

Ministry of Foreign Affairs and Foreign Trade

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**UNCLOS ANNEX VII
TRIBUNAL AWARD SECURES
BARBADOS' RIGHTS IN
MARITIME BOUNDARY
AND
FISHERIES DISPUTE WITH
TRINIDAD AND
TOBAGO**

1. The Government of Barbados welcomes today's Award of the arbitral tribunal established under Part XV of the United Nations Convention on the Law of the Sea in relation to the fisheries and maritime boundaries dispute between Barbados and Trinidad and Tobago. Barbados' Agent in the case, Deputy Prime Minister, the Hon. Mia Mottley, said that "the Award confirms Barbados' maritime rights under international law in a manner that is consistent with its position during the negotiations that were held with Trinidad and Tobago prior to the arbitration. The Award has produced an outcome which will allow Barbados and Trinidad and Tobago to continue the process of deepening and strengthening the important relationship that exists between us."

The Award confirms the positions taken by Barbados in the bilateral negotiations prior to the arbitration

2. At the heart of the Tribunal's Award are two findings that confirm the positions adopted by Barbados during the course of both the arbitration and the previous bilateral negotiations. First, consistent with Barbados' arguments before the tribunal, the Award dismisses Trinidad and Tobago's contention that the Tribunal has no jurisdiction to delimit the maritime boundary under international law. Second, the Award confirms the approach that Barbados consistently proposed during the negotiations as regards the correct legal methodology for delimiting the boundary with Trinidad and Tobago. By contrast, Trinidad and Tobago had proposed a methodology that was, as the Tribunal's Award shows, incompatible with international law. It was on the basis of that methodology that Trinidad and Tobago sought to justify its claim during the negotiations to a maritime boundary that had passed within 40 nautical miles of the Barbadian coast.

Barbados fisherfolk entitled under International law to be accorded access to traditional fishing grounds

3. In particular, Barbados welcomes the tribunal's recognition of the tradition of Barbadian fisherfolk to fish in the waters off of Tobago. The tribunal's confirmation of Barbados rights in this respect under international law means that Barbados' fishing community can enjoy their time-honoured practice without fear of hindrance from the authorities of Trinidad and Tobago. It should be noted that the tribunal has awarded Barbadian fisherfolk very specific rights to fish in an area which, with regard to other purposes, has been recognised as being part of Trinidad and Tobago's Exclusive Economic Zone. In this regard, Miss Mottley has indicated that "Barbados will cooperate closely with Trinidad and Tobago to ensure that the rights of Barbadian fishermen are exercised in accordance with the Award of the tribunal and international law. Specifically, the Tribunal has ruled that:

"Trinidad and Barbados are under a duty to agree upon the measures necessary to coordinate and ensure the conservation and development of flyingfish stocks, and to negotiate in good faith and conclude an agreement that will accord fisherfolk of Barbados access to fisheries within the Exclusive Economic Zone of Trinidad and Tobago, subject to the limitations and conditions of that agreement and to the right and duty of Trinidad and Tobago to conserve and manage the living resources of waters within its jurisdiction." (paragraph 385, sub paragraph 3)

4. Angela Watson, President of the Barbados National Union of Fisherfolk Organisations (BARNUFO), who was heavily involved in preparing Barbados' case and present at the oral hearings, said she was "delighted with the outcome which should allow Barbadian fisherfolk to continue their traditional fishing practices." Successful boundary and seabed outcome for Barbados
5. The boundary that the tribunal has drawn between Barbados and Trinidad and Tobago is basically a simple equidistance line – a line exactly midway between Barbados and Trinidad and Tobago – which, for a small section at its easternmost extremity deviates slightly to the north. This line stretches in the west, from a point where the maritime

space of Barbados, St Vincent and the Grenadines and Trinidad and Tobago meet at a tripoint, to a point in the south-east. The Award of the tribunal and the resulting boundary also stops well short of, and respects in full, the 2003 Barbados – Guyana Joint Exclusive Economic Zone Treaty.

6. Miss Mottley said that she was delighted that the Award vindicates Barbados' stance during the negotiations, as regards the methodology for the delimitation, the location of the boundary and Barbados' fishing rights. The boundary line provided a reasonable solution, which was in the best interests of both parties and the other States in the region. In particular, it would allow both parties to manage and license hydrocarbon resources in the areas under their jurisdiction with confidence, since they were now clearly demarcated. "This is a clear signal to interested investors that Barbados' maritime space is now secure and open to exploration. In fact, Barbados is now ready to begin the process of licensing blocks of its maritime space for exploration and exploitation of hydrocarbons." In this regard, she revealed that "a number of companies have shown an interest in undertaking exploratory work in areas offshore of Barbados and this internationally-sanctioned boundary will provide them with the kind of legal certainty they require to invest significantly in the exploration of Barbados' offshore areas."
7. Miss Mottley noted that the Tribunal further agreed with Barbados' view that Barbados enjoyed exclusive EEZ rights up to 200 nautical miles from its coast as a matter of international law. The Tribunal rejected Trinidad and Tobago's claim to overlapping "outer continental shelf" rights in the same area. The Award confirms that Trinidad and Tobago has no continental shelf entitlement seaward beyond its boundary as delimited. The Award also confirms that the 1990 Venezuela – Trinidad and Tobago treaty has no consequences for Barbados or Guyana or any other state.
8. As a consequence, the boundary drawn by the Tribunal, notes Miss Mottley, "safeguards Barbados' inherent right to its outer continental shelf, beyond 200 nautical miles, in accordance with the UN Convention on the Law of the Sea." Barbados is presently preparing a submission to the UN to establish its jurisdiction over this area, which may represent up to 60,000 square kilometres of submarine shelf. Barbados will be communicating with its southern outer continental shelf neighbours, Guyana and

Suriname, as part of this process. Preliminary studies suggest that the area possesses non-living resources which could benefit future generations.

Background and further information

9. Barbados and Trinidad and Tobago went to arbitration in 2004, when negotiations for a fisheries and boundary agreement broke down. The Tribunal's Award is final and binding and relates both to the sea and the living resources and the seabed and the non-living resources of the area delimited. The Award as well as all of the oral and written pleadings of both parties will be available on the website of the Permanent Court of Arbitration, at www.pca-cpa.org In view of the fact that this arbitration is unique in the annals of Caribbean history, the Government of Barbados will be donating a full set of these documents to the University of the West Indies Cave Hill Campus Law Library so that they will be available for consultation, and scholarly analysis.