the territorial sea is measured;

“continental shelf” shall have the meaning assigned to it in the Continental Shelf Act;

“Convention” means the United Nations Convention on the Law of the Sea done in Montego Bay, Jamaica on 10th December 1982;

“fish” includes oysters, crabs, shrimps, turtles, turtle eggs, coral and any species of other marine fauna;

“fishery” means any one or more stocks of fish, which can be treated as a unit for the purpose of conservation and management, and which are identified on the basis of geographical, scientific, technical, recreational and economical characteristics, and includes any fishing for any such stocks;

“fishing craft” means a vessel, aircraft, hovercraft or other craft of whatever size and however propelled that is capable of being used for fishing and is operated for financial reward or other material gain, scientific research or processing, storage or carriage of fish and includes any vessel used in support of or ancillary to fishing operations, but does not include a vessel transporting fish or fish products as part of its general cargo;

“foreign fishing craft” means a fishing craft flying the flag of a foreign State or registered in a foreign State;

“foreign ship” means a vessel in which less than fifty-one per cent of the ownership is vested in nationals of Trinidad and Tobago;

“master” means any person having command of a ship;

“Minister” means the Minister to whom responsibility for the subject of External Affairs is assigned;

“nautical mile” means 1852 metres;

“territorial sea” shall have the meaning assigned to it in the Territorial Sea Act.

PART II ARCHIPELAGIC STATE

3. The Republic of Trinidad and Tobago is declared an archipelagic State.

4. The archipelagic waters of Trinidad and Tobago shall include any areas of the sea that are enclosed by the archipelagic baselines drawn in accordance with section 6.

5. The sovereignty of Trinidad and Tobago as an archipelagic State extends to—
- (a) the archipelagic waters regardless of their depth or distance from the coast; and
 - (b) the airspace over the archipelagic waters as well as their bed and subsoil and the resources both living and non-living contained therein.

6. (1) The archipelagic baselines of Trinidad and Tobago shall consist of straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago.

(2) The baselines drawn in accordance with this section shall be shown on charts of a scale or scales adequate for ascertaining their position, or alternatively lists of geographical co-ordinates of points, specifying the geodetic datum may be substituted.

(3) The Minister shall give due publicity to such charts or lists of geographical co-ordinates by Notice in the *Gazette*, and shall cause a copy of each such chart or lists of geographical co-ordinates to be deposited with the Secretary General of the United Nations.

7. The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from archipelagic baselines drawn in accordance with section 6.

8. Trinidad and Tobago may draw closing lines within its archipelagic waters for the delimitation of the internal waters as defined in the Territorial Sea Act.

9. (1) Without prejudice to section 5, Trinidad and Tobago shall respect existing agreements and other treaties with other States affecting areas falling within the archipelagic waters.

(2) The extent and the areas to which the existing agreements apply, shall at the request of any of the States concerned, be regulated by bilateral agreements between them.

10. Trinidad and Tobago shall respect existing submarine cables laid by other States and passing through its waters, without entering upon its territory and shall permit the maintenance and replacement of such cables upon receiving due notice of their location and the intention to repair or replace them.

11. (1) Without prejudice to section 8 ships of all States enjoy the right of innocent passage in the archipelagic waters of Trinidad and Tobago.

(2) For the purpose of this section passage means navigation through the archipelagic waters of Trinidad and Tobago for the purpose of—

- (a) crossing those waters without entering the 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 roadstead or port facility.

(3) Such passage shall be continuous and expeditious and includes stopping and anchoring but only in so far as they are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircrafts in danger or distress.

12. (1) Passage is innocent so long as it is not prejudicial to the peace, good order or security of Trinidad and Tobago and is in conformity with the provisions of the Convention and such other relevant rules of international law.

(2) The passage of a foreign ship shall be considered prejudicial to the peace, good order or security of Trinidad and Tobago where it engages in the archipelagic waters, in the following activities:

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Trinidad and Tobago or any violation of 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 to the prejudice of the defence or security of Trinidad and Tobago;
- (d) any act of propaganda aimed at affecting the defence or security of Trinidad and Tobago;
- (e) the launching, landing or taking on board of any aircraft;
- (f) the launching, landing or taking on board of any military device;
- (g) the loading or unloading of any commodity, currency or person contrary to the customs fiscal, immigration or sanitary laws and regulations of Trinidad and Tobago;

- (h) any act of wilful and serious pollution contrary to the Convention;
- (i) any fishing activities without the consent of the Minister;
- (j) the carrying out of research or survey activities without the consent of the Minister;
- (k) any act aimed at interfering with any systems of communication or any other facilities or installation of Trinidad and Tobago;
- (l) any other activity not having a direct bearing on passage.

13. (1) The President may by Proclamation suspend, temporarily, in specified areas of the archipelagic waters, the innocent passage of foreign ships, where such suspension is essential for the protection of its security.

- (2) Such suspension shall take effect only after due publication.
- (3) Failure to comply with a Proclamation made under this section is an offence.

PART III EXCLUSIVE ECONOMIC ZONE

14. The exclusive economic zone of Trinidad and Tobago (hereinafter referred to as “the exclusive economic zone”) comprises all areas of sea, having as their innermost limits the outermost limits of the territorial sea, and as their outermost limits a line drawn seaward from the baseline from which the territorial sea is measured every point of which is at a distance of two hundred nautical miles from the nearest point of the baselines from which the breadth of the territorial sea is measured.

15. Where the distance between Trinidad and Tobago and opposite or adjacent States is less than four hundred nautical miles, the boundary of the exclusive economic zone shall be determined by agreement between Trinidad and Tobago and the States concerned on the basis of international law in order to achieve an equitable solution.

16. The Minister may by Order, and for the purpose of implementing an international agreement or the award of an international body declare that the outer limits of the exclusive economic zone extend to such line, any point of which may be at a distance of less than two hundred nautical miles from the nearest point of the archipelagic baseline, as specified in such Order.

17. The Minister—

- (a) shall cause the outer limits of the exclusive economic zone and any lines of delimitation drawn to be shown on charts of a scale or scales adequate for determining them; or
- (b) may substitute therefor lists of geographical co-ordinates of points specifying the geodetic datum;
- (c) give due publicity to such charts or lists of geographical co-ordinates by Notice in the *Gazette*; and
- (d) shall cause a copy of each such chart or lists of geographical co-ordinates to be deposited with the Secretary General of the United Nations.

18. The establishment of the exclusive economic zone shall not affect the vested rights of Trinidad and Tobago over the seabed and submarine areas of the territorial sea and continental shelf as set out in the Territorial Sea Act and the Continental Shelf Act.

19. Trinidad and Tobago in the exclusive economic zone has—

- (a) sovereign rights over—
 - (i) the exploration and exploitation, conservation and management of the living and non-living natural resources of the waters superjacent to the seabed and of the seabed and its subsoil;
 - (ii) the production of energy from the water, currents and winds; and
- (b) jurisdiction over—
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) marine scientific research; and
 - (iii) the protection and preservation of the marine environment.

20. Subject to any other law in force every State enjoys in the economic zone, the freedom of—

- (a) navigation;
- (b) overflight;

- (c) laying of submarine cables and pipelines on the continental shelf subject to the jurisdiction of Trinidad and Tobago over such cables and pipelines and the right of Trinidad and Tobago to establish conditions for their laying.

21. The Minister to whom responsibility for fisheries is assigned shall ensure, through proper conservation and management, that the living resources in the exclusive economic zone are not endangered by over-exploitation, and may from time to time by Notice in the *Gazette*—

- (a) determine the allowable catch in respect of every fishery within the exclusive economic zone;
- (b) determine the proportion of the allowable catch to be harvested by citizens of Trinidad and Tobago in the exclusive economic zone;
- (c) prescribe on the basis of agreements or other arrangements for the remaining proportion of the allowable catch which other States or the nationals of such States are permitted to harvest in the exclusive economic zone.

22. No State, international organisation, nor person, shall without the consent in writing of the President signified by Notice engage within the exclusive economic zone in any of the following activities:

- (a) the exploration and exploitation, conservation and management of living and non-living natural resources;
- (b) the production of energy from water, currents and winds;
- (c) the establishment and use of artificial islands, installations and structures;
- (d) marine scientific research;
- (e) the protection and preservation of the marine environment; and
- (f) any other such activity.

23. The provisions of section 22 in relation to the activity of fishing, shall not apply to the right of a citizen of Trinidad and Tobago or a body incorporated in Trinidad and Tobago in which at least fifty-one per cent of the shares are owned by citizens of Trinidad and Tobago.

24. The President may withhold his consent to the conduct of a marine scientific research project of another State or international organisation in the exclusive economic zone where the project proposal—

- (a) is of direct significance for the exploration and exploitation of living and non-living natural resources;
- (b) involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;
- (c) involves the construction, operation or use of artificial islands, installations and structures;
- (d) contains information regarding the nature and objectives of the project which is inaccurate;
- (e) is made by a researching State or competent international organisation which has outstanding obligations to Trinidad and Tobago from a prior research project;
- (f) will result in activities that unjustifiably interfere with activities undertaken by Trinidad and Tobago in accordance with its sovereign rights and jurisdiction.

25. Trinidad and Tobago may by agreement or treaty, authorise any State, international organisation or person to fish within the exclusive economic zone, the territorial sea and the archipelagic waters.

26. (1) No foreign fishing craft nor the master and members of the crew of a foreign fishing craft may engage in fishing in the exclusive economic zone, the territorial sea and the archipelagic waters without a licence issued by the Minister to whom responsibility for fisheries is assigned.

(2) The Minister to whom responsibility for fisheries is assigned may, on payment of the prescribed fees issue licences in respect of—

- (a) a foreign fishing craft; and
- (b) the master and members of the crew of a foreign fishing craft.

(3) A licence issued in respect of a foreign fishing craft shall state the crafts specifications and operating conditions.

(4) A licence issued in respect of the master and members of the crew of a foreign fishing craft shall state their—

- (a) names and addresses;

- (b) ages;
- (c) fisherman registration numbers;
- (d) identification numbers; and
- (e) experience in fishing activities.

27. The Minister to whom responsibility for fisheries is assigned shall ensure that—

- (a) the total catch of all foreign fishing craft does not exceed the total allowable catch prescribed for all such craft; and
- (b) the total catch by all foreign fishing craft of any one State does not exceed the apportionment prescribed for that State.

28. (1) The persons referred to in subsection (2) are empowered in the exercise of their official functions to—

- (a) stop and board, inspect, seize and detain a foreign fishing craft,
- (b) seize any fish and equipment found on board the foreign fishing craft, and
- (c) arrest the master and crew of any foreign fishing craft, in the exclusive economic zone, the territorial sea and the archipelagic waters, and may also institute such criminal proceedings against them, as may be necessary to ensure compliance with the Act and the Regulations.

(2) The persons to whom subsection (1) applies are—

- (a) members of the Trinidad and Tobago Coast Guard;
- (b) members of the Police Service;
- (c) Fisheries Officers of the Ministry responsible for fisheries;
- (d) Customs Officers;
- (e) the Harbour Master; and
- (f) any other person authorised in writing by the Minister.

29. (1) The provisions of section 26 shall not apply to a foreign fishing craft or to the master and members of the crew of such craft—

- (a) in which at least fifty-one per cent of the ownership thereof is vested in citizens of Trinidad and Tobago; or
- (b) owned by a company incorporated in Trinidad and Tobago in which at least fifty-one per cent of the shares is vested in citizens of Trinidad and Tobago.

(2) The Minister to whom responsibility for fisheries is assigned may issue a Certificate of Exemption to every such foreign fishing craft referred to in subsection (1).

(3) The Certificate of Exemption shall be carried on board the foreign fishing craft, and shall be tendered for inspection at the request of any one or all of the persons referred to in section 28.

30. (1) Any foreign fishing craft and the master and members of the crew of a foreign fishing craft who, in breach of section 26—

- (a) fish in the exclusive economic zone, the territorial sea or the archipelagic waters without a licence;
- (b) fail to comply with the terms of a licence; or
- (c) obstruct a person empowered to undertake surveillance in the exclusive economic zone, the territorial sea or the archipelagic waters in the performance of his duties,

is guilty of an offence and liable on summary conviction in the case of an offence in the exclusive economic zone to a fine of fifty thousand dollars and in the case of an offence in the territorial sea and the archipelagic waters to a fine of ten thousand dollars and imprisonment for six months and in addition in all cases to suspension or cancellation of the licence, forfeiture of the craft, equipment and all the fish found on board.

(2) Any foreign ship and the master and members of its crew that pass through the archipelagic waters of Trinidad and Tobago contrary to section 11 or 13 is guilty of an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for six months.

(3) Any offence, under the provisions of this Act or Regulations which is committed within the exclusive economic zone shall be deemed to have been committed in Trinidad and Tobago.

31. A foreign fishing craft which is seized and detained and the master and crew of which are arrested under section 28 shall be promptly released upon the posting of the prescribed bond in the sum of one hundred thousand dollars or other surety.

32. The President may make Regulations for implementing the provisions of this Act for anything that is required or authorized to be prescribed by or under this Act and in particular for the—

- (a) protection and preservation of the marine environment, and the prevention, reduction and control of pollution of that environment arising from—
 - (i) land-based sources including rivers, estuaries, pipelines and outfall structures;
 - (ii) seabed activities under the jurisdiction of Trinidad and Tobago and artificial islands installations and structures under its jurisdiction;
 - (iii) dumping;
 - (iv) vessels; and
 - (v) the atmosphere;
- (b) marine scientific research within the exclusive economic zone;
- (c) construction operation and use of—
 - (i) artificial islands;
 - (ii) installations and structures for economic purposes;
 - (iii) installations and structures which may interfere with the exercise of the rights of Trinidad and Tobago, within the exclusive economic zone;
- (d) exploration and exploitation of the exclusive economic zone for the production of energy from waters, currents and winds;
- (e) administration of the Act;
- (f) licensing of the master and members of the crew of a foreign fishing craft, fishing craft and equipment;
- (g) payment of licence fees;
- (h) determination of the species of fish which may be caught;
- (i) fixing of quotas of catch of fish, whether in relation to particular stocks or groups of stocks or catch per craft over a period of time or to the catch by Foreign States or the citizens of such States during a specified period;
- (j) regulating seasons and areas of fishing;
- (k) the types, sizes and amount of gear and the types, sizes and number of fishing crafts that may be used for fishing;
- (l) fixing of the age and size of fish and other species that may be caught;
- (m) the specifying of information required of fishing craft, including catch, and effort statistics and craft position reports;
- (n) conduct and regulation under the authorization and control of the Government of specified fisheries research programmes including the sampling of catches, disposition of samples and reporting of associated scientific data;
- (o) the placing of observers or trainees, by the Government, on board crafts involved in fisheries research programmes;
- (p) landing of all or any part of the catch by such craft in the ports of Trinidad and Tobago;
- (q) terms and conditions relating to joint ventures or other mutually agreed arrangements;
- (r) requirements for the training of personnel and the transfer of technology and research methodology related to the conservation and management of the living and non-living marine resources;
- (s) the designation of archipelagic sea lanes passage.

Annex 2

Territorial Sea Act, 1969 December 31, 1969 as amended by Act No. 22 of 1986 Chapter 1:51

1. This Act may be cited as the Territorial Sea Act.

2. In this Act—

“contiguous zone” means that area contiguous to the territorial sea which does not extend beyond twenty-four nautical miles from the archipelagic baselines from which the breadth of the territorial sea is measured;
“island” means a naturally formed area of land which is surrounded by and above water at mean high-water spring tides;
“low-water line” has the meaning assigned to it by section 7;
“low-tide elevation” means a naturally formed area of land which is surrounded by, and above water at mean low-water spring tides but is submerged at mean high-water spring tides;
“nautical mile” means the international nautical mile.

3. The territorial sea of Trinidad and Tobago comprises those areas of the sea having as their inner limits the base-lines defined in section 5 and as their outer limits, a line measured seaward from that baseline, every point of which is distant twelve nautical miles from the nearest point of the baseline so, however, that where the outer limits of the territorial sea of Trinidad and Tobago intersect foreign territorial waters the outer limits thereof shall be resolved through agreements or other means recognized by international law.

4. (1) The internal waters of Trinidad and Tobago shall include any areas of sea within its archipelagic waters that are on the landward side of the closing lines.

(2) In this section “closing lines” means the straight lines drawn in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea, that—

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

5. (1) The baselines from which the breadth of the territorial sea shall be measured shall be straight archipelagic baselines of Trinidad and Tobago.

(2) The archipelagic baselines of Trinidad and Tobago consist of straight baselines joining the outermost parts of the outermost islands and drying reefs of the archipelago.

(3) For the purposes of subsection (2), a low-tide elevation that lies wholly or partly within the breadth of the sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof, shall be treated as an island.

6. The seabed or submarine areas bounded on the landward side by the baselines referred to in section 5 and on the seaward side by the outer limits of the territorial sea shall be deemed to be and always to have been vested in the State.

6A. (1) Where in the contiguous zone an officer referred to in subsection (2) has reasonable cause to suspect that the Customs, revenue, immigration or health laws have been or are likely to be infringed by a vessel, such officer may stop, board and search the vessel and may direct that vessel to proceed to such place as he may specify.

(2) The officers to whom subsection (1) applies are—

- (a) members of the Trinidad and Tobago Coast Guard;
- (b) members of the Police Service;
- (c) Customs officers;
- (d) any other person authorised in writing by the Minister to whom responsibility for National Security is assigned.

7. (1) Where the low-water line is being used as a means of measuring the closing line, the low-water line area shall be the line of low-water at mean low-water spring tides as depicted on the largest scale Trinidad and Tobago Government nautical chart for the time being of that area or, where no such chart of that area exists, the largest scale British Admiralty chart for the time being of that area.

(2) In any proceedings in any Court a certificate purporting to be signed by the Minister of Home Affairs or a person authorised by him that—

(a) any specified Trinidad and Tobago Government nautical chart of any area is the largest scale Trinidad and Tobago Government nautical chart for the time being of that area; or

(b) no Trinidad and Tobago Government nautical chart for any area exists and that any specified British Admiralty chart of that area is the largest scale British Admiralty chart for the time being of that area, shall be admissible as evidence of the matter stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

8. (*Repealed by Act No. 22 of 1986*).

9. This Act binds the State.

Annex 3

Continental Shelf Act, 1969, December 30, 1969 as amended by Act. No 23 of 1986 Chapter 1:52

1. This Act may be cited as the Continental Shelf Act.

2. In this Act—

“Continental Margin” means the submerged prolongation of the land mass of Trinidad and Tobago consisting of the seabed and subsoil, the slope and the rise of the Continental Shelf determined in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea;

“Continental Shelf” means the seabed and subsoil of the submarine areas of Trinidad and Tobago that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of its Continental Margin, or to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Trinidad and Tobago is measured where the outer edge of the Continental Margin does not extend up to that distance;

“designated area” means an area designated by Order of the President under section 3(6).

2A. The Minister with responsibility for External Affairs may—

(a) establish the outer edge of the Continental Margin wherever the margin extends beyond 200 nautical miles from the baseline from which the breadth of the territorial sea of Trinidad and Tobago is measured; and

(b) cause a copy of charts and relevant information including geodetic data, permanently describing the outer limits of the Continental Shelf of Trinidad and Tobago to be deposited with the Secretary General of the United Nations.

3. (1) Any rights exercisable by Trinidad and Tobago outside territorial waters with respect to the seabed and subsoil and their natural resources are hereby vested in the State.

(2) A person who conducts or attempts to carry on any activities affecting any of the rights referred to in subsection (1), without having first obtained a licence from the Minister, shall be deemed to have infringed these rights and the Minister may in such case take such steps as he may think necessary or expedient to put an end to the infringement, and such steps may, without prejudice to the generality of the authority hereby conferred, include the arrest of such person, the seizure and confiscation or destruction of any vessel, equipment or installation employed by such person in the course of the infringement.

(3) In relation to any petroleum with respect to which those rights are exercisable, the Petroleum Act and any Regulations made thereunder shall apply as they apply in relation to petroleum in a submarine area within the meaning of those written laws.

(4) A licence under the written laws applied by subsection (3) shall include provision for the safety, health and welfare of persons employed on operations undertaken under the authority of any licence granted under those regulations as so applied.

(5) The Minister shall for each financial year prepare and lay before Parliament a report stating—

(a) the licences, under the written laws applied by subsection (3), granted in that year in respect of areas beyond the limits of the territorial sea and the persons to whom and the areas in respect of which they were granted; and the like information as respect such licences held at the end of that year;

(b) the amount of natural gas and of other petroleum won in that year in pursuance of licences held in respect of such areas.

(6) For the purpose of protecting installations and the devices necessary in the exercise of the rights mentioned in subsection (1), the President may designate by Order an area (hereinafter referred to as a “designated area”) for the purpose of establishing safety zones around such installations and devices.

(7) The law relating to income tax and corporation tax, and any other written law relating to taxation shall apply to any activities occurring on the Continental Shelf in connection with the exploration or exploitation thereof, as they would apply to any activities occurring in Trinidad and Tobago.

4. (1) The President may, for the purpose of protecting any installation in a designated area, by Order prohibit ships, subject to any conditions or exceptions provided by the Order, from entering without his consent such part of that area as may be specified in the Order.

(2) If any ship enters any part of a designated area in contravention of an Order made under this section its owner or master is liable on summary conviction to a fine of six thousand dollars and to imprisonment for twelve months, unless he proves that the prohibition imposed by the Order was not, and could not on reasonable inquiry have become, known to the master.

5. (1) Any act which occurs on, under or above an installation in a designated area or in any waters within five hundred metres of such an installation, and which would, if it had taken place in Trinidad and Tobago, constitute an offence under any law in force, shall be treated for the purposes of that law as taking place in Trinidad and Tobago.

(2) Subject to subsection (1), the law in force in Trinidad and Tobago shall apply for the determination of questions arising out of acts occurring in the course of the exploration or exploitation of the Continental Shelf.

(3) The Courts of Trinidad and Tobago shall have jurisdiction for the purpose of determining any question which under subsection (2) falls to be determined in accordance with the law in force in Trinidad and Tobago, as they would have if the acts in question had occurred in Trinidad and Tobago.

6. (1) Part VI of the Port Authority Act (which require the consent of Port Authority to the carrying out of certain works on the seashore if obstruction or danger to navigation is likely to result) except section 43(1)(b) (which restricts the deposit of materials) shall apply in relation to any part of the seabed in a designated area as it applies in relation to the seashore.

(2) Any person guilty of an offence under Part VI as applied by this section is liable on summary conviction to a fine of six thousand dollars and to imprisonment for twelve months.

7. (1) If any oil is discharged or escapes into any part of the sea in a designated area—

(a) from a pipeline; or

(b) (otherwise than from a ship) as the result of any operations for the exploration of the seabed and subsoil or the exploitation of their natural resources in a designated area, the owner of the pipe-line or, as the case may be, the person carrying on the operations is guilty of an offence unless he proves, in the case of a discharge from a place in his occupation, that it was due to the act of a person who was there without his permission (express or implied) or, in the case of an escape, that he took all reasonable care to prevent it and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine of six thousand dollars and to imprisonment for twelve months.

(3) In this section, “oil” means oil of any description and includes spirits produced from such oil and any mixture containing not less than one hundred parts of such oil in a million parts of the mixture.

8. An Order under section 4 may make provision for treating for the purposes of the Wireless Telegraphy Ordinance and any Regulations made thereunder, any installation in an area or part of an area with respect to which provision is made under that section and any waters within five hundred metres of such an installation as if they were situated in Trinidad and Tobago.

9. (1) Section 3 (punishment for damaging cables) of the Submarine Telegraphy Act, 1885 of the United Kingdom and Article IV and paragraph 1 of Article VII (liability to pay compensation for damage to cables and for loss of gear sacrificed to avoid such damage) of the Convention set out in the Schedule to that Act shall apply in relation to all submarine cables under the high seas (and not only to those to which that Convention applies) and to pipelines under the high seas; and any reference in section 3 to telegraphic communication shall be construed as a reference to telephonic as well as to telegraphic communication, and, in relation to high-voltage power cables and to pipelines, as if the words from “in such manner” to the end of subsection (1) were omitted.

(2) Section 6(3) (limitation of proceedings) and section 13 (cesser of Act on cesser of Conventions) of that Act are hereby repealed.

10. (1) Any goods brought into Trinidad and Tobago which are shown to the satisfaction of the Minister responsible for Finance to have been grown, produced or manufactured in any designated area, and to have been so brought direct from that area shall be deemed for the purposes of any charge to duty under the Customs Act not to be imported.

(2) With a view to exempting any goods from any duty, or charging any goods with duty at a reduced or preferential rate under any of the written laws relating to duties of Customs, the Minister responsible for Finance may by Order prescribe cases in which the Continental Shelf of any country prescribed by the Regulations, or of any country of a class of countries so prescribed, shall be treated for the purposes of such of those written laws or of any instruments made thereunder as may be so prescribed as if that Shelf formed part of that country and any goods brought from that Shelf were consigned from that country; and in this subsection the expression “Continental Shelf”, in relation to any country, means—

(a) in relation to Trinidad and Tobago, any designated area;

(b) in relation to any other country, the seabed and subsoil of the submarine areas adjacent to the coast, but outside the seaward limits of the territorial waters of that country over which the exercise by that country of sovereign rights in accordance with international law is recognized or authorised by the Government of Trinidad and Tobago.

(3) Any Order under subsection (2) shall be subject to negative resolution of Parliament.

(4) Anything required or authorised by or under subsections (2) and (3) to be done by, to or before the Minister responsible for Finance may be done by, to or before any person authorised in that behalf by the Minister responsible for Finance.

11. (1) Proceedings for any offence under this Act [including an offence under another written law as applied by or under this Act and anything that is an offence by virtue of section 5(1)] may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Trinidad and Tobago.

(2) Where a body corporate is guilty of such an offence and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.

In this subsection, “director”, in relation to a body corporate established for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, being a body corporate whose affairs are managed by a Board, means a member of that Board.

(3) A constable shall on any installation in a designated area have all the powers, protection and privileges which he has in the area for which he acts as constable.

12. Part V of the Workmen’s Compensation Act (which provides for compulsory insurance) shall apply to any employer carrying on operations in relation to any part of the seabed in a designated area as it applies in relation to an employer carrying on business in Trinidad and Tobago.

13. The Minister may make Regulations for carrying this Act into effect and may also by Regulations, add to, vary or otherwise amend the Petroleum Regulations.

Annex 4**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 5**Trinidad and Tobago Archipelagic Baseline Segments and Basepoints**

Point Number	Feature Name	Coordinates (WGS 84)
1	East Rock	10°08'18.4"N 60°58'56.1"W
2	Casa Cruz Rock	10°04'28.4"N 61°09'39.1"W
3	Alcatras Rock	10°04'25.4"N 61°13'22.1"W
4	Icacos	10°02'34.4"N 61°54'24.3"W
5	Black Rock	10°03'33.4"N 62°01'27.3"W
6	Cabresse Point	10°41'53.4"N 61°45'30.2"W
7	Cabresse Island	10°42'04.4"N 61°45'19.2"W
8	Sisters Island	11°20'03.5"N 60°38'36"W
9	Marble Island	11°21'45.5"N 60°31'31"W
10	St. Giles Island	11°21'34.5"N 60°30'46"W
11	Little Tobago	11°17'45.5"N 60°29'34"W

Baseline Segment	Length (nm)
1-2	11.23
2-3	3.66
3-4	40.50
4-5	7.02
5-6	41.23
6-7	0.26
7-8	75.69
8-9	7.16
9-10	0.76
10-11	3.98
11-1	74.92