



## STATEMENT OF THE CLAIM AND THE GROUNDS ON WHICH IT IS BASED

1. Pursuant to Article 286 of the United Nations Convention on the Law of the Sea (*UNCLOS*), Barbados has, by written notification of this date to the Republic of Trinidad and Tobago, submitted the dispute between the two States concerning the delimitation of the exclusive economic zone and continental shelf between them to a compulsory procedure entailing a binding decision. Barbados has appointed Vaughan Lowe, Chichele Professor of International Law, All Souls' College, University of Oxford, United Kingdom as a member of the Tribunal, in accordance with Article 3 (b) of Annex VII of *UNCLOS*.

### Subject Matter of the Dispute

2. The dispute relates to the delimitation of the exclusive economic zone and continental shelf between Barbados and the Republic of Trinidad and Tobago.

### Essential Facts

3. Barbados and the Republic of Trinidad and Tobago are in a situation of coastal opposition.
4. Barbadian fisherfolk enjoy traditional fishing rights in maritime territory beyond the territorial sea around the island of Tobago by virtue of Barbados' historic fishing activities there.
5. The respective claims of Barbados and the Republic of Trinidad and Tobago to exclusive economic zones and continental shelves conflict at a number of points.
6. Efforts to negotiate a maritime boundary have been unsuccessful.

### Jurisdiction

7. Barbados and the Republic of Trinidad and Tobago are parties to *UNCLOS*, whose Part XV prescribes for settlement of disputes.

8. Neither Barbados nor the Republic of Trinidad and Tobago has declared in accordance with UNCLOS Article 298, optional exceptions to the jurisdiction of Part XV.
9. Neither party has made a written declaration pursuant to article 287 (1) of UNCLOS.
10. Accordingly, a tribunal constituted in accordance with Article 3 of Annex VII of UNCLOS has jurisdiction over this dispute.

#### Applicable Law

11. In accordance with Article 293 of UNCLOS the applicable law is UNCLOS and other rules of international law that are not incompatible with UNCLOS.
12. The Tribunal shall not, in the absence of express agreement in writing of the parties, have jurisdiction to decide this dispute *ex aequo et bono*.

#### Grounds on which Barbados' claim is based

13. Barbados' claim is based on the provisions of UNCLOS as applied to the relevant facts.
14. Details of these grounds will be particularized at the appropriate stage in this arbitration, as determined by the Tribunal.

#### Relief Sought

15. Barbados claims a single unified maritime boundary line, delimiting the exclusive economic zone and continental shelf between it and the Republic of Trinidad and Tobago, as provided under Articles 74 and 83 of UNCLOS.
16. Details of this claim will be particularized at the appropriate stage in this arbitration, as determined by the Tribunal.

16 February 2004

