

**ARBITRAL TRIBUNAL CONSTITUTED PURSUANT TO ARTICLE 287, AND IN
ACCORDANCE WITH ANNEX VII OF
THE UNITED NATIONS CONVENTION ON THE LAW OF SEA**

**In the Matter of an Arbitration Between
BARBADOS and the REPUBLIC OF TRINIDAD & TOBAGO**

ORDER NO. 1

Whereas Barbados has filed a Submission of 26 May 2004 on the Timing and Order of Written Pleadings, requesting that written pleadings in the case be simultaneously exchanged,

Whereas Trinidad and Tobago has filed Written Submissions of 26 May 2004 on the Order and Timing of the Pleadings, requesting that written pleadings be sequentially filed,

Whereas Barbados on 16 February 2004 gave notice to the Government of the Republic of Trinidad and Tobago that it had instituted a compulsory procedure entailing a binding decision under Part XV and Annex VII of the United Nations Convention on the Law of the Sea,

Whereas accordingly Barbados, as initiator of the proceedings, is in the position of Applicant, and Trinidad and Tobago is in the position of Respondent,

Whereas the norm in international contentious proceedings on the basis of an existing title of compulsory jurisdiction is sequential pleadings, simultaneous exchange of pleadings being generally confined to proceedings on the basis of a special agreement which does not obtain in this case,

Whereas nevertheless the substance of the present dispute is one in which each Party advances maritime claims against the other and in which, in real terms, there is no claimant nor counterclaimant but two Parties whose claims are entitled to consideration on an equal basis, each Party having the burden of carrying its assertions of fact and law and there being no other burden of proof between them,

THE ARBITRAL TRIBUNAL UNANIMOUSLY ORDERS:

1. Barbados shall file its Memorial no later than five months from the date of this Order, by 30 October 2004.
2. Trinidad and Tobago shall file its Counter-Memorial no later than ten months from the date of this Order, by 31 March 2005.
3. The question of whether and which further written pleadings shall be exchanged simultaneously or sequentially shall be the subject of a further Order.

7 June 2004

Stephen M. Schwebel



President