

FOREWORD

This volume contains the Award of the Arbitral Tribunal established under Annex VII of the 1982 United Nations Convention of the Law of Sea (“UNCLOS,” “the Convention”) in the matter between Barbados and Trinidad and Tobago concerning the delimitation of the exclusive economic zone and continental shelf in the Caribbean Sea region that separates the two island nations.

This Award, delivered on April 11, 2006, was the first ever rendered in a maritime delimitation submitted to arbitration pursuant to the dispute settlement provisions found in Part XV of UNCLOS. The Convention, which came into force on November 16, 1994, was concluded to provide a regulatory framework for the use of the world’s seas and oceans, to ensure the conservation and equitable usage of resources and the marine environment, and to ensure the protection and conservation of the living resources of the sea. The Convention provides, in effect, for a system of compulsory recourse to arbitration in the event of dispute between two signatory States. *Ad hoc* arbitration under Annex VII of UNCLOS is the default means of dispute settlement if a State has not expressed any preference for the alternative means of dispute resolution available under Article 287 of the Convention, and has not made any reservation or optional exceptions pursuant to Article 298.

This arbitration was initiated in February 2004 by Barbados, after three decades of unsuccessful attempts by the two States to agree on the issues involved. A five member arbitral tribunal was established, comprising Judge Stephen Schwebel (President), Professor Vaughan Lowe (appointed by Barbados), Mr. Ian Brownlie CBE QC (appointed by Trinidad and Tobago), Professor Francisco Orrego Vicuña, and Sir Arthur Watts KCMG QC. The PCA served as registry for the case. The Tribunal appointed a hydrographer, Mr David Gray, as an expert to assist it, pursuant to its Rules of Procedure. Hearings were held in London in October 2005. As agreed by the two Governments, the Parties’ written and oral pleadings, transcript of the hearings, and the Tribunal’s procedural orders are available on the PCA’s website at <www.pca-cpa.org>.

The Award included a finding of jurisdiction to consider the Parties’ maritime delimitation claims and established a single maritime boundary between Barbados and Trinidad and Tobago. The two States were also required to take steps to conserve fish stocks and ensure certain fishing rights of Barbadian fishermen

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who had traditionally fished in Trinidad and Tobago waters. The Award includes seven maps, four of which depict the Parties' claim lines, and three that illustrate the Tribunal's Decision Lines. The hydrographer's Technical Report is appended to the Award.

The PCA has now served as registry to four arbitral tribunals constituted under Annex VII of UNCLOS, the three others being the *Malaysia/Singapore* arbitration, a dispute concerning land reclamation which was concluded by an award on agreed terms reflecting a settlement negotiated between the parties; the *MOX Plant Arbitration* between Ireland and the United Kingdom, concerning discharges into the Irish Sea from a mixed oxide ("MOX") fuel plant located at Sellafield nuclear facility in the United Kingdom; and *Guyana/Suriname*, also a maritime boundary dispute.

The PCA extends its gratitude and appreciation to Bernard Oxman, the Richard A. Hausler Professor of International Law at the University of Miami, who has provided a sharply observed and learned introduction on the contribution of the *Barbados/Trinidad and Tobago* Award to international law.

The Hague, June 2009

Christian Kröner
Secretary-General
Permanent Court of Arbitration