

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 N° 4

Whereas on 17 August 2004 the Republic of Trinidad and Tobago submitted an Application to the Arbitral Tribunal requesting an Order of the Tribunal for “disclosure of limited information and documentation from Barbados”;

Whereas the Arbitral Tribunal in its Order No. 2 dated 23 August 2004 invited Barbados by 6 September 2004 to submit its Response to the Republic of Trinidad and Tobago’s Application;

Whereas Barbados submitted its Response within the time limit laid down by the Tribunal;

Whereas the Arbitral Tribunal in its Order No. 3 dated 17 September 2004 invited the Republic of Trinidad and Tobago to submit a Reply on or before 1 October 2004 to the observations of Barbados in its Response, including its position on the Tribunal’s jurisdiction to grant the request for disclosure made in the Republic of Trinidad and Tobago’s Application;

Whereas the Republic of Trinidad and Tobago submitted its Reply within the time limit laid down by the Tribunal;

Whereas the Arbitral Tribunal in its Order No. 3 dated 17 September 2004 invited Barbados to submit a Rejoinder by 15 October 2004 on observations of the Republic of Trinidad and Tobago in its Reply, addressing in particular those made on jurisdiction;

Whereas Barbados submitted its Rejoinder on 17 October 2004;

Whereas the Arbitral Tribunal has duly considered the abovementioned submissions;

THE ARBITRAL TRIBUNAL UNANIMOUSLY ORDERS:

1. The Application of the Republic of Trinidad and Tobago for “disclosure of limited information and documentation from Barbados” is denied, but without prejudice to its reconsideration by the Tribunal, if Trinidad and Tobago, in light of Barbados’ Memorial, decides to resubmit it.

(On behalf of the Tribunal)
Stephen M. Schwebel



President
26 October 2004