

PREFACE

The future of the economy of Trinidad and Tobago is heavily dependant upon the exploitation of the hydrocarbon resources in its seabed and continental shelf. Trinidad's geographical proximity to the Venezuelan mainland is very relevant because the States share the same continental shelf in areas not delimited by the Gulf of Paria Treaty 1942, their territorial seas and Exclusive Economic Zones intersect and these areas have not been delimited and defined by agreement.

The current expansion of the fishing industry and the exploration and exploitation of crude oil and natural gas have raised several problems within recent years. This thesis focuses attention to the legal problems, most of which stem from delimitation. Since the Gulf of Paria Treaty, the instrument which governed certain matters relating to the Law of the Sea as they affected the submarine areas of the Gulf of Paria, both States have been participants in several conferences on the Law of the Sea, the 1958 Geneva Conventions on the Law of the Sea and the recently concluded Third Conference on the Law of the Sea.

Venezuela signed the 1958 Geneva Convention in the Territorial Sea and Continental Shelf with specific reservations with respect to the articles which provide for delimitation as they relate to the Gulf of Paria and surrounding areas. Up to the time of writing this thesis Venezuela has not signed the 1982 Convention on the Law of the Sea because of its reservations to the clauses relative to delimitation. This thesis will examine the problems and discuss the Law that could be applied.

The thesis is divided into five chapters. In Chapter I relevant geographical, historical, legal and socio-economic factors are considered. The early disputes over the sovereignty of the islands of Patos and Soldado are examined.

Chapter II focuses attention to the period 1942 - 1962 during which time the Gulf of Paria Treaty 1942 and the Anglo-Venezuelan Treaty (Island of Patos) were signed. The Gulf of Paria Treaty and the subsequent Annexation Order are analyzed in this chapter.

The legal implications of the Independence of Trinidad and Tobago on treaties concluded with Venezuela are considered in Chapter III. State succession, the exchange of letters creating a devolution agreement in the light of treaties on the Law of the Sea relative to both States are discussed.

Chapter IV is devoted to an examination of the practice of Trinidad and Tobago and Venezuela in Law of the Sea matters as seen against the 1958 Geneva Conventions on the Law of the Sea. Geographical, geological, economic characteristics and relevant laws are considered.

In Chapter V, the impact of the archipelagic concept on delimitation is considered. Specific approaches to delimitation are suggested with references to the maps and charts in the appendix.

In the context of rapid advancements in technology the law develops; after many sessions a new treaty has been prepared and signed by most members of the international community; relations between Trinidad and Tobago and Venezuela are very good, therefore this is an opportune time to negotiate a bilateral treaty delimiting the common areas between the States.

Aruba Case, I.C.J. Rep. 1950 p. 290.

Corfu Channel Case 1949, I.C.J. Rep.

Anthony Lucky

Eastern Greenland Case, P.C.I.J. 1933.

Island of Palmas Case, A.J.I.L. 1928 Vol. 22.

Minesweepers and Barges Case, I.C.J. Rep. 1953.

The North Sea Continental Shelf Cases 1969, I.C.J. Rep. 1969.

Petroleum Development Ltd. v Sheik of Abu Dhabi 1951, F.L.R. p. 144.

Prakash Sooraram v Trinidad and Tobago Island Wide Can Farmers Association and the Attorney General Court of Appeal, Trinidad and Tobago.

Railway Traffic between Lithuania and Poland, P.C.I.J. 1931.

Rv. Governor of Brixton Prison Ex Parte Schiacks 1964 Appeal Cases U.K. 356.

Right of Passage over Indian Territory Case (Portugal v India) 1960, I.C.J. Rep. p. 8.