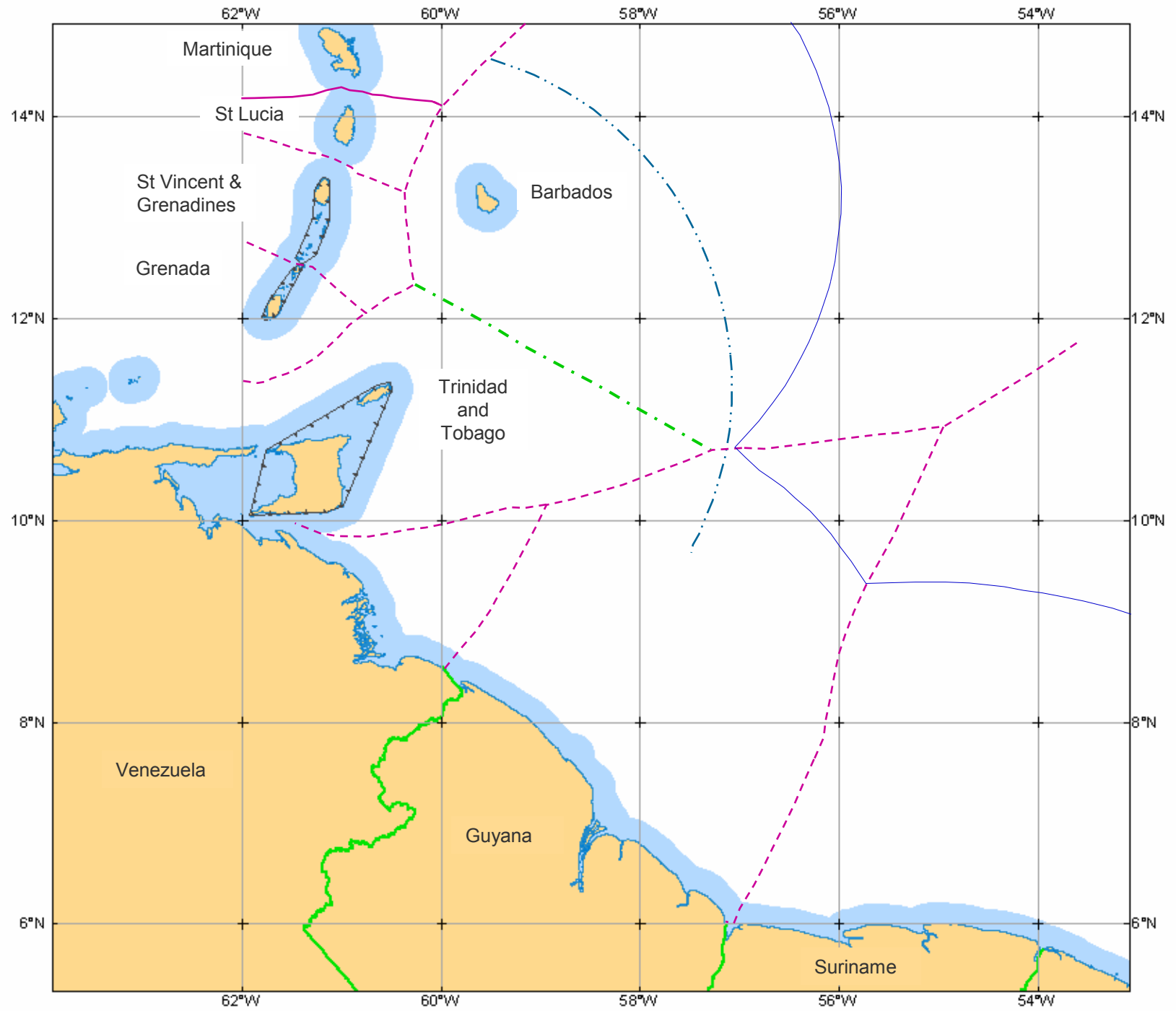


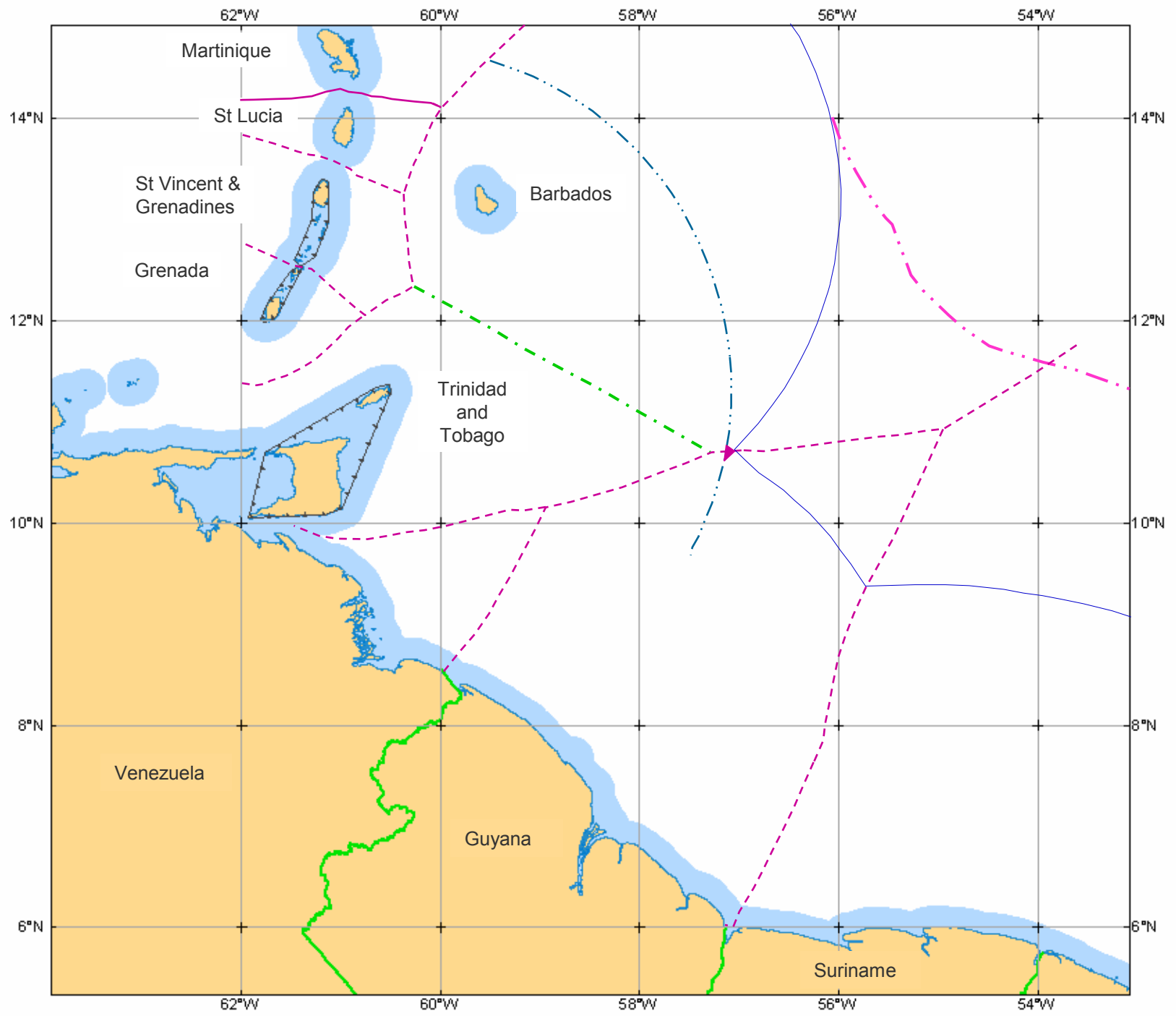
International law environment

Professor Robert Volterra
Chair, Latham & Watkins' Public International Law Group



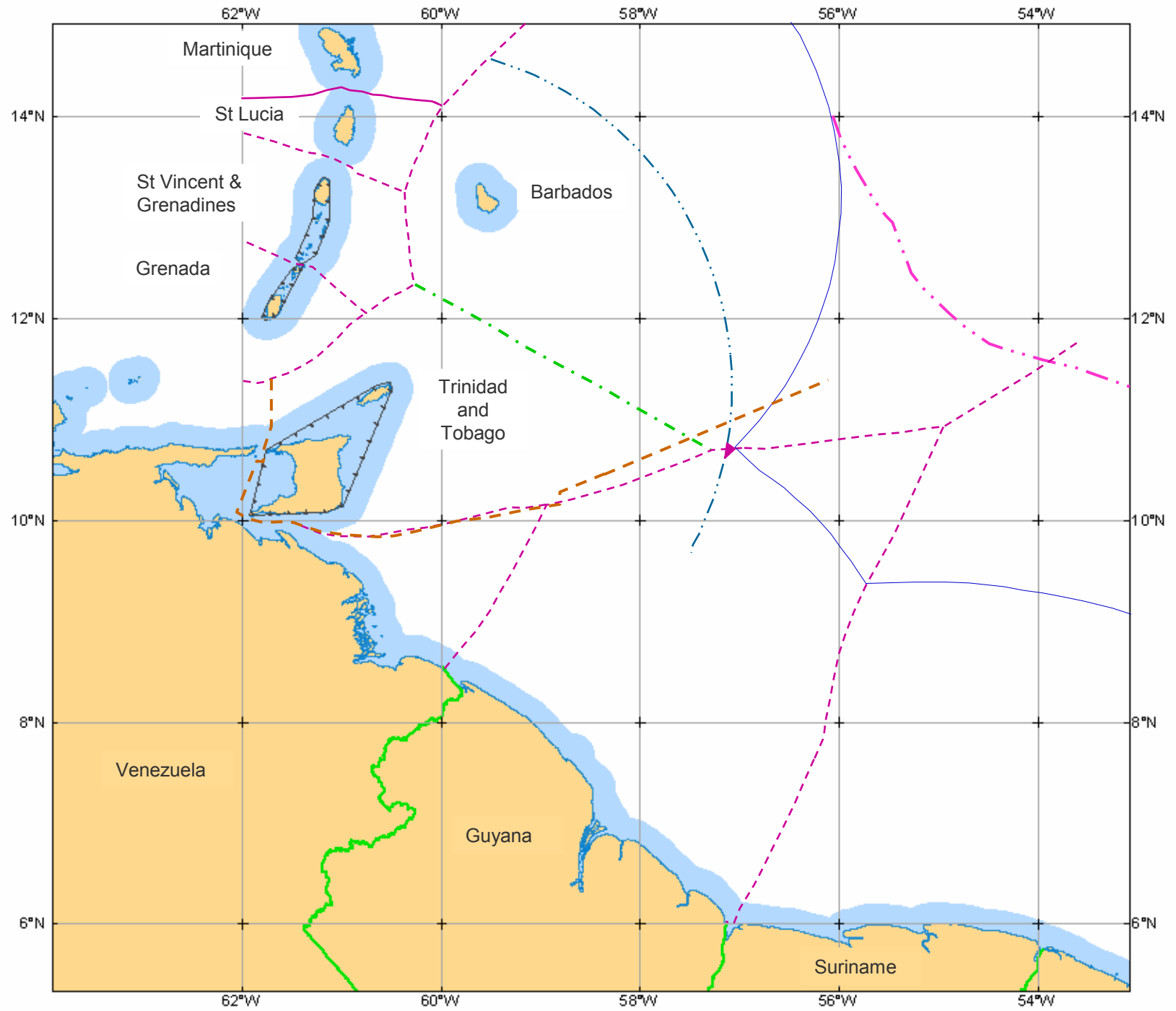
Barbados – Guyana Exclusive Economic Zone Joint Co-operation Zone Treaty

- In 2003 Barbados and Guyana entered into EEZ Joint Co-operation Zone Treaty in respect of their overlapping entitlement to EEZ territory
- This Zone is located within the 200 nautical mile arcs of Barbados and Guyana but beyond the 200 nautical mile arc of any third State (i.e., Trinidad and Tobago or Venezuela)
- The western boundary of the Zone is the 200 nautical mile arc of Trinidad and Tobago (recognising that the maritime boundaries to the west of that arc had yet to be delimited and reflecting Barbados' and Guyana's desire not to act in violation of international law and comity)



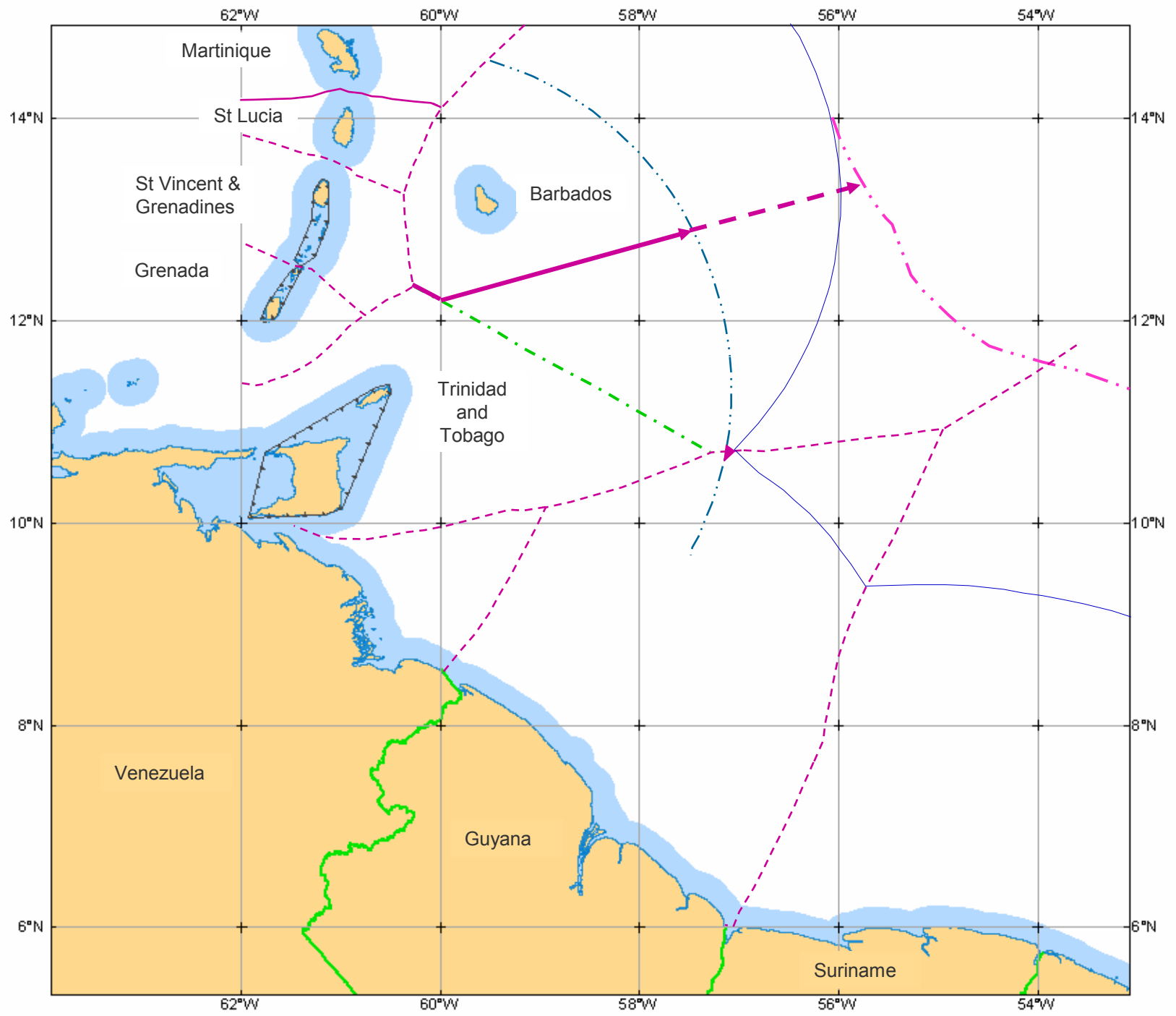
Background of the maritime boundary dispute between Barbados and Trinidad and Tobago

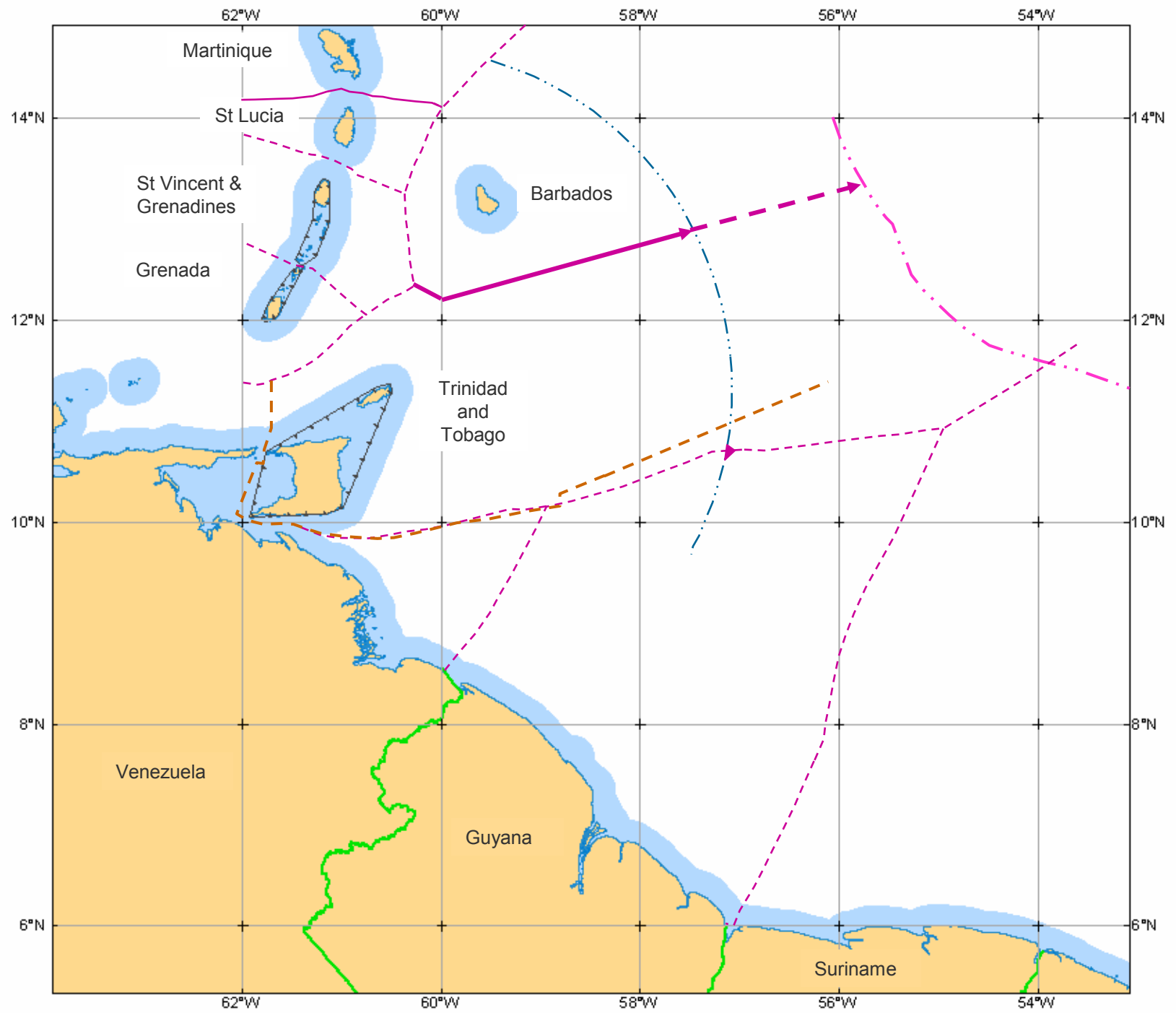
- 1979 Barbados – Trinidad and Tobago Memorandum of Understanding
- 1990 Barbados – Trinidad and Tobago Fishing Agreement
- 1990 Trinidad and Tobago and Venezuela enter into maritime boundary treaty



Boundary and fishing negotiations between Barbados and Trinidad and Tobago: nine rounds between 2000 - 2003

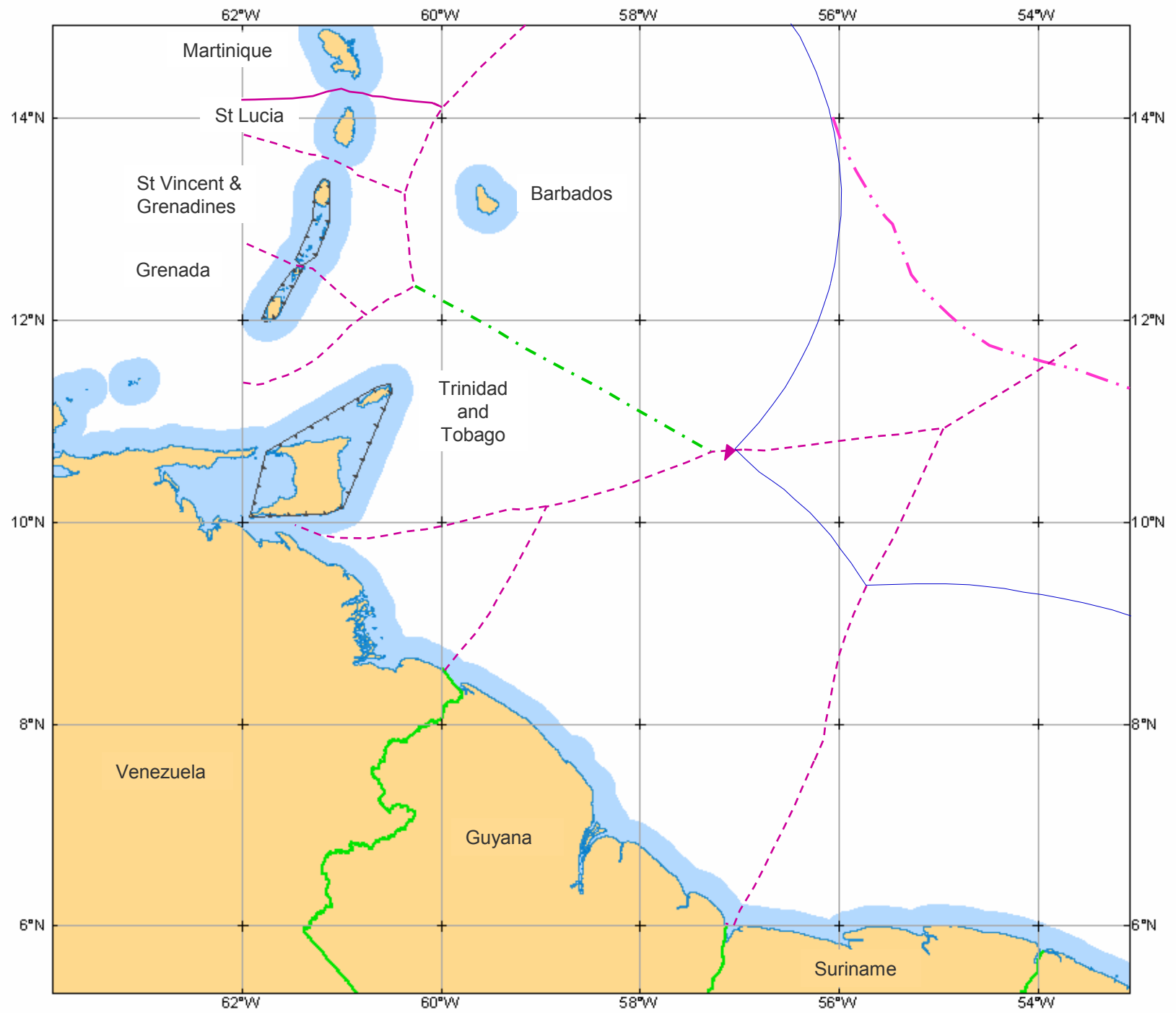
- Trinidad and Tobago insisted that Barbados recognise the validity of its 1990 boundary treaty with Venezuela
- Trinidad and Tobago's proposed boundary line ran along the median line from the western tri-point with St Vincent and the Grenadines until the axis between Barbados and Trinidad and Tobago, then sharply north (42 nautical miles off the coast of Barbados)
- Trinidad and Tobago's objective was to ensure that its EEZ boundary fronted onto its 200 nautical mile arc so that it could claim Outer Continental Shelf (beyond 200 nautical miles)





Boundary and fishing negotiations between Barbados and Trinidad and Tobago: nine rounds between 2000 - 2003

- Barbados rejected the legality, applicability or relevance of the 1990 Trinidad and Tobago/Venezuela treaty
- Barbados maintained that the correct methodology to follow was “equidistance/special circumstances”
- If there were any reason to modify the equidistance line, the only relevant special circumstance was the traditional Barbados fishing conducted off the northern coast of Tobago

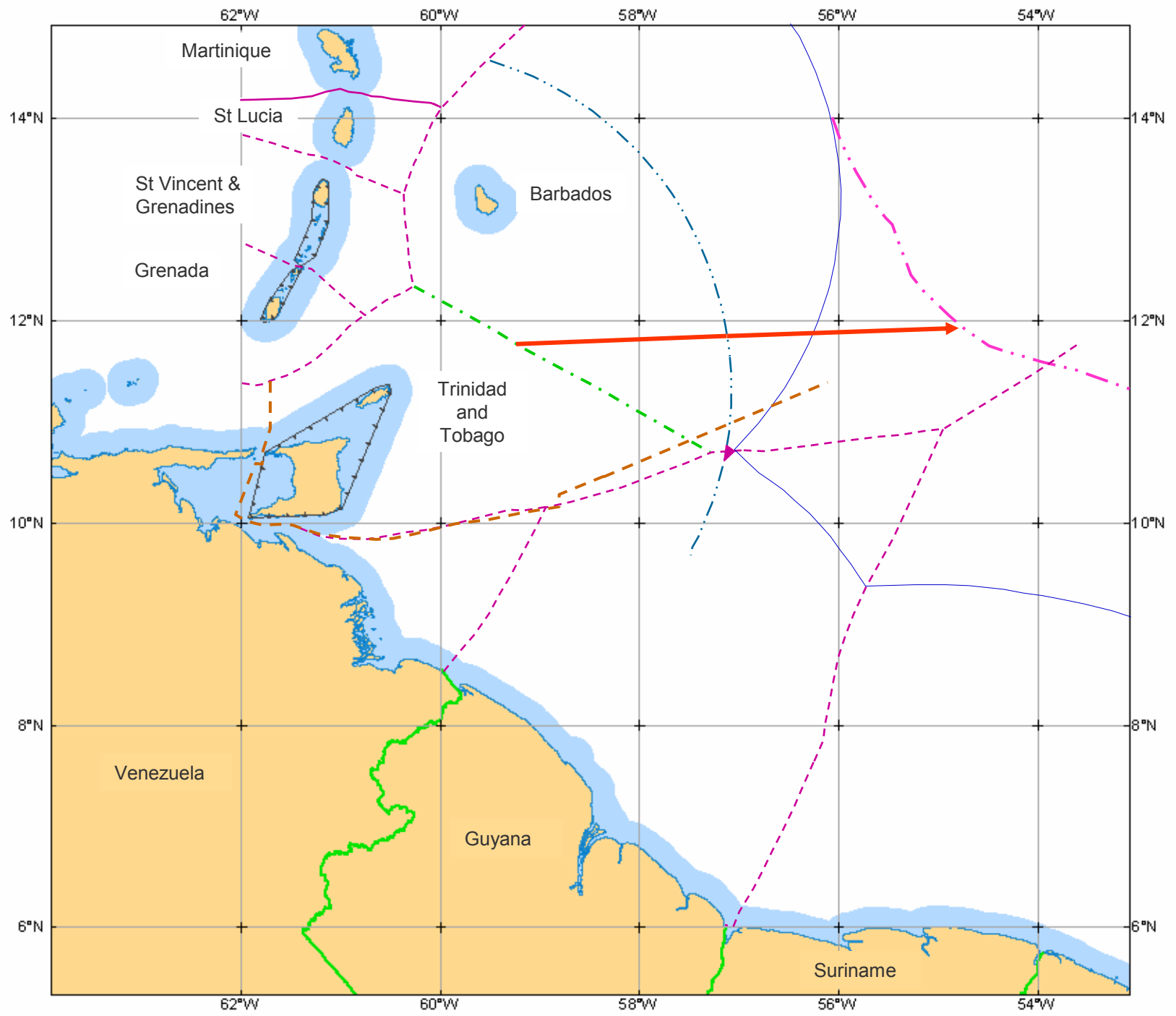


The dispute is taken to arbitration

- 2004 Barbados takes decision to refer the matter to arbitration under Annex VII of UNCLOS
- Trinidad and Tobago objects to the arbitration, saying that the Tribunal has no jurisdiction
- Trinidad and Tobago says that, if the Tribunal does have jurisdiction, that jurisdiction includes capacity to decide what part of the Outer Continental Shelf (beyond the EEZ) belongs to each State

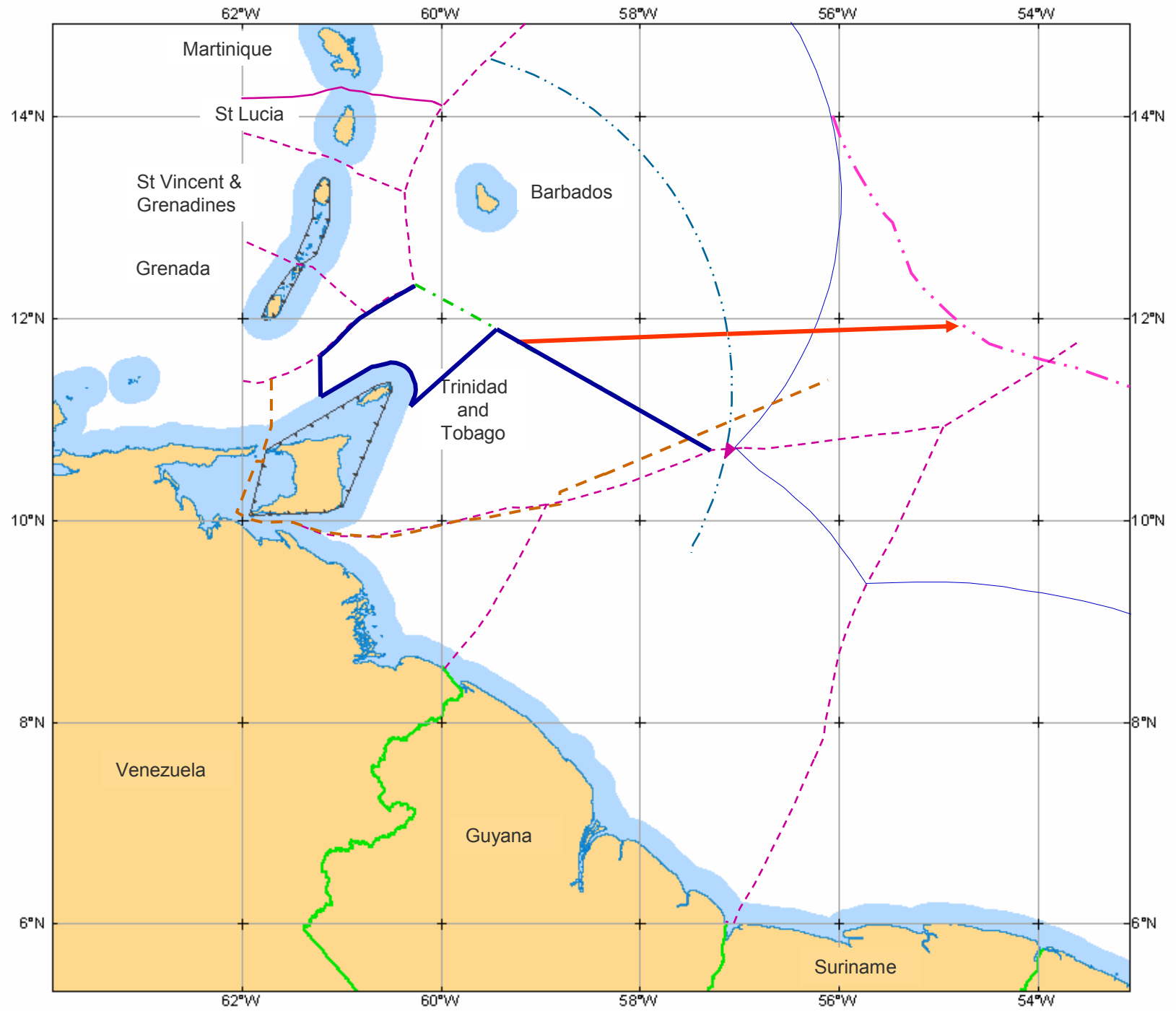
Trinidad and Tobago's substantive claims in the arbitration

- Trinidad and Tobago argued that the eastern part of the median line should be adjusted northward
- It claimed that this was required so as to take account of the disparity in the parties' eastern facing coastal lengths and to avoid it being cut-off from what it referred to as its Outer Continental Shelf entitlement
- It argued that the 1990 Trinidad and Tobago/Venezuela treaty had to be recognised and given effect
- It argued that the 2003 Barbados – Guyana EEZ Joint Co-operation Zone Treaty should not be recognised or given effect



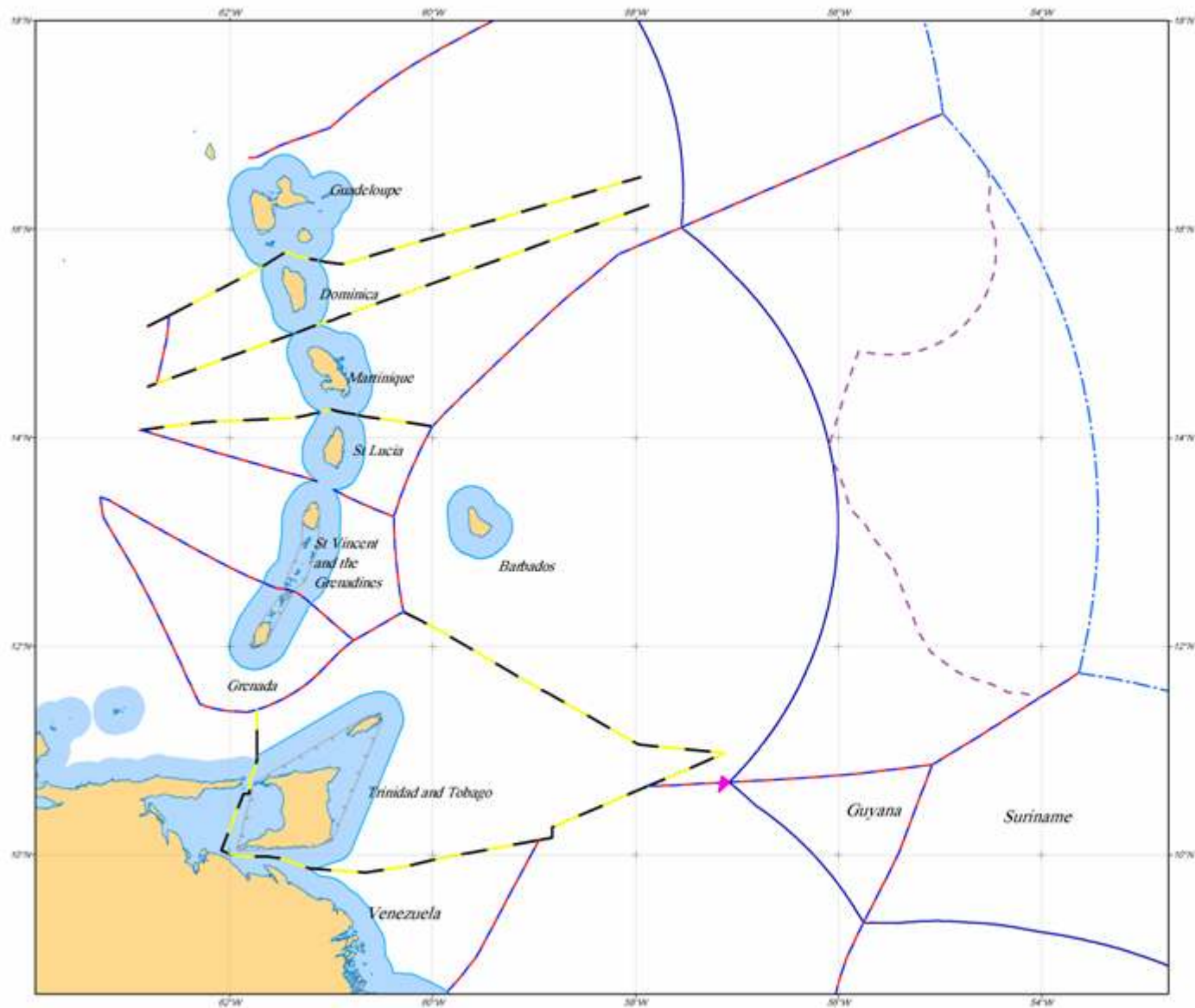
Barbados' claims in the arbitration

- Barbados argued that the Tribunal did have jurisdiction to decide the EEZ entitlements of the parties
- It argued that the Tribunal did not have jurisdiction to decide the Outer Continental Shelf claim of Trinidad and Tobago
- Barbados accepted that the Tribunal did not have jurisdiction to hear a claim to fishing rights. Therefore, it claimed that the western part of the median line should be adjusted southward to take account of a relevant circumstance: that Barbadians had fished for flyingfish using artisanal methods off the north coast of Tobago for centuries



The arbitration award: the EEZ

- Equidistance / special circumstances was the method to construct a maritime boundary
- The 1990 Trinidad and Tobago/Venezuela treaty had no effect on third parties such as Barbados
- The 2003 Barbados – Guyana EEZ Joint Co-operation Zone Treaty was valid and binding in law
- The equidistance line was adjusted slightly northwards at its eastern extreme to take account of the disparity in the parties' eastern facing coastal lengths
- Trinidad and Tobago was expressly constrained by the Tribunal in the south by the limits of its boundary agreement with Venezuela (hoist by own petard)



Legend

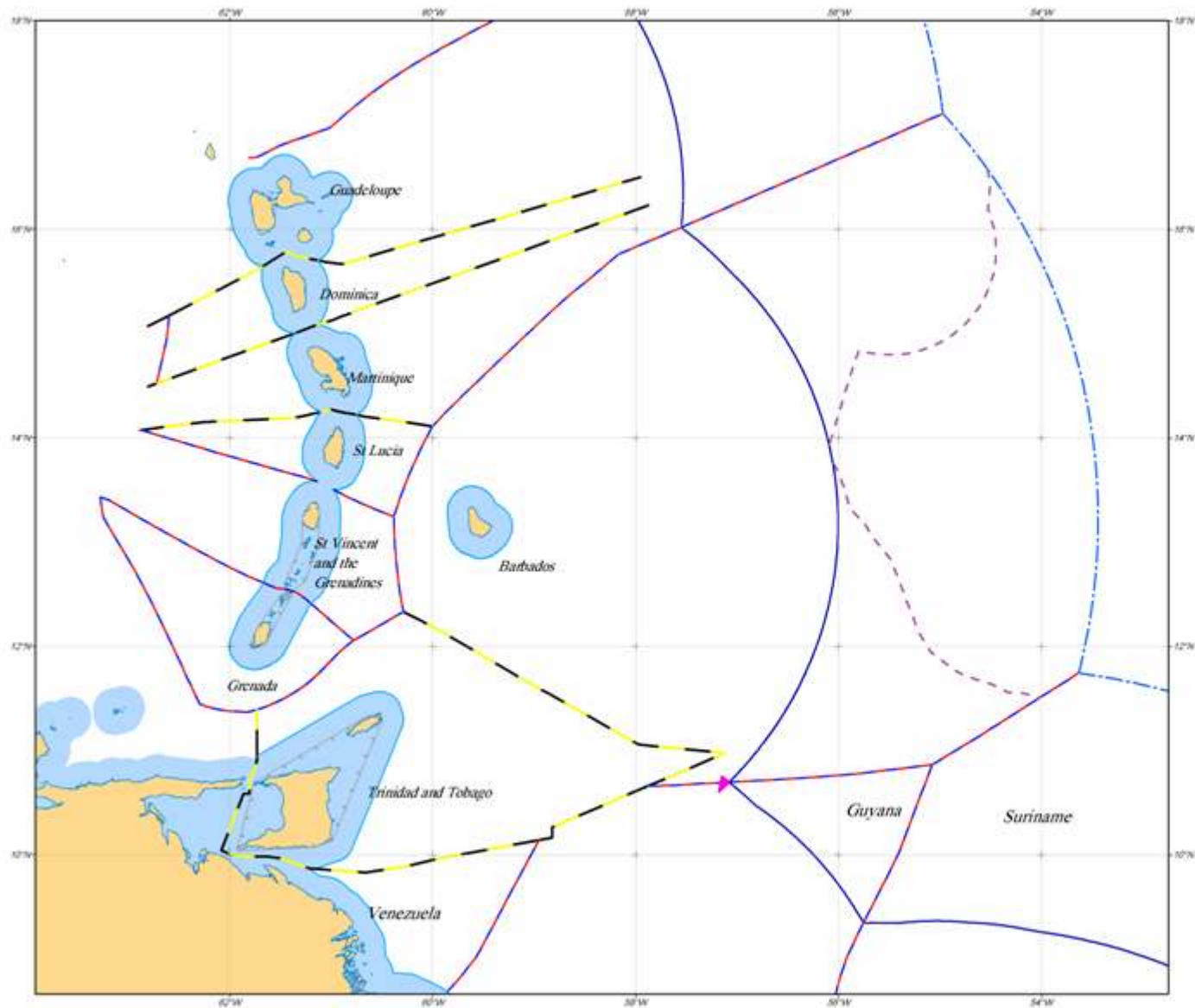
- Established maritime boundaries
- Calculated median lines
- 200M EEZ limits
- Approximate limit of Barbados' OCS
- 350M OCS cut-off
- Archipelagic baselines
- Barbados - Guyana EEZ Co-operation Zone

Projection: Mercator [12° N]
Datum: WGS 84










The arbitration award: the OCS

- The Tribunal had jurisdiction to decide the parties' claims in relation to the Outer Continental Shelf
- However, it did not accept Trinidad and Tobago's claims to the OCS
- It did recognise that Barbados and Guyana share an EEZ boundary, as they had agreed in their EEZ Co-operation Zone Treaty
- Therefore, any Outer Continental Shelf beyond 200 nautical miles belongs to Barbados and Guyana



Legend

-  Established maritime boundaries
-  Calculated median lines
-  200M EEZ limits
-  Approximate limit of Barbados' OCS
-  350M OCS cut-off
-  Archipelagic baselines
-  Barbados - Guyana EEZ Co-operation Zone

Projection: Mercator [12° N]
Datum: WGS 84

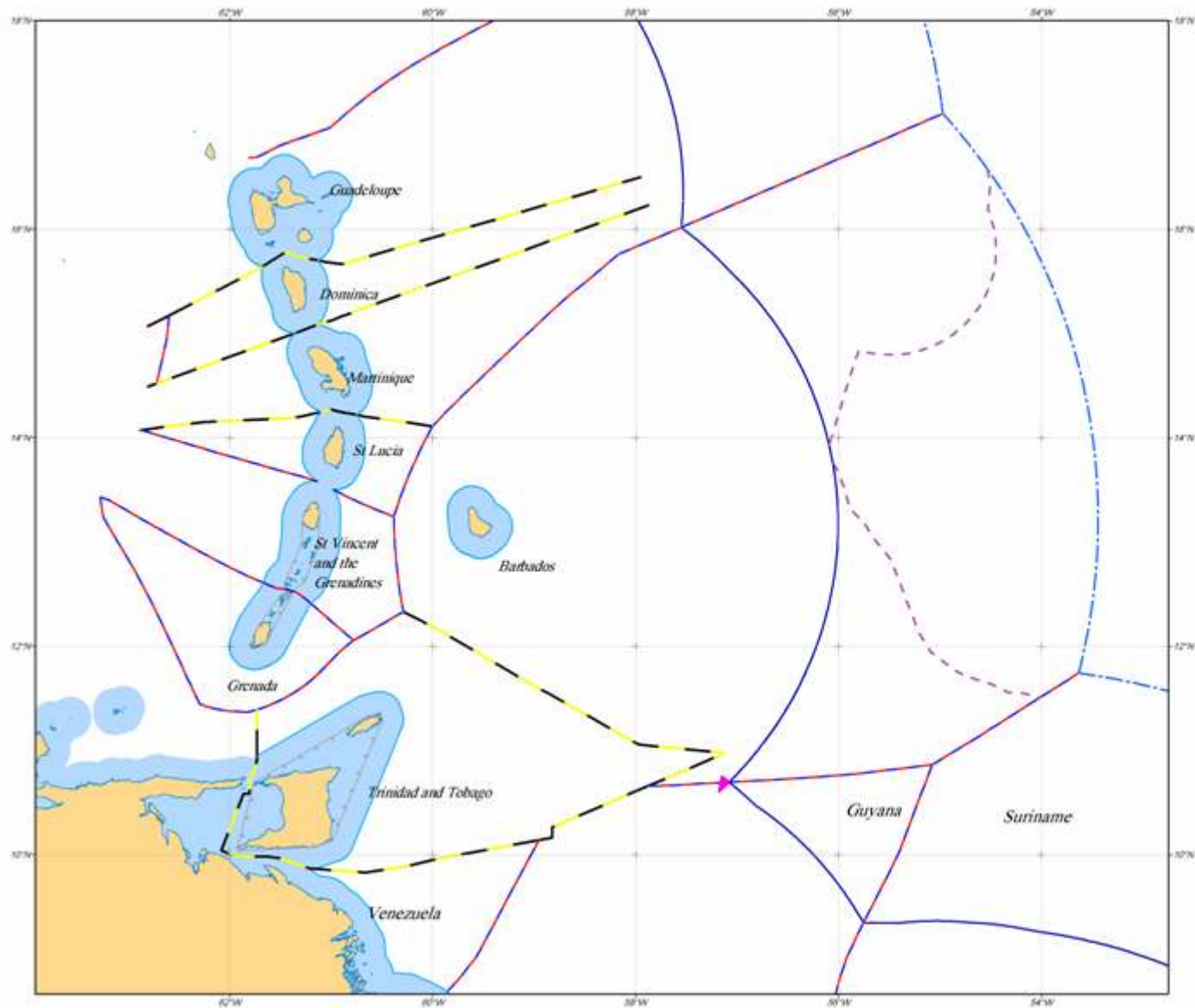


The arbitration award: fishing








- Trinidad and Tobago was required to reach an agreement with Barbados to permit Barbadians to fish within Trinidad and Tobago's entire maritime area (not just north of Tobago)
- <http://www.pca-cpa.org/upload/files/Final%20Award.pdf>

Barbados- St. Vincent, St. Lucia, Martinique

- There are no maritime boundaries yet delimited between Barbados and any of these islands
- The bid blocks do not extend beyond the provisional equidistant line between Barbados and these islands



Legend

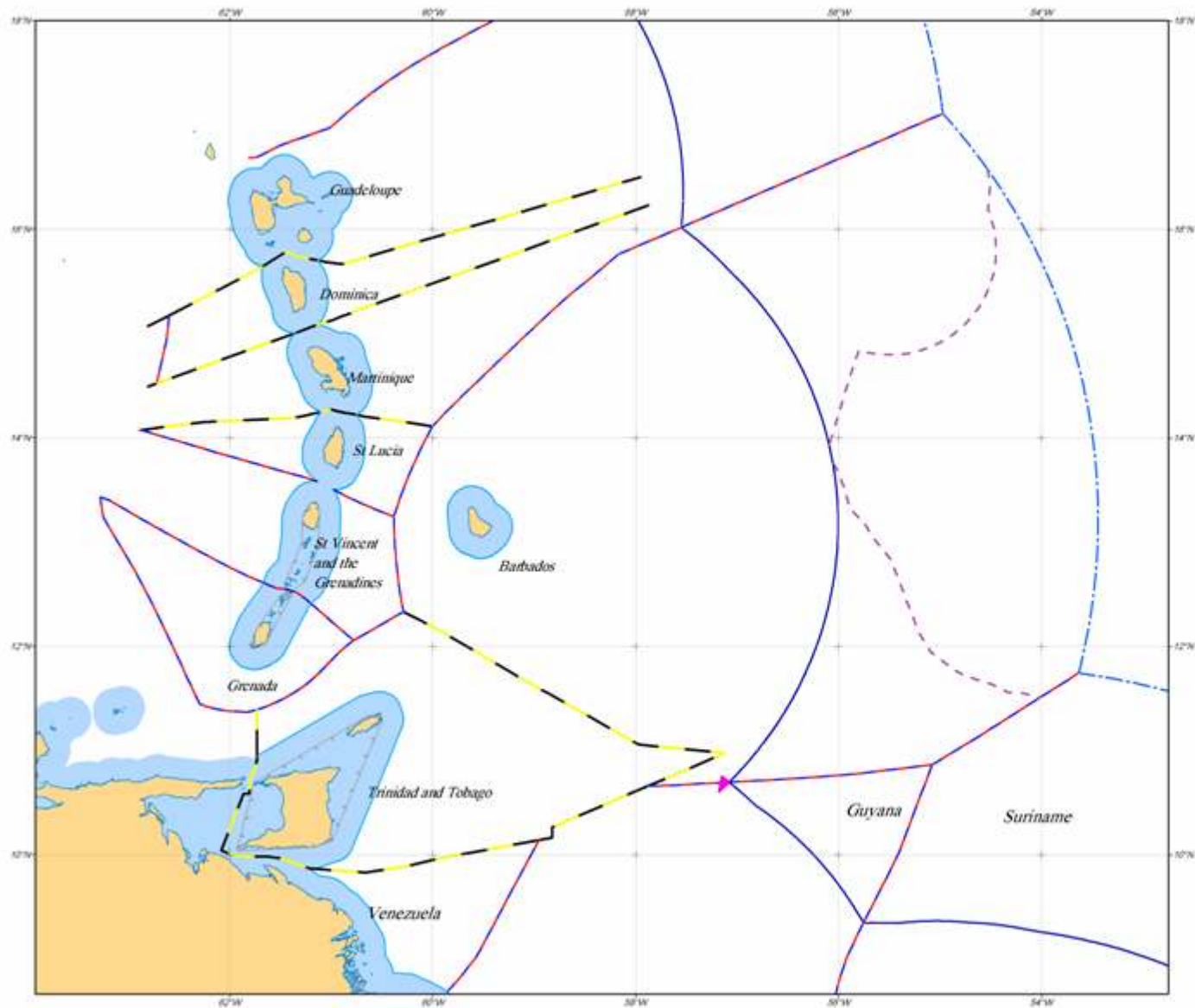
-  Established maritime boundaries
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Projection: Mercator [12° N]
Datum: WGS 84










Conclusion

- To the north and west, the bid blocks do not extend beyond the provisional median lines between Barbados and the relevant islands
- To the south, the bid blocks are limited either by the delimited Barbados - Trinidad and Tobago maritime boundary or (further south and east) the Barbados - Guyana provisional equidistance line



Legend

-  Established maritime boundaries
-  Calculated median lines
-  200M EEZ limits
-  Approximate limit of Barbados' OCS
-  350M OCS cut-off
-  Archipelagic baselines
-  Barbados - Guyana EEZ Co-operation Zone

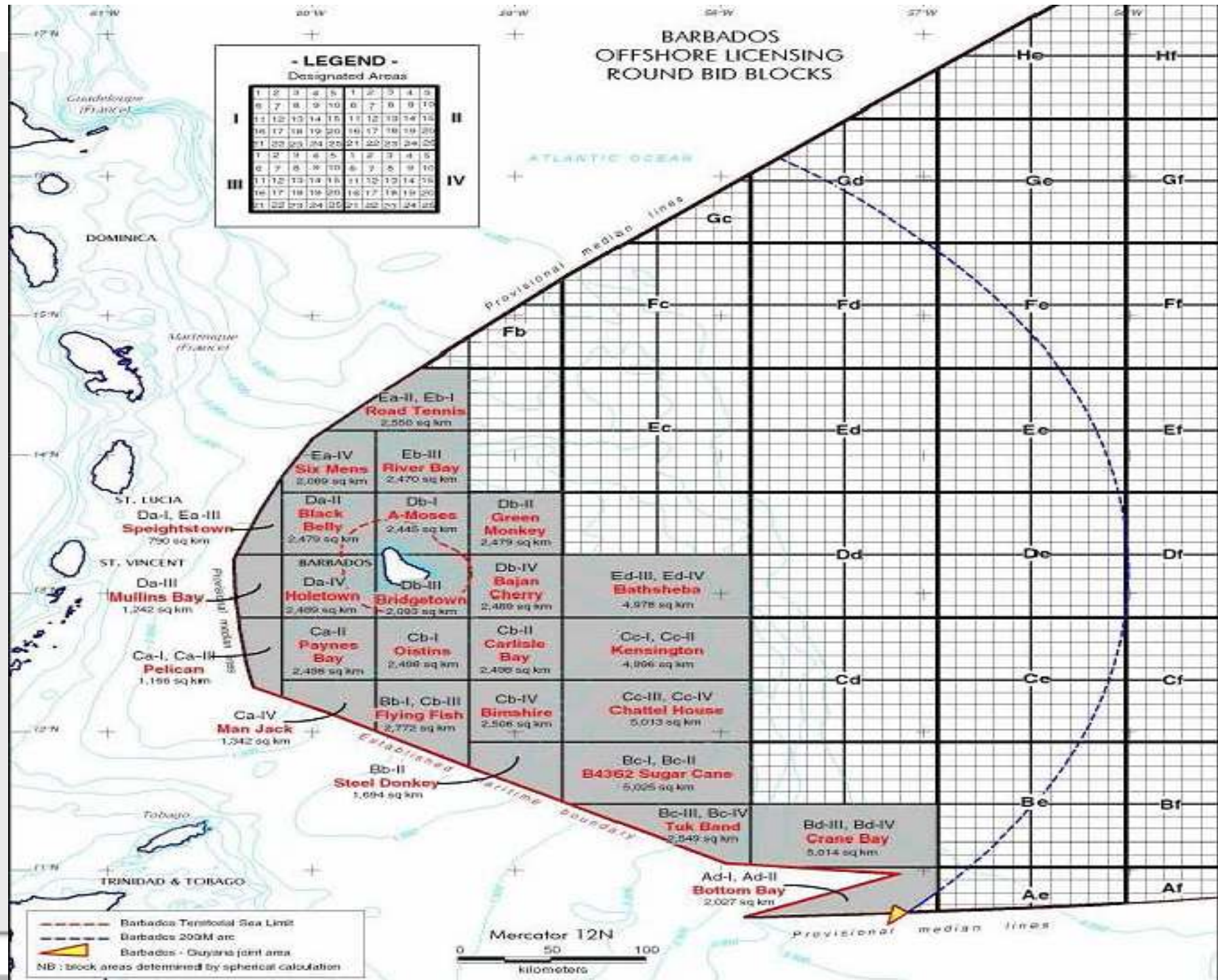
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BARBADOS OFFSHORE LICENSING ROUND BID BLOCKS

- LEGEND -
Designated Areas

I	1	2	3	4	5	1	2	3	4	5	II
	6	7	8	9	10	6	7	8	9	10	
	11	12	13	14	15	11	12	13	14	15	
	16	17	18	19	20	16	17	18	19	20	
	21	22	23	24	25	21	22	23	24	25	
III	1	2	3	4	5	1	2	3	4	5	IV
	6	7	8	9	10	6	7	8	9	10	
	11	12	13	14	15	11	12	13	14	15	
	16	17	18	19	20	16	17	18	19	20	
	21	22	23	24	25	21	22	23	24	25	



- - - Barbados Territorial Sea Limit
 - - - Barbados 200M arc
 Barbados - Guyana joint area
 NB: block areas determined by spherical calculation

