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The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations, New York presents its compliments to the Secretary General of the United Nations in his capacity as depositary of the United Nations Convention on the Law of the Sea (“**UNCLOS**”) and has the honour to refer to the submission made by the Government of Barbados on 8 May, 2008, to the Commission on the Limits of the Continental Shelf (“**the Commission**”), in accordance with Article 76, paragraph 8 and Annex II of the Convention.

In the Executive Summary of its submission to the Commission, under the section **Absence of Dispute**, Barbados at paragraph 1.4.1 advanced that: *“This submission and the recommendations of the Commission made in respect of it are, in accordance with Article 76 (10) and Article 9 of Annex II of the Convention, without prejudice to the question of the delimitation of the continental shelf between States. There are areas of potential overlapping entitlements in respect of the continental shelf beyond 200 M in both the Southern (the Republic of Guyana and the Republic of Suriname) and Northern areas (the French Republic). The governments of the Republic of Suriname, the Republic of Guyana and the French Republic, have each agreed not to object to the consideration by the Commission of Barbados’ submission. **The award of an UNCLOS Annex VII Tribunal in April 2006 determined the areas of maritime entitlement as between Barbados and the Republic of Trinidad and Tobago.**”* (emphasis added).

The Government of the Republic of Trinidad and Tobago wishes to place on record that Barbados has held no consultations with the Republic of Trinidad and Tobago on this subject as the rules of the Commission require. Trinidad and Tobago rejects the conclusion that Barbados has put in its Executive Summary on this aspect of the Annex VII Tribunal’s award. The Government of the Republic of Trinidad and Tobago, therefore, for the benefit firstly of the Commission and secondly of the States Parties to UNCLOS wishes to stress that it has every intention of making a submission to the Commission in accordance with the rules established therefor. The opinion expressed above by Barbados on the effect of the award of the Annex VII Tribunal on Trinidad and Tobago’s entitlement to extend its continental shelf beyond 200 M is Barbados’ alone and not that of Trinidad and Tobago.

The Government of the Republic of Trinidad and Tobago wishes to put the Commission on notice that in its proposed submission, there will be areas of potential overlapping entitlements in respect of the continental shelf beyond 200 M with certain neighbouring coastal States, including Barbados. Without prejudice to such position, Trinidad and Tobago would have no objection to the Barbados submission. However, Trinidad and Tobago's non-objection to the Barbados submission is inextricably related to the reservation of all of its rights in respect of its own submission.

The Government of the Republic of Trinidad and Tobago takes the position that the Convention to which the two States are parties must be allowed to work. The Commission will determine whether any coastal State satisfies the criteria stipulated in Article 76 of UNCLOS for the extension of its continental shelf jurisdiction beyond 200 M. Furthermore, it is important to advance the work of the Commission in establishing where national jurisdiction ends and international jurisdiction begins.

The Government of Trinidad and Tobago is mindful that it requires at least two parties with differing views on a matter of law or fact in order to establish a dispute. While for the reasons already indicated, Trinidad and Tobago is not objecting to the consideration by the Commission of the Barbados submission, it nevertheless reserves all of its rights under UNCLOS, including the right to make a submission to the Commission. Any objection by Barbados to the Trinidad and Tobago submission will cause a dispute to arise in respect of all of the area of overlapping entitlement between Trinidad and Tobago and Barbados. Any such dispute shall have crystallized from the date of receipt of this correspondence which directly controverts the position taken by Barbados in its Executive Summary on the subject of Trinidad and Tobago's entitlement to extend its continental shelf jurisdiction beyond 200 M from the baselines from which the breadth of the territorial sea is measured.

The Government of the Republic of Trinidad and Tobago wishes to request that this Note be circulated to the Members of the Commission on the Limits of the Continental Shelf, States Parties to the United Nations Convention on the Law of the Sea, and other Member States of the United Nations, and also requests that it be posted on the website of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations.

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations, New York, avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.



NEW YORK - 11 August 2008