

2. Barbados and Guyana

Exclusive Economic Zone Co-Operation Treaty between the Republic of Guyana and the State of Barbados concerning the Exercise of Jurisdiction in their Exclusive Economic Zones in the Area of Bilateral Overlap within Each of their Outer Limits and beyond the Outer Limits of the Exclusive Economic Zones of Other States, 2 December 2003¹⁷

The Republic of Guyana and the State of Barbados (hereinafter referred to as the Parties);

Reaffirming the friendly relations between them;

Mindful of their long-standing spirit of bilateral co-operation and good-neighbourliness;

Emphasizing the universal and unified character of the United Nations Convention on the Law of the Sea (hereinafter referred to as the Convention) and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable development of the oceans and seas;

Recognizing that the delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution;

Recognizing the relevance and applicability of paragraph 3 of Article 74 of the Convention, which establishes that, pending such delimitation, States, in a spirit of understanding and co-operation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement;

Recognizing that such provisional arrangements shall be without prejudice to the final delimitation;

Confirming their intention to act in accordance with generally accepted principles of international law and the Convention;

Mindful of the legitimate interests of other States and the need to respect the rights and duties of other States in conformity with generally accepted principles of international law and the Convention;

Acknowledging the existence of an area of bilateral overlap within the outer limits of their exclusive economic zones and beyond the outer limits of the exclusive economic zones of other States;

Desirous of establishing a precise and equitable regime for the orderly and co-operative exercise of jurisdiction in the area of bilateral overlap of their exclusive economic zones, whilst taking into account the legitimate interests of other States;

Conscious of the need to agree upon the environmentally responsible management and the sustainable development of living and non-living natural resources in this area; and

Acting in accordance with the spirit of friendship and solidarity in the Caribbean Community and the Organization of American States;

Have agreed as follows:

Article 1. Co-operation Zone

1. This Treaty establishes and regulates, in accordance with generally accepted principles of international law and the Convention, a co-operation zone (hereinafter referred to as the Co-operation Zone) for the exercise of joint jurisdiction, control, management, development, and exploration and exploitation of living and non-living natural resources, as well as all other rights and duties established in the Convention, within the area over which a bilateral overlap occurs between their exclusive economic zones and beyond the outer limits of the exclusive economic zones of other States.

2. This Treaty and the Co-operation Zone established thereunder are without prejudice to the eventual delimitation of the Parties' respective maritime zones in accordance with generally accepted principles of international law and the Convention.

3. The Parties agree that nothing contained in the Treaty nor any act done by either Party under the provisions of the Treaty will represent a derogation from or diminution or renunciation of the rights of either Party within the Co-operation Zone or throughout the full breadth of their respective exclusive economic zones.

¹⁷ Original: English.

Article 2. The Geographical Extent of the Co-operation Zone

1. The Parties agree that the Co-operation Zone is the area of bilateral overlap between the exclusive economic zones encompassed within each of their outer limits measured to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, and beyond the outer limits of the exclusive economic zones of other States at a distance of 200 nautical miles measured from the baselines from which their territorial sea is measured. For the purposes of this Treaty, the term "exclusive economic zone" and its legal regime shall have the meaning ascribed to them in Part V of the Convention.
2. The precise geographical extent of the Co-operation Zone is defined in Annex 1 to this Treaty.
3. The Parties contemplate that they may, by agreement at a later date, delimit an international maritime boundary between them.

Article 3. Exercise of Civil and Administrative Jurisdiction in the Co-operation Zone

1. The Parties shall exercise joint civil and administrative jurisdiction within and in relation to the Co-operation Zone. In exercising their jurisdiction the Parties shall act at all times in accordance with generally accepted principles of international law and the Convention.
2. The exercise of joint jurisdiction by the Parties in any particular instance shall be evidenced by their agreement in writing, including by way of an exchange of diplomatic notes.
3. For further clarity, the failure of the Parties to reach agreement in writing in relation to the exercise of their joint jurisdiction in the Co-operation Zone in any particular instance means that neither Party can exercise its jurisdiction in that instance.

Article 4. Rights and Duties of Other States in the Co-operation Zone

1. The Parties shall have due regard to the rights and duties of other States in the Co-operation Zone in accordance with generally accepted principles of international law and the Convention, and in particular the provisions of Article 58 of the Convention.

Article 5. Jurisdiction over Living Natural Resources

1. The Parties shall exercise joint jurisdiction over living natural resources within the Co-operation Zone. In exercising their joint jurisdiction, the Parties shall act at all times in accordance with generally accepted principles of international law and the Convention, including the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks.
2. In order to exercise environmentally responsible management and to ensure sustainable development in the Co-operation Zone, the exercise of joint jurisdiction over living resources by the Parties in any particular instance shall be governed by a Joint Fisheries Licensing Agreement and evidenced by their agreement in writing, including by way of an exchange of diplomatic notes as provided in Article 3.
3. Within three months of the date on which this Treaty enters into force, the Parties shall in good faith commence the negotiation of a Joint Fisheries Licensing Agreement within the Co-operation Zone.
4. Either Party shall be entitled to enforce the provisions of the Joint Fisheries Licensing Agreement against any persons through the application of its relevant national law. Each Party undertakes to inform the other in writing of such enforcement.
5. For further clarity, the failure of the Parties to reach agreement in writing in relation to the exercise of their joint jurisdiction over living resources in the Co-operation Zone in any particular instance means that neither Party can exercise its jurisdiction in that instance.
6. The Parties shall take steps to co-ordinate between them the management of the living natural resources within the Co-operation Zone subject to their obligations under any relevant agreement to which they are both parties.

Article 6. Jurisdiction over Non-Living Natural Resources

1. The Parties shall exercise joint jurisdiction over non-living natural resources within the Co-operation Zone. In exercising their joint jurisdiction, the Parties shall act at all times in accordance with generally accepted principles of international law and the Convention.

2. The exercise of joint jurisdiction over non-living resources by the Parties in any particular instance shall be managed by a Joint Non-Living Resources Commission and evidenced by their agreement in writing, including by way of an exchange of diplomatic notes as provided in Article

3. The Joint Non-Living Resources Commission shall be established at such time as agreed by the Parties.

4. For further clarity, the failure of the Parties to reach agreement in writing in relation to the exercise of their joint jurisdiction over non-living resources in the Co-operation Zone in any particular instance means that neither Party can exercise its jurisdiction in that instance.

5. Any single geological structure or field of non-living natural resources that lies wholly within the Co-operation Zone shall be shared equally between the Parties.

6. For the purpose of this Article 6, any single geological structure or field of non-living natural resources that lies in whole or in part across the outer limit of the Co-operation Zone shall be considered to straddle the Co-operation Zone.

7. Any single geological structure or field of non-living natural resources that straddles the outer limit of the Co-operation Zone from the exclusive economic zone of either Party shall be apportioned between them based on unitisation arrangements, as specifically provided by the Joint Non-Living Resources Commission.

8. Marine scientific research, exploration and exploitation or development of non-living natural resources that lie wholly within the Co-operation Zone shall only take place with the agreement of both Parties as provided in Article 3. If no such agreement is reached, no scientific research, exploration, exploitation or development can take place.

9. Each Party shall provide the other with the results of any scientific research or exploration as soon as possible after the conclusion of any survey.

Article 7. Jurisdiction over Security Matters

1. The Parties acting in good faith shall establish the procedures for the conduct of activities to police the Co-operation Zone.

2. Within three months of the date on which this Treaty enters into force, the Parties shall in good faith commence the negotiation of a security agreement in relation to activities to be undertaken within the Co-operation Zone, which may address among others:

- (a) Enforcement of regulations over natural resources;
- (b) Terrorism;
- (c) Prevention of illicit narcotics trafficking;
- (d) Trafficking in firearms, ammunition, explosives and other related materials;
- (e) Smuggling;
- (f) Piracy;
- (g) Trafficking in persons; and
- (h) Maritime policing and search and rescue.

3. Until a security agreement as contemplated in Article 7 (2) is in force, and unless otherwise provided for in this Treaty, each Party shall unilaterally exercise defence and criminal jurisdiction within and in relation to the Co-operation Zone to the same extent that it may do so within and in relation to that part of its exclusive economic zone that lies outside the Co-operation Zone.

Article 8. Protection of the Marine Environment of the Co-operation Zone

1. The Parties shall, consistent with their international obligations, endeavour to co-ordinate their activities so as to adopt all measures necessary for the preservation and protection of the marine environment in the Co-operation Zone.

2. The Parties shall provide each other as soon as possible with information about actual or potential threats to the marine environment in the Co-operation Zone.

Article 9. Consultation and Communications

1. Either Party may request consultations with the other Party in relation to any matter arising out of this Treaty or otherwise concerning the Co-operation Zone.

2. The Parties shall designate their respective Ministers of Foreign Affairs to be responsible for all communications required under this Treaty, including under this Article 9, and Articles 3, 5,6 and 10. Either Party can change its designation upon written notice to the other Party.

Article 10. Dispute Resolution

1. Any dispute concerning the interpretation or application of the provisions of this Treaty shall be resolved by direct diplomatic negotiations between the two Parties.

2. If no agreement can be reached within a reasonable period of time, either Party may have recourse to the dispute resolution provisions contemplated under the Convention.

3. Any decision or interim order of any court or tribunal constituted pursuant to Article 10 (2) shall be final and binding on the Parties. The Parties shall carry out in good faith all such orders and decisions.

Article 11. Registration

Upon entry into force, this Treaty shall be registered with the Secretary-General of the United Nations in accordance with article 102 of the Charter of the United Nations and the Secretary-General of the Caribbean Community.

Article 12. Entry into Force and Duration

1. This Treaty shall enter into force 30 days after the date on which the Parties have notified each other in writing that their respective requirements for the entry into force of this Treaty have been met.

2. This Treaty shall remain in force until an international maritime boundary delimitation agreement is concluded between the Parties.

3. This Treaty shall be subject to review at the request of either Party.

4. Any amendment to this Treaty shall be by mutual agreement through the exchange of diplomatic notes.

DONE at London on 2nd December, 2003, in two duplicate copies.

For the Republic of Guyana His Excellency Bharrat Jagdeo President

For the State of Barbados The Rt. Honourable Owen S. Arthur Prime Minister