

# **A POLICY FOR SHIPPING LEGISLATION IN TRINIDAD AND TOBAGO (THE SHIPPING ACT)**

# INTRODUCTION

A shipping industry is vital to the growth and development of any national economy as at least 90% of the world's trade is carried by ships. Trinidad and Tobago as an island nation is especially dependent on shipping for national and international trade and up to 95% of this is carried by ships.

Shipping is a major source of visible and invisible earnings.

Trinidad and Tobago is a major importer, especially from metropolitan countries, and an exporter of petroleum and petroleum products including LPG, LNG, Urea and Methanol. It is also a significant exporter of manufactured products within the CSME and to other countries. It should be noted that a major component of trade is transportation costs.

It is necessary to have a well articulated shipping policy designed to promote national shipping interests, conserve the country's foreign exchange, increase the level of visible and invisible earnings through shipping, enhance employment and ensure the safety of lives and property and to preserve the marine environment.

The small size of Trinidad and Tobago and the relationship with neighboring CARICOM States suggests that Trinidad and Tobago's shipping policy should be integrated with and be mindful of CARICOM. It should also take into consideration the CARICOM Single Market Economy (CSME) with respect to the many opportunities it provides Trinidad and Tobago's manufacturing industry and trade.

In the absence of any cohesive CARICOM shipping policy, Trinidad and Tobago must take into account its relationship with CARICOM in developing and implementing its own shipping policy. It is generally accepted that regional collaboration in shipping; maritime safety and security; and the protection of the marine environment is the most effective approach. To this end due consideration must be given to existing MOUs resulting in the Port State Control, Caribbean Cargo Ship Code and Small commercial Vessel Code initiatives

# SHIPPING POLICY OBJECTIVES

Shipping Policy Objective Include:

- To develop and maintain a merchant marine equipped and maintained within the ambit of international safety standards, as an instrument for promoting the domestic regional and international trade of Trinidad and Tobago, thereby assisting national economic development.

- This merchant marine would also be capable of supplying crewing services to ships of foreign flags.
- To maximize the benefits from external trade and improve the country's balance of payments position by enhanced earnings and conservation of foreign exchange through indigenous transportation and efficient operation of national ports.

- To promote the acquisition and development of modern shipping technology.
- To facilitate the establishment of training programmes which would create and diversify employment opportunities in the shipping industry.
- To establish and maintain a regulatory framework for maritime training.

- To rationalize and foster the development of safe, secure and efficient ports to facilitate trade nationally, regionally and internationally.
- To ensure the safety and security of all ships and shipping in the waters of Trinidad and Tobago, and the safety and security of Trinidad and Tobago ships wherever they may be.
- To facilitate national and international maritime traffic

- To preserve the marine environment by the prevention of pollution from ships and other sectors of the shipping industry.

# IMPLEMENTATION THROUGH A LEGISLATIVE FRAMEWORK

Primary and Secondary maritime legislation for all sectors of the industry will be developed and implemented as a matter of urgency which will give effect to international maritime instruments and the national maritime policy objectives. In view of the rapid development of international maritime instruments the principal legislation should as far as possible be enabling legislation.

- The Maritime Administration of Trinidad and Tobago will be the primary agency to implement the national shipping policy and administer shipping legislation. Its responsibility will include the development of the shipping industry and ensuring the safety and security of ships and shipping.

The legislative framework will comprise of five new bills namely a Shipping Bill, the Shipping (Marine Pollution) Bill, a Harbours Bill, a Pilotage Bill, and a Carriage of Goods by Sea Bill. Of this legislation the Shipping (Marine Pollution) Bill is to be resubmitted to Parliament and the Harbours Bill is being revised for submission to Parliament.

A new Shipping Act has been developed and is being submitted to Cabinet; a draft Carriage of Goods by Sea Bill is in preparation; a policy paper has been developed for the Pilotage Bill and consideration is now being given to the drafting of a Pilotage Bill.

# THE NEW SHIPPING ACT

The existing Shipping Act was enacted in 1987. This Act at that time satisfied the obligations and requirements of the international conventions in respect of registration of ships. However, since 1987 due to the dynamic changes in the industry there has been a number of significant changes and developments of new conventions which are not reflected in the existing Shipping Act.

The new Shipping Act will establish the Maritime Administration as the national agency responsible for ensuring the safety and security of ships, the protection of life and property at sea and protection of the marine environment, and the compliance with applicable national laws and regulation.

The Administration will also be the national focal point for shipping and maritime matters.

Considering the significant inclusions required for the amendment of 1987 Act, it is more prudent to replace the 1987 Act with an updated legislation that will satisfy the basic legal requirements for implementation of all International Maritime instruments to which Trinidad and Tobago is party.

# The End