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NATIONAL SOVEREIGNTY V REGIONALISM; TOWARD A COMMON FISHERIES POLICY FOR CARICOM

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NATIONAL SOVEREIGNTY v REGIONALISM:
TOWARD A COMMON FISHERIES POLICY FOR CARICOM

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MAY 2012

Master’s Thesis
Submitted in Partial Fulfillment of the Requirements for the Degree of Master’s in
International Relations at the City College of New York

Advisor: (Professor Jacqueline Braveboy-Wagner)
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ABSTRACT

The hypothesis which guides this thesis is that successful integration cannot be achieved so long as member states of a regional grouping are unwilling to subordinate the individual interest to the collective interest. The Caribbean Community (CARICOM) – which is the second oldest regional institution in the Western Hemisphere – is the central focus of the work. In order to assess this hypothesis, the study first discusses the relevant integration literature, and then addresses the issue of individual vs. collective interests in CARICOM overall. Next it examines the specific functional area of fisheries which effectively illustrates the complexity of this dilemma. For nine years, member states have tried unsuccessfully to forge a Common Fisheries Policy and Regime to more effectively manage the region’s maritime resources. However, such an arrangement carries implications regarding perceived loss of sovereignty over portions of their Exclusive Economic Zones and this, inter alia, has kept member states from being able to unite on this issue. Boundary delimitation challenges, diverging national positions regarding the right of access to third party vessels and the lack of willingness to grant necessary powers to the implementing agency have also been shown to contribute to the lack of progress. In April 2011, an agreement on a common fisheries policy was finally established. However, given the considerably reduced reach of this agreement, the study concludes that CARICOM has continued to function as a regional group of independent states, in which maintenance of national sovereignty takes precedence over collective interest. Therefore, while committed in principle to deepening integration, the political leadership maintains a state-centric view that has compromised CARICOM’s effectiveness as a regional entity.
CHAPTER 1: RATIONALE

The post World War II era witnessed the occurrence of two major waves of regionalism. The first of these, referred to as “classic” or “old” regionalism, spanned the period from the end of the 1950s through the decades of the 1960s and 1970s and was characterized by the establishment of the European Economic Community (EEC), the European Free Trade Agreement (EFTA) and a plethora of preferential trading arrangements, particularly among developing countries.

These pacts were initiated against the backdrop of the Cold War and the wave of decolonization which followed WWII, primarily for the purpose of fostering trade, developing indigenous industries, lessening economic and political dependence on advanced industrial countries and reducing tariffs, quotas and other trade restrictions among signatories.

Post–independence leaders in the developing world found themselves in an international economic system characterized by unequal exchange and feared that they could remain trapped in a permanent state of underdevelopment as suppliers of inexpensive raw materials to the developed world. Consequently, it was felt that long term development would best be assured by adopting protectionist policies of self reliance. Among these for example, was the creation of intra regional regimes designed to artificially protect against fluctuating commodity prices and stabilize export earnings. Industrialization through import substitution also became a policy of choice for many developing countries.
The process of cooperation among states was viewed as a logical continuum of economic integration - beginning with the creation of a free trade area and moving through successive stages towards the point of economic union - involving separate national economies forging themselves into larger economic regions.¹ However, despite the proliferation of experiments with common markets and free trade agreements in the Middle East, Africa, the Pacific and Latin America,² regional integration among developing countries during this period largely failed both in terms of implementation and in terms of the stated objective of accelerating industrialization by raising intra regional trade. The solidarity required of developing countries to unite behind a common goal proved a daunting task as many of these entities were beset by considerable conflict over industry allocation among member states. In addition, sheltering domestic industries from competition proved to be highly cumbersome and inefficient bureaucratically, as were the negotiation of special and differential arrangements to accommodate less developed members.

The second wave of regionalism referred to as “new regionalism” emerged following the end of the Cold War. The collapse of the bipolar world order gave way to the emergence of a multi polar structure (albeit under US leadership) with new international divisions of power. New regionalism was an outgrowth of the process of globalization and was broadly oriented toward political and social as well as economic development. Unlike old regionalism which was premised on the preeminence of the

² Including inter alia the Non-Aligned Movement (NAM) in 1961, the Central American Common Market (CACM) and the Latin American Free Trade Area (LAFTA) in 1960, the Central African Customs and Economic Union (CACEU/UDEAC) in 1964, and the Caribbean Free Trade Area (CARIFTA) in 1968.
nation state as the primary actor, new regionalism was multi dimensional in form, with a central premise that the role of non state actors including multinational corporations, non-governmental organizations and other such interested social groups needed to be considered in the process of integration between states. Above all, old regionalism could be considered a closed system where integration efforts were limited primarily to market interaction among the members of a particular grouping. New regionalism on the other hand, was essentially intended to be a more open system which would allow countries to form themselves into regions to compete effectively on the larger world stage.

For developing countries in particular, the end of the Cold War brought about a greater sense of independence in the conduct of their foreign policies, their regional security affairs and in the determination of their alliances. However, with this independence, came a sense of increased vulnerability. By the 1980s, trade liberalization and the increased interconnectedness of the world’s economies were transforming the global landscape. Developing countries of all sizes began to face greater competition in their international markets. Although in principle these new linkages were supposed to provide greater access to larger markets and increased opportunities for businesses, the reality was that these benefits were not equitably distributed with developed economies clearly having the advantage. Therefore, the fashioning of more effective regional organizations was seen as a rational policy choice, particularly by small states, for strengthening their links with the industrialized world, making their collective voices
heard on the global stage and as a way of combating dangerous isolation and permanent relegation to the “periphery of world politics.”

However, whether old or new, the strategy of regional integration requires relinquishing, to some degree, individual sovereignty, as well as subordinating the national, individual interest to the regional, collective interest. For this reason, successes in regional integration have been few and far between and have been incremental and disjointed at best. Even the European Union, which stands today as the most successful example of regional governance in an interrelated system, has not been without its problems in this regard.

In this thesis, I have chosen to focus on the Caribbean Community (CARICOM). This community is the second oldest regional institution in the Western Hemisphere; hence its progress should be of interest to anyone engaged in the study of integration particularly in the global south and among small developing states. In fact, if there is any region in the world that should benefit from forming itself into a regional entity, the Caribbean is that region as the individual nations cannot survive economically as scattered entities of disparate size.

I will be assessing the extent to which integration has been hindered by the inability of member states of CARICOM to subordinate the individual to the collective interest. My study aims to contribute to the understanding of the dilemmas faced by the Caribbean nations as they struggle to reconcile the desire to retain control over national

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sovereignty on the one hand and the overarching requirements of regionalism on the other.

The Caribbean Community (CARICOM) is an integrated body comprising fifteen (15) sovereign member states. Thirteen of these are English – speaking; one is Dutch – speaking and one, French – speaking. In addition, the community comprises five associate members which are dependent territories of the United Kingdom. The region’s population is approximately 14 million and its geographical boundaries extend from the Bahama Islands in the North southwards to Guyana and Suriname and from Belize in the West to the mainland of Barbados which is the most easterly of the Caribbean islands.

CARICOM was established by the Treaty of Chaguaramas on 4 July 1973 and became the first example in the developing world of a free trade area moving towards a customs union. Its primary objectives were three fold: to create a single economic market as the centerpiece of its regional integration effort; to strengthen the region’s external position via the coordination of its member states’ foreign policies; and to pool scarce resources through functional cooperation in areas such as health, education, environment, communications and science and technology.

Its establishment coincided with a world economic crisis which had a severely damaging impact on the economies of the Caribbean. Uncertain prices for the few primary products being exported, declines in foreign exchange earnings from tourism,

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4 The member states of CARICOM are Antigua & Barbuda, the Commonwealth of the Bahamas, Barbados, Belize, the Commonwealth of Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, Saint Lucia, St. Vincent & the Grenadines, Suriname and Trinidad & Tobago.
5 Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands and the Turks and Caicos Islands.
rising oil prices, higher energy costs and even devastation wreaked by natural disasters all combined to adversely affect the region. By the middle of the 1980s, loss of revenue and declining terms of preferential trade propelled several CARICOM member states to enter into Structural Adjustment Programs with the International Monetary Fund (IMF) and the World Bank. The austerity measures began crippling their already unstable and fragile economies. The excesses of this period discouraged deeper integration as Caribbean leaders remained preoccupied with issues of national rather than regional concern.

In the 1990s, the onset of globalization and the intensification of unfettered free-market capitalism worldwide combined to adversely affect the individual economies of the Caribbean and to threaten their ability to compete due to their small size. In addition, other non–traditional threats such as the growing illicit drug trade with its attendant rise in crime as well as the spread of the HIV-Aids pandemic, all continued to affect the region’s economies. By the end of the 20th century CARICOM found itself on the threshold of a new century unprepared for the new dispensation. There was a distinct gap between the regional arrangements that existed at the time and the demands of the new era. Consequently, given their limited financial and human resources, Caribbean leaders were obligated to turn their attention more urgently towards enhancing regional cooperation and in particular, to take a more critical look at the concept of integration and the institutional arrangements upon which it was supported.

One of the landmark decisions taken in 1989 in order to better respond to the challenges and opportunities presented by globalization was to establish a Caribbean Single Market and Economy (CSME). This proposal envisaged the transformation of the

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Caribbean into a single economic space comprising the national markets and economies of the Community. The CSME was to allow free movement of goods and services, capital and labor and a common currency was to be introduced. It is significant to note that the CSME was agreed to in principle twelve years before it was actually signed into life (2001) and that an additional five years elapsed before the Single Market became functional. To date (2012), the Single Economy has not yet been implemented.

The region’s leaders continue to employ what has been described as a “discretionary mode of intergovernmental cooperation” in which they believe that it is possible to deepen regional integration via structures such as the CSME while maintaining maximum individual sovereignty. Failure to effectively resolve this dilemma has no doubt hindered full implementation of the CSME and has prevented CARICOM from achieving the anticipated level of success as a regional body.

Thus, in spite of thirty eight years of existence, CARICOM has not achieved the level of success envisaged by its founders. This is largely because the nations of the Caribbean remain at heart an amalgam of independent sovereign states first and an integrated community second. They perceive themselves to be a group of states in which “sovereignty is pooled but never ceded” and in which the nation-state is the locus of decision-making in terms of the implementation of regional decisions. The esteem in

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which Caribbean leaders hold their individual sovereignty cannot be underestimated either - a reality conditioned both by the prevailing political culture as well as the region’s past experience of statehood. Therefore, while they are ostensibly committed to the process of deeper integration, the inability to relinquish that state-centric view has kept the institutions of CARICOM fragmented and has reduced its effectiveness as a regional entity.

In the next chapter, I will outline my research design and relevant theoretical literature, to be followed by substantive chapters dealing with the dynamics of integration in the Caribbean Community.
CHAPTER 2: RESEARCH DESIGN/ANALYTICAL FRAMEWORK

Research Design

My hypothesis is:

Successful integration cannot be achieved so long as Member States of a regional grouping are unwilling to subordinate the individual interest to the collective interest. I have formulated this hypothesis based on the assumption that regionalism requires the relinquishment of sovereign powers and prerogatives and as long as self interest is maintained, progress will be incremental at best.

In order to assess my hypothesis, I have chosen the Caribbean Community (CARICOM) as my case study. As noted in the previous chapter, this is a regionally integrated body comprising member states of the Caribbean. By virtue of the fact that it has been in existence for the past thirty eight years, this entity should be of interest to any scholar interested in the challenges of integration and regional governance, particularly among small developing countries. First, I will address the issue of individual vs. collective interests in CARICOM as a whole. Secondly, I propose to focus on one specific functional area – fisheries - which I believe effectively illustrates the complexity of the dilemma faced by the organization’s member states in reconciling the competing interests of national sovereignty and regionalism.

CARICOM’s members are all coastal states united by a sea with vast resource potential. The fisheries sector of the region plays a significant role in the overall economic development and the cultural identity of the individual states. It is important to
the region’s food security and to poverty alleviation, particularly among rural communities in the less developed islands. For many, the sector serves as a valuable income generator and foreign currency earner. Due to the close proximity of these islands to each other as well as developments in international law which have allowed for the creation of common continental shelf areas between islands, many of the more abundant resources in the region are classified as “straddling stocks.” This clearly underscores the need for cooperation in management of the region’s fisheries resources. While the governments of CARICOM recognize the need to forge a common fisheries policy to govern the exploitation of the region’s fish stocks, this new arrangement also has implications regarding the perceived loss of sovereignty by members over the full extent of their Exclusive Economic Zones.

Relevant Theoretical Literature

In order to fully understand whether this dilemma between regionalism and national sovereignty can be reconciled, it would first be useful to consider what some of the major international relations theorists have to say on the subject of regional integration and the possibility and reasons for cooperation between states.

Neorealism

The neorealist theoretical perspective characterizes the world as an anarchic system in which each state is a rational, unitary actor concerned primarily with its own security, power and survival. This preoccupation predisposes states toward conflict and
competition to the extent that despite common interests, they may sometimes fail to cooperate.¹

Anarchy, according to the neorealist definition, denotes the absence of a common interstate government and it is this interpretation which conditions the realist’s understanding of whether interstate cooperation will result or not. The absence of an overarching authority means that there is no overriding entity to prevent one state from acting in a manner which is inimical to the interests of another. Therefore, anarchy causes all states to be motivated to a certain degree by fear and mistrust.² The anarchic system shapes state preferences and conditions the nature of the interaction that occurs between states.

A rational state will only integrate with others or join a cooperative system if doing so favors its own national interest or allows it to derive some direct benefit from the arrangement. However, joining such an alliance does not in any way imply renunciation of individual sovereignty or decision making power. For the realist, the national government remains the most important actor in the international system and its interaction with other states will be determined entirely by the furtherance of its own interests. From the realist’s perspective, transnational actors, corporations and institutions are politically irrelevant.

Kenneth Waltz suggests that every state’s first concern is to maintain its position in the system.³ This “state positionality” may constrain a state’s willingness to commit to

any type of cooperative arrangement since it may believe that in doing so, its adversary may also be achieving relative gains through the same arrangement. A state may therefore be willing to forego cooperation, even if it may result in absolute gains, if the possibility exists that such cooperation may also redound to the benefit of another thereby causing a more powerful adversary to emerge.\(^4\) Waltz advocates further that a state may be disinclined to enter into a cooperative agreement with another since such an arrangement may create excessive dependence thereby rendering that state vulnerable and reducing its autonomy. This is often referred to as “vulnerability dependence” and is used to describe a relationship of subordination in which one state is supported by another or must depend upon another for the fulfillment of a particular need.\(^5\)

John Mearsheimer\(^6\) challenges the liberalist contention that institutions can alter states’ behavior and encourage cooperation by steering them away from strategically calculating their every move in terms of how their relative power positions are affected. He claims that institutions define and prescribe the terms and conditions under which states either choose to cooperate or compete with each other and that these rules are negotiated and agreed upon by the states themselves. His contention therefore is that it is up to individual states to adhere to the rules that they themselves have created and as such, since institutions have no mechanism of command, they cannot independently affect state behavior. Mearsheimer states that institutions are tools that states’ utilize for their own selfish purposes and they reflect states’ calculations of self-interest based on concerns regarding relative gain.

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\(^4\) Grieco, p: 499  
\(^5\) Waltz, p: 106  
Liberalism

Liberalists, like realists also consider states to be rational and dominant actors in the international system. However, unlike realists who see the state as a unitary actor, liberalists perceive that societies are connected to each other through various channels. Transgovernmental organizations such as multinational firms and banks for example, as well as international organizations all have the ability to make individual government policies in various countries more sensitive to each other. By their very structure, the actions of these organizations transcend national boundaries and allow the domestic policies of one country to impinge on that of another. Robert Keohane and Joseph Nye refer to this as “complex interdependence.”

Secondly, instead of an inherently anarchic system which automatically guides behavior, liberalists posit that the agenda of interstate relationships is not arranged according to any specific hierarchy of issues but rather that it changes based upon the way in which issues are prioritized. States may have conflicting and complementary agendas, but they nonetheless interact and establish cooperation based on the areas of overlapping interest. Further, since increased economic interconnectedness presents a variety of opportunities and incentives for interstate cooperation, states have become more dependent upon each other for the attainment of their own individual national goals thereby blurring the line between domestic and foreign policy. According to the liberalist

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rationale, states may view each other not necessarily as adversaries but as essential partners “needed to secure greater comfort and security for their home publics.”

Liberal theorists argue that cooperation between nations is not the absence of conflict but rather is a condition that emerges in an effort to overcome conflict. They accept that few states would voluntarily give up their rights to self help but claim that in an increasingly interdependent global society, states may be more willing to adjust their positions if they are convinced that in doing so their actions would redound to the benefit of all those with similar interests. According to Robert Keohane: “Cooperation requires that the actions of separate individuals or organizations which are not in preexistent harmony be brought into conformity with one another through a process of negotiation…Cooperation occurs when actors adjust their behavior to the actual or anticipated preferences of others.”

Liberalists see international institutions and organizations as entities with the expertise necessary to mediate conflict among states, foster bases of cooperation, establish codes of conduct or guidelines under which all can benefit and promote a more inclusive foreign policy agenda. They concede that cooperation in an anarchical system is possible even in the absence of a hegemonic power as long as a commonality of self interests exist. They argue that regimes can assist in mitigating the levels of fear and uncertainty that characterize state behavior under the anarchic system and can also help in the reduction of collective action problems. However, liberalists state that the fact that

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8 Greico, p: 490
countries cooperate, form and participate in these international and regional organizations does not make conflict and cooperation mutually exclusive.

Neofunctionalism

Neofunctionalism is a theory of regional integration developed most extensively by Ernest Haas in 1958\textsuperscript{10} to explain the process of European integration and in particular, to explain the circumstances under which countries would voluntarily merge with their neighbors, thereby risking the loss of certain attributes of individual sovereignty. It assumed a decline in the importance of nationalism and the nation state and viewed integration as an automatic process.

The logic behind this theory is that states’ activities are the outcome of a pluralistic political process in which the decisions taken by individual governments are influenced by pressure emanating from bureaucratic actors and interest groups alike. Further, neo functionalists argue that the activities of these actors are not confined solely to the domestic political environment. Therefore, in order to satisfy their own interests, actors could find themselves forging linkages and developing contacts with their counterparts in other states.

According to Hass, the economies of modern states are interconnected and as such, it is practically impossible to isolate one sector from another. Once countries agree to harmonize and coordinate their economic policies for example, the complexity of this coordination and the interconnectedness between their respective economic sectors will out of necessity, automatically “spillover” into the political sphere of integration and will

ultimately lead to the creation of supranational institutions. Haas refers to this as the “expansive logic of sector integration.”\textsuperscript{11} A central premise of the neo functionalist prediction was that integration would, by virtue of this concept of “spillover,” be self-sustaining.

Haas claims that as the process of integration gathers momentum, certain interest groups, associations and lobby groups will systematically transfer their allegiances away from the nation state to these newly formed regional organizations or new power centers, perceiving them to be better conduits through which to pursue their material interests rather than through the national institutions existing in each individual nation state. As integration advances, the neo functionalist argument is that these supranational organizations would take on a life of their own, by taking the lead in sponsoring further integration and becoming more autonomous and powerful than the individual nation states themselves. For Haas, the driving force behind political integration was the calculated self-interest of the political elites who would be willing to defer to supranational arrangements when it seemed suitable to their interests.\textsuperscript{12}

Haas viewed integration as a process leading to a specific end product. Leon Lindberg on the other hand, another neo functionalist coming after Haas, while also viewing it at a process, sought to offer a more cautious definition of integration without specific reference to an end point.\textsuperscript{13} Central to Lindberg’s definition was the idea that the

\begin{footnotesize}
\begin{enumerate}
\item Ibid, p: 311
\item Ben Rosamund, \textit{Theories of European Integration}, Hampshire, Palgrave McMillan, 2000, p: 9
\item Leon Lindberg, \textit{The Political Dynamics of European Economic Integration}, Stanford, CA., Stanford University Press, 1963, p: 6
\end{enumerate}
\end{footnotesize}
mechanism by which collective decisions are arrived at is integral to all regional integration efforts.

In 1970, Lindberg and Stuart Scheingold further reformulated this theory. They posited that Haas’ view of integration as automatic and self-sustaining was too narrow and instead they introduced the idea that integration was a process in which domestic groups may lobby their individual governments based upon their own needs and expectations, and that regional institutions could play an invaluable role in building coalitions to overcome national resistance to new policies and decisions.\textsuperscript{14} Lindberg and Scheingold opined that while Haas’ version of neo functionalism described a domestic process, it offered no explanation either for the basic causes of variation in national demands for integration or for the methods by which individual governments prioritize competing alternatives and eventually establish preferences.\textsuperscript{15}

Some critics of neofunctionalist theory have claimed that “gradual politicization” and inevitable “spillover” have not taken place outside of Europe and further, that the theory itself could not be effectively applied to regional integration efforts in the developing world since the domestic politics of developing nations do not provide fertile ground for this type of process.\textsuperscript{16}

\footnotesize{\textsuperscript{15} Ibid, p: 284}  
\footnotesize{\textsuperscript{16} For example Roger Hansen, Stanley Hoffman, Walter Mattli}
One of the major challengers to this theory is Stanley Hoffman,17 who offers a counter-argument to the neo functionalist’s ideas. He argues primarily that economic integration does not necessarily lead to political integration since economics and politics are independent of each other. To illustrate this, he makes a distinction between high and low politics. The latter refers to technocratic issues and matters of secondary importance such as social or regional policy, while the former refers to more fundamental policy areas such as defense, foreign affairs and fiscal policy. Hoffman’s contention is that where national interests coincide, governments may be willing to accept closer integration in the areas of functional cooperation, but in the areas of high politics, the nation state would not accept any transfer of sovereignty in favor of a supra national authority.18

Although he acknowledges that interest groups can influence the decisions of governments, his argument is that national governments are really the ultimate arbiters of key decisions. They possess legal sovereignty and secondly, political legitimacy since they are the democratically elected actors. Further, Hoffman states that political calculations often lead governments to adopt positions to which powerful interest groups may even be hostile. These calculations however, are mainly driven by individual domestic concerns and concerns about the impact of decisions for the governing party of the day. Therefore, any relinquishment of sovereignty and ceding of power to a supranational organization will only take place if the government perceives it to be in its


18 Hoffman, 1964, p: 89
own interest. Integration therefore is intergovernmental and would go only as far as the government would allow.\textsuperscript{19}

Hoffman’s work was the genesis of what later became known in the IR field as the theory of intergovernmentalism which I will use as the theoretical framework to explain and analyze some of the difficulties being encountered by the CARICOM member states as they seek to formulate a Common Fisheries Policy and Regime in the region.

**Liberal Intergovernmentalism**

The theory of liberal intergovernmentalism (LI) was first developed by Andrew Moravcsik in 1993.\textsuperscript{20} In the same vein as Hoffman, Moravcsik argues that states are rational actors, in that their actions are directed towards the achievement of a set of consistently ordered objectives. Departing from realist theory which claims that states have fixed preferences, for example for wealth, power or security, LI borrows from Robert Putnam asserting that domestic political processes determine national interest and that a government’s position in the international arena is formulated strictly on the basis of goals which are defined domestically.\textsuperscript{21}

\begin{flushleft}
\textsuperscript{19} Ibid, p: 93
\textsuperscript{21} In 1988, Putnam introduced a model of international conflict resolution known as the two-level game theory. This model states that negotiations between democracies consist of simultaneous negotiations on the domestic and international levels. On the domestic level, governments establish linkages and forge coalitions with societal actors; on the international level, governments negotiate with each other ensuring that they do not commit to anything which can be detrimental to their domestic constituents. Win –sets occur only when the concerns of actors at both levels overlap. At this point, an international agreement between countries may be possible.
\end{flushleft}
This model of rational state behavior based on domestic preferences implies that governments must first define and formulate their national interests and secondly, bargain among themselves in order to realize those objectives. Moravcsik combines the process of national preference formation with bargaining theory to explain a third feature - institutional choice, which he defines as the circumstances under which actors will either decide to pool or delegate decision making to a higher, overarching international institution.\(^{22}\)

LI theorists claim that the primary interest of any government is to retain office which requires that it seek to enlist the support of various coalitions, parties and interest groups in civil society. The views of these entities are usually transmitted to the political directorate through domestic institutions and it is through this process that national interests are formulated and brought to the table during international negotiations.

In referring to cooperation within the European Union, Moravcsik concludes that the costs and benefits of economic interdependence are the primary determining factors of national preferences rather than the political biases of politicians or national strategic concerns.\(^{23}\) States are more inclined to cooperate when such collaboration allows them greater leverage over their own domestic policy outcomes than would otherwise have been possible. Moravcsik explains that “negative externalities,” occur when the policies of one state impose costs on or negatively impact the nationals of another, thereby undermining the goals of the latter’s policies and he contends that the possibility of

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\(^{22}\)Moravcsik, p: 480
\(^{24}\)Moravcsik, p: 485
improving these negative externalities through policy coordination generates an incentive for integration. Conversely, where a state can unilaterally adopt measures to effectively counteract another’s policies, there is little incentive or need for cooperation.

It is also possible for agreements to appear to be mutually beneficial but for governments to have very different perceptions regarding the costs, benefits and level of domestic risk associated with pursuing one particular policy over another. Moravcsik claims that there is a direct correlation between the intensity of the societal pressure applied to national governments and the amount of flexibility which one state may have in its ability to cooperate with another. He argues that ideally, a precondition for international agreement is a convergence of the interests of the dominant groups in the negotiating states.²⁵

Based upon domestically formulated national preferences, every state has a specific amount of leverage or window of bargaining space through which it can produce viable agreements with another, each of which has the potential to generate gains. If states are to pursue a common policy, they must collectively select the best or most mutually beneficial from the agreement choices available to them. LI theory posits that the challenge for governments according to this logic is to decide how best to collectively ensure that any mutual gains to be derived from a specific agreement can be equitably distributed in spite of their conflicting interests.

Moravcsik argues that the outcome of negotiation among states is directly linked to their relative bargaining power which is derived from what he refers to as “patterns of

²⁵ ibid, p: 487
asymmetrical interdependence\textsuperscript{26} – the unequal distribution of the benefits of a particular agreement for each negotiating party. In order for cooperation to occur, all parties must be convinced that the benefits to be derived from such cooperation are preferable to the best alternative available to them individually. LI theory claims that the ability of a state to reject cooperation or to threaten non-agreement provides it with a fundamental source of bargaining power. In general, those which are liable to gain significantly from a popular agreement will be more willing to compromise and collaborate jointly to achieve those gains. Conversely, those actors that perceive their available policy alternatives as more attractive tend to be more manipulative of the bargaining process and more inclined to threaten the others with non cooperation or to impose conditions.\textsuperscript{27}

The third stage of LI as outlined by Moravcsik is institutional choice which he uses to explain the circumstances under which member states may agree to transfer national sovereignty in decision making. Transference of sovereignty according to LI theory means either (a) utilizing a system of qualified majority voting as opposed to unanimous voting – pooling of sovereignty or (b) delegating sovereign decision making powers to a semi-autonomous institution.

Moravcsik contends that the degree of political risk that a state is willing to take impacts directly on the type of decision making structure that member states choose.\textsuperscript{28} Governments that are averse to risk in general, will only agree to relinquish their own individual decision making power if they have calculated that the scope and magnitude of

\textsuperscript{26} Moravcsik and Schimmelfennig, p: 71
\textsuperscript{28} Moravcsik, 1993 p: 511
any possible loss can be minimized. The incentive to delegate authority is only evident in cases where there is very little probability that the effects of delegated or pooled decisions can impact negatively on the national government itself or on any of its particularly influential domestic constituents.

**Constructivism**

Constructivist theory draws our attention to the role that ideas play in shaping actors’ identities, interests and ultimately, decisions. These ideas are more than simply the beliefs of individuals. They are shared among peoples (intersubjective) and expressed as practices and identities (institutionalized).\(^\text{29}\) Jeffrey Legro states that ideas are both symbolic and organizational- they are “embedded not only in human brains but also in the collective memories, government procedures, educational systems and rhetoric of statecraft.”\(^\text{30}\) Ideas take precedence over material factors and influence the self image, interests and preferences of a state as well as the way it perceives the world and others.

Over a continuous period of time and through back and forth interaction, states develop certain understandings and expectations of others’ behavior and it is based on these meanings which they attach to each other that cooperation and interaction either develop or not. Constructivists argue that each state develops its identity essentially through the perceptions of others and through the process of reciprocal interaction itself.\(^\text{31}\) The common ideas and the knowledge that states hold subjectively about themselves and others provide them with their identities and establish the norms of

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behavior which will determine whether their interaction becomes adversarial or cooperative. Constructivists do not believe that states have a portfolio of interests which exist external to the particular situation in which they find themselves. Only when confronted by a specific situation, will a state act in a manner warranted by that situation and by such action, its interests will be defined.

Identities may either change or be sustained through the actions of an “alter” and “ego” actively involved in a relational process. If for example, one state is perceived as a threat to another, it will continue to be thought of as such until it takes significant steps to prove otherwise. If each believes that the other is likely to seek its destruction, then they will both continue to act with hostility and will confirm the beliefs which they had developed and internalized about each other up to that point. The constructivists acknowledge the self help contention of realist theorists but they are careful to point out that this condition emerges as a result of two states acting in ways that lead one to feel threatened, thereby creating an expectation that the other is not to be trusted. Even if not intentional, egoists can learn to cooperate by redefining and reshaping their interests and identities according to new understandings and shared commitments.

They add that evolutionary processes sometimes force actors to redefine themselves and to change their behavior over time. This transformation of identity can lead therefore to a change in previous relations between actors and can open the way for collaboration. However, this evolutionary process by which consensus is eventually broken down to facilitate cooperation can sometimes prove to be very slow.

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32 Ibid, p: 398
33 Wendt, 1999, p: 224
In terms of integration, constructivists claim that shared identity among states gives rise to a sense of community belonging or transnational solidarity. The more entrenched that “we-feeling” becomes, the greater would be the inclination for states to enter into cooperative agreements with each other. Successful regional cohesion depends upon that sustained sense of community based on mutual responsiveness, trust and “cognitive interdependence.”  

34 Given the constructivists’ claim that sameness fosters common interests, when applied to CARICOM, one would logically have thought that by now, its member states would have been able to achieve much greater success in regional integration.

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CHAPTER 3: THE PHASES OF REGIONAL INTEGRATION

Historical Background

The West Indies Federation,\(^1\) established in 1958, marked the first real attempt in modern history to arrive at a comprehensive regional governance structure in the Caribbean. Britain was in the process of rebuilding its economy following the end of World War II and was amenable to the possibility that some of its Caribbean territories may have been “viable” enough to sustain self-government as a single sovereign unit since the cost of maintaining its colonies was proving burdensome at that time.

Shortly after its establishment, a number of federal institutions and supporting structures were quickly put in place to strengthen the union. A federal civil service was created, cooperation in tertiary education was consolidated,\(^2\) a West Indies shipping service was established and discussions got rapidly underway regarding the issues of taxation, the creation of a Regional Customs Union and reformation of the Federal constitution.

However, the federation was beset by several problems. There were disagreements among the territories regarding the governance and administrative structures imposed on them by Britain; contention regarding the imposition of taxes and

\(^1\) The West Indies Federation comprised the ten territories of Antigua and Barbuda, Barbados, Dominica, Grenada, Jamaica, Montserrat, the then St. Kitts, Nevis and Anguilla, Saint Lucia, St. Vincent and the Grenadines and Trinidad & Tobago. It was headed by an Executive Governor-General, a Prime Minister, a Cabinet, a Council of State, a 45-member House of Representatives and a 19-member Senate. The Governor General was Lord Hailes, the Prime Minister was Sir Grantley Adams and the Federal Capital was located in Port of Spain, Trinidad & Tobago.

\(^2\) The University College of The West Indies (UCWI) which had one campus at Mona, Jamaica opened a second at St. Augustine, Trinidad in 1960. Caricom Secretariat, 2005, p:38
centralized planning; reticence to concede power to the federal government and even discord regarding the location of the federal capital.

In 1961, following a national referendum to determine its continued participation in the regional group, Jamaica withdrew from the federation. Instead, it opted to pursue independence from Britain as a separate state. This decisive development marked the beginning of the demise of the West Indies Federation. Trinidad and Tobago withdrew shortly thereafter and by 1962 - just four short years after its inception- the federation collapsed.

The establishment of the Caribbean Free Trade Association (CARIFTA) marked the next important phase in regional integration in the Caribbean. Once the federation had folded, Caribbean leaders were hesitant to immediately revisit the idea of integration. However, it was evident that there was a need for greater cooperation in the region, particularly in economic matters. CARIFTA, which was established in May 1968,\(^3\) became the first manifestation of a loose type of cooperative framework.

Its primary function was to increase, liberalize and diversify intra-regional trade among member states. Its remit also included creating the necessary regional structures that would facilitate deeper integration and initiating negotiations with a view to establishing a regional financial institution\(^4\) which would finance specific projects in key sectors such as agriculture, manufacturing, education, and tourism.

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\(^3\) The founding members of CARIFTA were Antigua and Barbuda, Barbados, Guyana and Trinidad & Tobago being the first to officially sign the agreement.

\(^4\) The Caribbean Development Bank (CDB) was established on October 18, 1969. Caricom Secretariat 2005, p: 47
Although the primary purpose for creating CARIFTA was to deepen integration in the region, there were those who, for their own reasons, were equally interested in widening the organization to allow membership by other countries that were not part of the English speaking Caribbean. This attempt to dilute the intimacy of the organization, threatened to stunt CARIFTA’s progress early by making it difficult to achieve consensus on movement towards a unified economic community.

Another development at this time which had a considerable impact on the member states of CARIFTA was the successful bid made by the United Kingdom to enter the European Economic Community (EEC). This decision by Britain raised many questions regarding the special system of Commonwealth trade preferences which had previously existed between Britain and other Commonwealth nations. The rules of the EEC however, did not allow a member state to either give to or receive from non-member countries better trade conditions than were given to or received by member states of the Community. It meant therefore that CARIFTA countries would either have had to extend trade preferences to all members of the EEC or discontinue their arrangements with Britain.

Notwithstanding these difficulties, CARIFTA did achieve a measure of success with respect to satisfying its mandate to increase intra-regional trade.\(^5\) During this period, significant developments were also beginning to take place in non economic areas such as education, legal affairs, broadcasting, health and tourism. Collaboration in these areas led to the formation of regional institutions such as the Caribbean Broadcasting Union (CBU), the Council of Legal Education (CLE) and the Caribbean Examinations Council.

\(^5\) Caricom Secretariat 2005, p: 43
(CXC) – a tangible sign that there was need to strengthen integration beyond trade and economic issues.

On July 4, 1973 the Treaty of Chaguaramas was signed to establish the Caribbean Community and the Caribbean Common Market (CARICOM). These were devised as separate legal and institutional entities for the purpose of providing flexibility to accommodate national preferences for regional integration. The former comprised the functional relationships and institutions designed to integrate the region politically and economically, while the latter was intended to strengthen economic and trade relations among member states. CARICOM’s policy agenda was threefold – to deepen integration through a common market and common trade policies; to extend functional cooperation by pooling resources and sharing services particularly in the areas of human and social development; and to present a united front in its external relations through foreign policy coordination.

Although CARICOM achieved considerable success in the areas of functional cooperation (notably in health and education) and, to a lesser degree, in the coordination of foreign policy, as a trade related development strategy, the common market, up until the end of the 1980’s had not produced the anticipated level of intraregional integration.

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6 For example, this arrangement accommodated Jamaica which had little interest in becoming part of a multifaceted regional organization but wanted to be part of a common market that would promote export-led growth and the Bahamas which preferred the opposite. The Bahamas was not part of the Common Market neither is it part of the CSME. See Duke Pollard, The CARICOM System: Basic Instruments, Jamaica: The Caribbean Law Publishing Company, 2003, pp: 5-8 & 184-185
7 Caricom Secretariat, 2005, pp: 135-154
8 Grenade, p: 2
It has been suggested that structural factors such as the similarity of the islands’ economies and their highly concentrated export base were in part responsible for the inhibited growth of intraregional trade.\(^{10}\) With the exception of Trinidad and Tobago,\(^{11}\) the region’s economies had remained tied to Europe through the post colonial period via a variety of unilateral trade preference agreements. While these arrangements provided a guaranteed and protected market, particularly to the less developed countries, they proved to be a poor foundation for diversifying economic activity.

In addition, with the collapse of the Soviet Union and the formation of the European Union, the pendulum of world economic thought began to swing in favor of free markets, less State intervention and intensified trade liberalization. The vulnerability and dependence of these small island states became evident as loss of revenue and inability to compete given the new global landscape created a desperate need to borrow. As structural adjustment measures applied by the International Monetary Fund and the World Bank became more entrenched, CARICOM’s fragile economies began to falter. In light of these factors, it became clear that CARICOM needed to re-constitute and reorganize itself yet again if it were to adequately serve as an agent for Caribbean development through integration.\(^{12}\)

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\(^{10}\) J.F. Hornbeck, CARICOM: Challenges and Opportunities for Caribbean Economic Integration, CRS Report RL 34308, January 2008, p: 11

\(^{11}\) Trinidad & Tobago’s economy was dominated by the exportation of oil which was not affected by preferential trade pacts. It continued to be the dominant exporting country in intra-regional trade between 1981-2001 accounting for approximately 56.7 percent of total intra-regional exports. See Caricom Secretariat 2005, p: 115

The signing of the Grand Anse declaration in 1989\(^\text{13}\) was a watershed event in the history of CARICOM integration. Among the key initiatives agreed upon to chart this new course for the region were the establishment of the Caribbean Single Market and Economy (CSME); free movement of CARICOM nationals; free movement of skilled and professional personnel; establishment, for the first time, of an Assembly of Caribbean Community Parliamentarians (ACP); and the formation of an independent West India Commission (WIC) to advance the goals of the Treaty of Chaguaramas.

In 1992, after two years of deliberations, the WIC published a report on CARICOM entitled “Time for Action” in which it highlighted a number of the institution’s deficiencies. First was its failure to provide an effective mechanism for ensuring that decisions taken at the regional level could be implemented at the national level.\(^\text{14}\) The lack of common institutions was also cited as a critical weakness of CARICOM. Thirdly, the WIC found that CARICOM suffered from “implementation paralysis” which it viewed as “a chronic CARICOM deficiency”.\(^\text{15}\)

Reformation of the governance structure of CARICOM as called for by the WIC continued to engage the attention of member states for a further nine years. On July 5, 2001 – twelve years after it had been agreed to in principle – the Revised Treaty of Chaguaramas was eventually signed bringing into effect the Caribbean Single Market and Economy (CSME). This new arrangement designated the region as a single economic

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\(^{13}\) This declaration was signed in July 1989 at the Tenth Annual Meeting of CARICOM Heads of Government in Grand Anse, Grenada. It is titled the Grand Anse Declaration and Work Program for the Advancement of the Integration Movement. Online available at [http://www.caricom.org/jsp/communications/meetings_statements/grand_anse_declaration.jsp](http://www.caricom.org/jsp/communications/meetings_statements/grand_anse_declaration.jsp) (accessed October 2, 2011).


\(^{15}\) Ibid, p: 54
space and provided for the free movement of goods, labor and capital among member states for the purpose of improving productivity and ensuring the equitable allocation of resources among member states. However, it was not until 2006 that the Single Market actually became partially functional and up to the present time, the Single Economy has not yet been implemented.

In the next section of this chapter, I will consider how member states’ efforts to reconcile their individual national interests with the collective interests of the region throughout the phases of regional governance described have affected the integration process in CARICOM.

**Individual vs. Collective Interests**

During the period immediately preceding their independence, the larger islands of the Caribbean, particularly Jamaica and Trinidad and Tobago, had been enjoying a considerable period of economic growth\(^{16}\) which allowed their leaders to believe that they could survive as separate states rather than be part of a Federated group. These two islands gained their independence in 1962 and Barbados and Guyana followed four years later. Once the four largest territories in the British Commonwealth had become independent, the smaller states of the disbanded West Indies Federation (Antigua and Barbuda, Dominica, Grenada, St. Kitts, Nevis and Anguilla,\(^{17}\) Saint Lucia, St. Vincent

\(^{16}\) Bauxite and oil were the major sources of revenue for Jamaica and Trinidad & Tobago respectively.

\(^{17}\) St. Kitts, Nevis and Anguilla were a single Federation until 1980 when Anguilla reverted to British dependency status. The country is now called St. Kitts and Nevis.
and the Grenadines) were left in “a state of bewilderment” as to how to proceed and were forced to seek new ways of restructuring their own political relations.\textsuperscript{18}

The West Indies Associated State Council of Ministers (WISA),\textsuperscript{19} which preceded what is now known as the Organization of Eastern Caribbean States (OECS),\textsuperscript{20} was established in 1966 for the purpose of allowing the smaller territories to strengthen economic cooperation among themselves and to have a stronger bargaining position in the region. The WISA members established two very significant institutions - the Eastern Caribbean Common Market and the East Caribbean Currency Authority. The latter was later upgraded to become the Eastern Caribbean Central Bank in order to deepen integration, promote monetary stability and enhance economic planning and development. This period marked the beginning of a pattern of insularity and inter-island competitiveness which has continued to impact developmental unity among the Caribbean states ever since.\textsuperscript{21}

One of the most critical decisions taken by Caribbean leaders was to officially create two distinct categories of member states - the More Developed Countries (MDCs) and the Less Developed Countries (LDCs) - as they established CARIFTA. Their intention was to officially recognize that the islands were at different stages of their

\textsuperscript{19} This group was established in November 1966. Its founding members were Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis and Saint Lucia.
\textsuperscript{20} The Organization of Eastern Caribbean States was established by the Treaty of Basseterre, signed on 18 June 1981.
development and that the pace of their integration should therefore be determined by the status they had been accorded. While it was a forward looking decision in that it showed recognition of the fact that the Less Developed Countries required special attention, it nonetheless had the effect of polarizing the region.

While there was progress in terms of economic cooperation under CARIFTA, there were still complications. First, Jamaica being the largest country was much more oriented to non-regional trade. As such, it strongly favored widening the membership of CARIFTA since its major concern was to expand its own export market. Secondly, Britain’s impending accession to the EEC meant that goods produced in the LDCs which were still under British jurisdiction would be eligible for automatic rights of entry into the EEC market. This was a benefit which would not have been enjoyed by the MDCs and further, they would not have been able to compete with a flood of European made goods into the region. CARIFTA was clearly not in a position to speak as a united body on the subject of Britain’s application to the EEC.

Fortunately for the integration process, the 1972 election of Michael Manley and the People’s National Party to office, served to bring Jamaica back into the fold since he was personally committed to CARIFTA and believed that integration of the region as a whole would redound to the benefit of its member states individually by enhancing their bargaining power and their international recognition. Jamaica’s change in posture towards the integration process helped clear the way for agreement on such measures as the adoption of a common external tariff, harmonization of fiscal incentives and a

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collective approach towards foreign investment and industrial policies – all of which had hindered intra-regional negotiations almost from the inception of CARIFTA.\textsuperscript{24}

Notwithstanding these successes as well as the growth of intra-regional trade experienced during this period,\textsuperscript{25} CARIFTA proved to be somewhat limited in scope since trade benefits tended to favor the larger producers with the stronger manufacturing and industrial bases. Apart from the four MDCs, the smaller islands were monoculture economies producing mainly agricultural products to satisfy the comparative advantage of Britain. The deficiencies of CARIFTA showed that the creation of a free trade area was inadequate to deal with the complex problems of development and that there was a need for a more comprehensive approach, particularly in terms of economic integration.

Although in principle leaders were committed to the idea of a common market regime for the region, the supremacy of the national sovereignties which they individually represented formed the basis for the discussions which preceded the establishment of CARICOM.\textsuperscript{26} In fact, the Common Market which was visualized in the original Treaty of Chaguaramas never really evolved beyond a loose trading regime.\textsuperscript{27} One of the factors which affected integration negatively and placed a strain on relations between member states was the deep stratification that existed among the islands. Intra-regional trade was largely dominated by Trinidad and Tobago because of its oil wealth and Barbados, with its thriving tourism industry. Jamaica, on the other hand, experienced

\begin{thebibliography}{9}
  \bibitem{24} Axline, p: 959
  \bibitem{25} Caricom Secretariat, 2005, p: 43
  \bibitem{27} Pollard, p: 887
\end{thebibliography}
a marked decline in its exports during the early 1980s - a factor largely attributed to its macroeconomic instability which particularly affected its manufacturing sector.\(^\text{28}\)

For the period 1981 – 2001, the main markets for CARICOM exports and imports were the United States and the European Community. During this period, intraregional exports and imports amounted to approximately 14.8 percent and 9.5 percent respectively.\(^\text{29}\) CARICOM’s intra regional exports as a percentage of its total exports – which is itself an index of integration – for the years 1980, 1985, 1990 and 2000, amounted to 8.92, 12.99, 12.37 and 15.7 percent respectively.\(^\text{30}\) With volatile oil prices, rising interest rates and growing national debt coupled with the similarity of the region’s export base, what emerged during the 1980s were competitor economies vying for foreign investment and foreign aid which served to severely inhibit economic integration. The onset of globalization and the harsh realities of the global political economy which were confronting these fragile states in the mid to late 1980s caused leaders to focus inward on matters of national rather than regional concern.

A second factor which challenged integration during the 1980s was the difficulty member states faced in harmonizing their individual stances in respect of their relations with the super powers. The beginning of the decade of the 1980s witnessed the advent of a conservative Republican administration in the United States which was determined to re-establish U.S. global primacy and strengthen its regional hegemony. As détente was receding internationally, the environment in the Caribbean region began to grow more tense and ideologically polarized over issues such as social change, national development

\(^{28}\) Wint, pp:137-139; Bourne and Attzs, p:41  
\(^{29}\) Caricom Secretariat 2005, p: 110  
\(^{30}\) Ibid.
choices, perceptions of national security, relations with Cuba and relations with the United States. An ideological divide emerged as Guyana, Jamaica and Grenada embraced socialist doctrine while the other states opted for Western style democracy. Barbados for example, was openly hostile to the concept of ideological pluralism, as it considered this a threat to one of the cornerstones of CARICOM – to maintain a coordinated foreign policy.31 Others however, embraced political and ideological pluralism, cautioning CARICOM against allowing itself to become the “football of outside circles.”32 It was the height of the Cold War and the region served as a central theater for Cold War politics.

The policies of the Reagan and Bush administrations in the Caribbean Basin were based primarily upon their perceptions of a series of Soviet-Cuban backed revolutions and regime changes in both Central America and the Caribbean which they, in turn, were intent upon containing. In order to achieve this, the US response was to isolate and destabilize the affected nations33 by providing increased amounts of military and financial support to all those in the region that agreed to defend the status quo. The US objective was to establish political and economic liberalism as the development model of choice throughout the region. It was envisaged that these goals would be achieved via military assistance programs, funding provided by the United States Agency for

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33 Cuba, Nicaragua and Grenada.
International Development (USAID) and the Caribbean Basin Initiative\textsuperscript{34} aimed to foster investment flows to the region’s private sector and duty-free access for nontraditional products to the US market. While the US was not anti-integration, its priorities did not include strengthening CARICOM integration institutions or furtherance of its regional agenda.

The Grenadian Revolution of 1979 taken in the context of turmoil caused by Cuba’s adventurism and the Nicaraguan Revolution, led to a resurgence of US interest in the Caribbean and also adversely affected the process of Caribbean regional integration during the 1980s.\textsuperscript{35} The ideological polarization which was already being felt at the beginning of the decade, together with the Grenada revolution left member states severely divided as regards their perceptions on national security as well their relations with the United States. For example, Jamaica’s quest for closer economic ties with the United States made it the superpower’s principal regional ally while Trinidad and Tobago and Guyana maintained more autonomous positions on national development and foreign policy. Bahamas and Belize meanwhile remained on the periphery both geographically and as regards regional consultations. As a result of these differing perceptions and priorities, it became impossible for CARICOM to develop a coordinated regional security mechanism or to speak with one voice on foreign policy matters.

The organizational structure of CARICOM whereby ultimate decision making power was vested in the Heads of Government lent itself, from inception, to the

\textsuperscript{34} The Caribbean Basin Initiative (CBI) was a unilateral and temporary US program initiated by the 1983 Caribbean Basin Economic Recovery Act (CBERA). The CBI came into effect on January 1, 1984. Its primary aim was to provide tariff and trade benefits to certain countries in Central America and the Caribbean.

predominance of individual over collective regional interests. This was identified by the West Indian Commission as one of the major factors contributing to the organization’s lethargy, to the retardation of economic integration and to the fact that as a region, the Caribbean was ill equipped to face the global realities that threatened its development at the turn of the century.

Among the recommendations advanced by the WIC to address these problems were the creation of a Caribbean Commission, a supranational body which would have executive authority and be “appropriately empowered to implement CARICOM’s decisions;” comprehensive revision of the Treaty of Chaguaramas to allow decisions of the Heads of Government and other CARICOM institutions to be incorporated into a body of community law; creation of a council of Ministers and the establishment of a Caribbean Supreme Court.

Deliberations on these recommendations and on reformation of the structure of CARICOM spanned nine years. There were concerns among the Heads of Government that the responsibilities of the proposed Caribbean Commission could overlap with those of the CARICOM Secretariat (CCS) and that the latter could eventually be outflanked; and secondly, that the Commission could be severely hampered in the discharge of its mandate given the extent of political partisanship in the region. But underlying this uneasiness regarding the relationship between the Commission, the Member State governments and the CCS was the issue of the surrender of sovereignty, and it was this

that served to inform the reaction of some of the incumbent Prime Ministers\textsuperscript{38} to the proposals of the WIC and ultimately led to the rejection of the idea of an independent Caribbean Commission.\textsuperscript{39} In place of the Commission, CARICOM leaders opted to set up a quasi-Cabinet with allocation of portfolio responsibilities among the different Heads together with a Bureau of Heads to facilitate implementation.

The Revised Treaty of Chaguaramas (RTC) which established the Caribbean Single Market and Economy (CSME) was eventually signed on July 5, 2001.\textsuperscript{40} It included nine supplementary protocols\textsuperscript{41} all of which were added to facilitate the establishment of the CSME. These changes were intended to allow for the creation of a single economic space in which the factors of labor and production would be able to relocate to other countries and sectors where they could be optimally employed to improve productivity and the efficient allocation of resources. Among the most important changes to the structure and governance of the Community brought into effect were the creation of four new Ministerial Councils\textsuperscript{42} and the establishment of three additional bodies of the Community.\textsuperscript{43} Articles 21 & 22 of the RTC also provide for the creation of


\textsuperscript{39} Grant, p: 457


\textsuperscript{42} The Council for Finance and Planning (COFAP), The Council for Trade and Development (COTED), The Council for Foreign and Community Relations (COFCOR), The Council for Human and Social Development (COHSOD).

\textsuperscript{43} The Legal Affairs Committee, the Budget Committee and the Committee of Central Bank Governors.
a number of institutions, suggesting for the first time, acknowledgment of the critical role to be played by non-state actors in the process of regional integration.\textsuperscript{44} However, despite these structural changes, the Conference of Heads still continues to retain ultimate control over decision making, a clear indication that the concept of integration remains secondary to the principle of individual sovereign equality.\textsuperscript{45}

Dereck O’Brien argues that while the original recommendations of the WIC were not completely abandoned, they were effectively sidelined by the Heads of Government under the Revised Treaty of Chaguaramas and that notwithstanding minor changes to the voting procedures of the Community’s organs and bodies, the overall balance of power between the member states and the institutions of CARICOM has remained unchanged. These changes, he claims, were therefore little more than a superficial gesture toward a more supranational form of governance. O’Brien further contends that under the RTC, decisions of the organs of CARICOM carry no legally binding force under the municipal laws of individual member states unless a member state were to take steps to transpose these decisions into its own municipal law.\textsuperscript{46} In addition, member states have the prerogative of opting out of obligations that may arise from decisions taken by the Council of Ministers subject to agreement of the Heads. Therefore, it is clear that the

\textsuperscript{44} Examples of some of these institutions are: The Caribbean Disaster Emergency Relief Agency (CDERA), The Caribbean Agricultural Research and Development Institute (CARDI), The Caribbean Development Bank (CDB), and the University of Guyana (UG).


implementation gap referred to by the WIC in 1992 still remains very much a challenge today.

In July of 2003, CARICOM Heads of Government adopted the Rose Hall Declaration,\textsuperscript{47} pledging to develop a system of ‘mature regionalism” whereby critical policy decisions of the Community would have the force of law throughout the region. By all accounts, this appeared to signify a resolve to strengthen the integration process and an appreciation of the need for legislative harmonization. Although the leaders recognized in principle that they could not continue to survive in a world which had become less friendly towards multilateralism and inimical to the development of small states, and although they advocated a shift towards “mature regionalism,” in reality, they continued to insist on the supremacy of the member state and to refer to CARICOM as “a community of sovereign states,” noting that any deepening of regional integration must take place within that political framework.\textsuperscript{48}

This collective posture has attracted severe criticism from some integrationists. Bishop and Payne, for example, suggest that this historic attachment to national sovereignty in the Caribbean will continue to impede the progress of economic integration and will perpetuate the existing state of inertia which is gripping the region. They further contend that in the absence of a supranational entity specifically empowered to make, legislate and implement decisions, the region has been left with an overlapping mixture of poorly resourced institutions which has given rise to insecurity and friction.

\textsuperscript{47} The Rose Hall Declaration on Regional Governance and Integrated Development was adopted on the occasion of the Twenty Fourth Meeting of the CARICOM Heads of Government held in Montego Bay, Jamaica, July 2-5, 2003.
\textsuperscript{48} Ibid. Online Available at http://www.caricom.org/jsp/communications/meetings_statements/rose_hall_declaration.jsp?menu=communications (accessed December 9, 2011).
between the CARICOM Secretariat and the Heads of Government, particularly in the ill-defined grey areas where institutions’ mandates intersect.49

Havelock Brewster advances a similar argument and is quite critical of the assumption of the region’s leaders that it is possible to establish a single market and economy through a mode of discretionary intergovernmental cooperation50 while maintaining maximum sovereignty. Brewster opines that these are two diametrically opposed objectives and refers to the adoption of this structure as “one step forward and two steps backward.”51 Interestingly though, he does not suggest that intergovernmentalism and supranationalism are irreconcilable.

He argues that unless an independent Commission is constitutionally empowered by the member states themselves to legislate in specific and agreed upon policy domains, and unless there is a legally defined demarcation between exclusive and mixed competence,52 such an entity will be nothing more than a duplication of the existing organs of CARICOM performing a facilitating role through “persuasion and brokerage.”53 These changes, however, require amendments to the laws of each individual Member State.

49 Bishop and Payne, p: 10
51 Ibid, p: 3
52 Brewster refers to competence as “exclusive” in cases where responsibilities are exercised entirely by CARICOM as a regional entity, and “mixed” where responsibilities are shared with Member States.
53 Ibid, p: 6
Norman Girvan argues that the failure of member states to implement at the national level decisions of the principal organs of CARICOM and failure to effect the necessary domestic legislation to make this possible are integral to the lack of success of the CSME and to the furtherance of regional integration generally. He admits however, that addressing this “implementation deficit” is a complex task which requires not only the political will, but the expenditure of significant political capital, the necessary legal, scientific and technical resources and most importantly, the outlay of fiscal resources to staff and support for new institutions which will be birthed by the CSME. As small states with limited budgets and competing demands, there will be a tendency for each member to conduct its own political and economic cost benefit analysis of the measures required to fully implement the CSME because implementation costs are individual and immediate, while expected benefits accrue to the Community as a whole over a protracted period of time.

With respect to the Single Economy, the principal measures outlined in the RTC include the establishment of an institutional framework for macro-economic policy formulation; monetary cooperation; harmonization of fiscal, financial and investment policies and capital market integration. However, as of 2012, little progress has been made in any of these areas. In noting the difficulties being experienced by member states, the 2009 CSME audit produced by the CARICOM secretariat identifies the following problem “the prevalence of ad hoc mandates which tend to supersede planned initiatives;
and generally the preference of member states for national solutions to meet challenges which could optimally be addressed at the regional level.\textsuperscript{56}

This observation points directly to one of the underlying sources of the problem - the vast disparity in the circumstances of member states. The most evident of these are the differences which exist in exchange rates and exchange rate regimes, with some members choosing to maintain fixed, and others floating, rates of exchange. Parities to the US dollar vary all the way from approximately 2 (Barbados) to 200 (Guyana), and in some states, exchange rates can be volatile. In addition, fiscal deficits and debt burdens also vary widely. Coordination of macroeconomic policies, unification of national currencies and exchange rates and agreement on the equitable distribution of financial obligations to support common policies and services have all proven thus far to be a daunting task. This is further complicated by the fact that the region’s member states have vastly different production structures. Trinidad and Tobago’s economic activity for example, is heavily concentrated in the oil and natural gas sectors. Jamaica and Suriname have large mineral sectors, while agriculture dominates the economy of Guyana. The economies of the OECS, the Bahamas and Barbados on the other hand, are largely service driven. Varying production structures also contribute to varying export structures which makes it difficult for member states to agree on a common development strategy for the region’s economic sector as a whole. Unification of the region therefore into a single economic space will, from all accounts, require a greater degree of restriction of national freedom of action than CARICOM Heads of Government are currently willing to endure.

The issue of financing the institutions of CARICOM is one which also lies at the heart of this distinction between intergovernmentalism and supranationalism. At present, the Community’s only means of financing existing regional institutions comes from direct subventions provided by the member states themselves which are calculated based upon a CARICOM formula. Regional institutions must perform well if individual governments are to recognize them and allocate financial resources to them. On the other hand, unless they are adequately funded, the likelihood of them performing well is minimal. Given the discretionary mode of integration that is being employed, financing demands are liable to escalate considerably as integration extends from the Single Market to the Single Economy and a new tier of institutions is created to support the process. Experience does not inspire confidence that individual national governments will either be disposed to or able to adequately finance emerging regional institutions, especially in an environment which is already politically strained and financially distressed over commitments to existing institutions.

Ironically, at the sub-regional level, integration has reached a more advanced stage through the Organization of Eastern Caribbean States (OECS), whose members share common institutions and a common currency; collaborate in functional areas and have recently formed their own Economic Union.\(^{57}\) Article 14.1 of the Revised Treaty of Basseterre makes provision for the pooling of national sovereignty at the supranational level and grants legislative authority to the OECS in five main areas – the common market and customs union, monetary policy, trade policy, maritime jurisdiction and civil

\(^{57}\) The Revised Treaty of Basseterre which was signed on June 18, 2010 and took effect on January 21, 2011 officially established the OECS Economic Union.
aviation.\textsuperscript{58} It is conceived that with time, further areas of competence can be brought under the purview of the sub-region rather than remain the responsibility of the individual national governments. The significance of these changes is that the OECS is now integrating at a considerably deeper level than CARICOM. Were it to widen further, taking in for example one of CARICOM’s larger member states, it could conceivably become the default institution of regional governance in the Caribbean further hastening the decline of CARICOM. Nonetheless, for the present, CARICOM remains the umbrella organization to facilitate regional integration in the Caribbean.

In my next chapter, I propose to focus on the specific functional area of fisheries. I will first provide a profile of the fisheries sector, outlining its importance to the region, followed by an examination of why a unified fisheries policy is needed in CARICOM. Next, I will demonstrate, using one of the landmark cases in boundary delimitation in the Caribbean, that in according precedence to the individual over the collective regional interest, CARICOM continues to be hampered in its effort to craft this policy and by extension, to deepen integration among its member states. Finally, I will provide an update on some recent developments that have taken place in an effort to move this process forward.

CHAPTER 4: THE CARICOM FISHERIES SECTOR

Profile

The Wider Caribbean, as defined by the United Nations Environmental Programme (UNEP) Regional Seas Programme,\(^1\) comprises the territorial waters of thirty-three bordering countries and territories. It extends from the north eastern coast of Brazil to Cape Hatteras off North Carolina in the United States and includes all coastal states in between.\(^2\) It comprises three large marine ecosystems – the Gulf of Mexico, the Guyana-Brazil shelf and the Caribbean Sea.

The Caribbean Sea is the second largest sea in the world. It is a semi-enclosed sea, which covers approximately 2.5 million square kilometers.\(^3\) Almost 90 percent of its circumference is separated from the open ocean either by continental or island land masses. It is bounded in the north by the islands of the Greater Antilles;\(^4\) in the south by the South American Republics of Venezuela and Colombia; in the east by the Lesser Antilles,\(^5\) Barbados and Trinidad and Tobago; and in the west by the Central American

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\(^1\) The Regional Seas Programme was launched in 1974 by UNEP as a global initiative to improve the state of the world’s oceans. Its primary objective is to assist member countries to address and mitigate the causes and consequences of environmental degradation in their territorial and coastal waters through the implementation of sustainable development programs.


\(^4\) Cuba, Jamaica, Haiti, Dominican Republic, Puerto Rico and the Virgin Islands

\(^5\) These include both the Windward and the Leeward Islands.
Republics of Panama, Costa Rica, Nicaragua, Honduras and Guatemala as well as Belize and Mexico.  

This body of water houses a vast and valuable array of marine resources both living and non living. The living resources include a variety of fish species such as reef fish, small and medium sized coastal pelagic species, large migratory pelagic fish, continental shelf demersals, deep slope snapper and groupers as well as various invertebrate species including crabs, spiny lobsters, shrimp, conch and mollusks. Oil and natural gas are the major commercially exploitable mineral resources of the Caribbean Sea, with the largest reserves located in the Northern and Southern parts of the region. The primary producers of oil and gas are Venezuela, Trinidad and Tobago and Cuba, and a large proportion of these resources are located off shore.

The islands of the Caribbean are dependent in varying degrees upon their marine resources for economic and social development. The fisheries sector in particular is strategically important to the member states of CARICOM for several reasons. First, it provides employment for approximately 182,000 persons in a region where high levels of unemployment and underemployment continue to be of concern. In addition, it creates indirect opportunities for others involved in processing, boat building, marketing, net

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7 Pelagic fish live near the surface or in the water column of coastal states. These may include tuna, mackerel and wahoo which are found mainly in the waters of Dominica, Saint Lucia, St. Vincent and the Grenadines and Grenada.

8 Demersal fish live on or near the bottom of the sea. They are usually found on or near the continental shelf in coastal states.

making and similar support industries. In the remote coastal communities, many of those engaged in fishing are among the most socio-economically disadvantaged of the society, with low levels of formal education, limited access to capital and limited occupational and geographic mobility. Secondly, the fisheries sector serves as an important foreign currency earner for some member states of CARICOM as high value fish from the region such as shrimp, queen conch, tuna, deep-water snappers and groupers continue to fetch premium prices on the international market. Although a relatively small contributor to GDP, the sector brings in over US $150 million of annual revenue, to the region with Guyana, Suriname, Belize and the Bahamas reflecting the highest foreign exchange earnings.

Table 1: Contribution of Fisheries Sector to Annual GDP of CARICOM Members

<table>
<thead>
<tr>
<th>Member State</th>
<th>Average % Contribution to GDP (2001-2006)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua &amp; Barbuda</td>
<td>1.85</td>
</tr>
<tr>
<td>Bahamas</td>
<td>1.5</td>
</tr>
<tr>
<td>Barbados</td>
<td>1</td>
</tr>
<tr>
<td>Belize</td>
<td>3.85</td>
</tr>
<tr>
<td>Dominica</td>
<td>1.88</td>
</tr>
<tr>
<td>Grenada</td>
<td>2.2</td>
</tr>
<tr>
<td>Guyana</td>
<td>6.85</td>
</tr>
<tr>
<td>Jamaica</td>
<td>0.42</td>
</tr>
<tr>
<td>Haiti</td>
<td>NA</td>
</tr>
<tr>
<td>St. Kitts And Nevis</td>
<td>1.17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Country</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Lucia</td>
<td>0.81</td>
</tr>
<tr>
<td>St. Vincent and the Grenadines</td>
<td>1.05</td>
</tr>
<tr>
<td>Suriname</td>
<td>1.8</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>0.13</td>
</tr>
<tr>
<td>Turks and Caicos</td>
<td>1.14</td>
</tr>
</tbody>
</table>


Thirdly, the fishing industry plays a significant role in nutrition and food security among the region’s inhabitants since fish and other marine species provide vital sources of animal protein. Overall per capita consumption of fish within CARICOM averages 23-25kg per year.11 Antigua and Barbuda and Guyana with 55 and 67 kg respectively have the highest per capita consumption, while Belize and Trinidad and Tobago at 15 kg have the lowest.

Notwithstanding the importance of the industry to the region, the sector is by no means uniform. The fisheries economies vary considerably in terms of level of exploitation of marine resources; advancement of fleet structure; importance of the sector to each national economy and most importantly; in terms of the approach taken by individual states to the development, management and conservation of the resources within their respective jurisdictions.

11 Haughton, p: 2
Why the Need for a Common Fisheries Policy?

For the most part, the fisheries of CARICOM countries are multi-species, multi-gear the exception of shrimp and ground fish which are harvested by foreign trawlers, the vast majority of fishing operations in the Caribbean are small - scale or artisanal in nature dominated by rudimentary open fishing vessels. Owners and operators do not adhere strictly to regulations such as licensing, boat registration or gear limitations and have minimal knowledge regarding open and closed seasons, closed access areas, minimum harvest size of fishes, prohibition of inappropriate gear and other such measures designed to protect and conserve marine resources.

In light of the close proximity of these states to one another, and the extension of maritime boundaries as permitted under the United Nations Convention on the Law of the Sea (UNCLOS), much of the fish stocks existing in the Caribbean Sea move freely from one jurisdiction to another and are therefore considered to be shared or straddling stocks. In this regard, there have been frequent incidences of illegal and unregulated fishing by local fishermen operating within each other’s territorial seas and Exclusive Economic Zones. In addition, illegal incursions by foreign vessels into the waters of CARICOM Member and Associated Member States continue to be a problem.

As is the case with most global fisheries resources, the Caribbean is experiencing enormous challenges because of over exploitation. Over fishing and environmental degradation due to habitat loss threaten many of the region’s fisheries. In 2003, the
Caribbean Regional Fisheries Mechanism (CRFM)\textsuperscript{12} reported that all major, traditional commercially targeted species and specie groups located in near-shore/coastal waters in the Caribbean were either fully developed or over exploited. Over time, this prompted both small scale and commercial fisher folk to turn their attention to more aggressive offshore fishing for larger pelagic species;\textsuperscript{13} adding to a list of fisher folk from, notably Korea, Japan and the Republic of China, who had already been exploiting the marine resources of these waters. Distant water fleets generally fish in the Mid-Atlantic but approximately 20 percent of their catch takes place within the Exclusive Economic Zones (EEZ)\textsuperscript{14} of CARICOM member states.\textsuperscript{15} Fish stocks, though renewable, are not infinite and need to be managed on a sustainable basis if their continued contribution to the region is to be maintained.

Inadequate management systems, particularly legal and regulatory, have been identified by CARICOM Heads as one of the primary causes of illegal, unregulated and unreported (IUU) fishing; over-fishing; destruction of essential habitats and ultimately, degradation of this highly fragile ecosystem. The capacity for effective management of the region’s marine resources varies quite significantly among the Member States.

\textsuperscript{12} The Caribbean Regional Fisheries Mechanism is an intergovernmental organization inaugurated in March 2003 by CARICOM to promote the sustainable use of fisheries and aquaculture resources among member states in collaboration with stakeholders for the benefit of the region’s people. It is headquartered in Belize City, Belize and consists of three main bodies – a Ministerial body, a Fisheries Forum and a Fisheries Secretariat. All CARICOM countries are members as well as Anguilla and the Turks and Caicos Islands.

\textsuperscript{13} Examples of these include yellow-fin tuna, Atlantic blue marlin and swordfish.

\textsuperscript{14} The Exclusive Economic Zone (EEZ) of a state extends 200 nautical miles from the seaward edge of its territorial sea. In its EEZ, a coastal state has sovereign rights to explore, exploit, conserve and manage the natural resources both living and non living of the waters super adjacent to the seabed, of the seabed and its subsoil. It also has the right to engage in other activities for the economic exploitation and exploration of the zone such as the production of energy from water, currents and winds. www.un.org/depts/los/convention_agreements/texts/unclos/closindx.htm (accessed February 9, 2012).

However, while the larger more developed countries have greater institutional and human resource capacity, even those lack adequate enforcement mechanisms and systems for the assessment and surveillance of the diverse number of species within their jurisdictions. At the root of this problem lies the fact that as developing countries with small and fragile economies, CARICOM members have insufficient resources to devote to fisheries management bearing in mind the myriad of other more challenging social and economic issues they face.

Interestingly, the preamble to the Revised Treaty of Chaguaramas speaks to the achievement of food security and to a resolve to establish conditions that would facilitate access by nationals to the collective resources of the region on a non discriminatory basis. The arrangements for the Caribbean Single Market and Economy (CSME) provide for the right of establishment;\textsuperscript{16} for the free movement of labor and for joint cooperation in the sustainable management of fisheries resources. However, the Treaty makes no reference to joint exploitation of fisheries resources which would seem to fit well within the logic of a single market and would tie in closely with the concept of food security and with the arrangements for rights of establishment and free movement of labor. To fall short of agreement on a common policy which will govern both management and exploitation of shared marine resources in CARICOM, would certainly not be in the best interest of the region, given that the maritime space in most member states vastly exceeds the land space.\textsuperscript{17}

\textsuperscript{16} The term right of establishment as provided for in the Agreement establishing the Caribbean Single Market and Economy means that business persons and service providers from any member state are freely authorized to establish themselves and conduct business in any other member state.

\textsuperscript{17} Haughton, p: 1
However, although there has been no concrete agreement reached as regards exploitation of common resources, there have been some notable efforts in the region to develop the fisheries sector via the establishment of shared institutions, policies and projects. One such example is the CARICOM Fisheries Resource Assessment and Management Programme (CFRAMP) and a second is the effort made by the OECS to establish a cohesive policy for the sub-region (see details in the next section). Other regional fisheries programs include the Integrated Caribbean Regional Agriculture Development Programme,\textsuperscript{18} a four year project funded by the European Union (1999-2003) and the Community Based Coastal Resources Management Programme,\textsuperscript{19} a seven year project funded by the International Development Research Center (IDRC) of Canada (1999-2005)

The CFRAMP Programme

This unit was established in 1991 with joint funding from the Government of Canada via its International Development Agency (CIDA) and CARICOM member states. The goal of the project was to enhance the institutional capacity and information available for fisheries management planning and policy formulation among CARICOM member states. The project established a regional mechanism to promote cooperation and facilitate the management of shared stocks. Activities under the CFRAMP project included training fisheries personnel throughout the region; establishing fisheries data and information management and analysis systems; installing fisheries advisory and decision-making mechanisms and strengthening fishermen’s groups and organizations to

\textsuperscript{18} Caricom Secretariat 2005, p: 84
\textsuperscript{19} Ibid
increase their capacity to participate more effectively in and benefit more meaningfully from Government sponsored initiatives. Between 1992-2001, a total of 21 long-term scholarships were granted to fisheries staff in the region to undertake studies leading to B.Sc, M.Sc and PhD degrees in disciplines such as marine resource development, statistics, economics, computer science and aquaculture. In addition, over 700 fisheries staff and fishermen were able to receive short-term training in fisheries management-related disciplines.\textsuperscript{20} The CFRAMP program ended in 2002 and in March 2003, its successor - the Caribbean Regional Fisheries Mechanism (CRFM) - was launched.

**OECS Common Fisheries Policy and Fisheries Zone**

The members of the Organization of Eastern Caribbean States (OECS) have also recorded significant progress in achieving cooperation in fisheries management for the sub-region. Between 1983–1985, a number of OECS member states enacted provisions for harmonized fisheries legislation into their national laws\textsuperscript{21} and in November 1989, in response to a growing trend towards destructive fishing practices in the region, OECS Heads of Government signed the Castries Declaration. This declaration sought first, to establish a regime for the regulation and management of pelagic resources in the Lesser Antilles region that would outlaw the use of destructive and inappropriate fishing

\textsuperscript{20} Milton Haughton, “The CFRAMP Project: A Decade of Contribution to Sustainable Development and Management of Fisheries in the Caribbean.” Paper presented at the 55\textsuperscript{th} Annual Gulf and Caribbean Fisheries Institute Meeting in Xel Ha, Mexico. November 11-15, 2002 p:13; Caricom Secretariat 2005, p: 85

methods and secondly, to take all possible measures to eradicate indiscriminate fishing within the EEZs of the signatory member states.\footnote{OECS Secretariat 1999. The Castries Declaration. OECS.Castries, Saint Lucia.}

Two years later in 1991, the OECS heads signed an agreement establishing the OECS Common Fisheries and Surveillance Zone (CFSZ). Under this agreement, OECS enforcement officers from any member state were authorized to enforce the fisheries laws within the waters of another state signatory to the agreement. In that same year, it was decided that the CFSZ would be extended to a Common Fisheries Zone (CFZ) for the OECS sub – region. In a similar vein to the Common Fisheries Policy and Regime being considered at present (2012) by CARICOM, it was intended that the OECS CFZ would encompass the waters of all parties to the agreement, minus the territorial sea and the archipelagic waters. In addition, a coordination unit with responsibility for outlining the criteria for granting access to the CFZ by parties and non parties to the agreement was also proposed under the OECS CFZ agreement. OECS Heads directed that since the region is comprised of four geographic zones, territories sharing the same zone should first establish a common zone among themselves with a view to a gradual merging of the zones in the entire region. Unfortunately, this mandate was never carried out and as such, the Common Fisheries Zone was never officially formalized. However, the OECS Secretariat, through its Natural Resources Management Unit completed preparation of a regional fisheries policy for the OECS territories in 1999.

In light of the clearly established need, one would have thought that greater progress would have been made by now towards the creation of a unified regime for the joint management, exploitation and conservation of the collective and shared fisheries
resources of the region. However, as history has shown, despite a willingness to promote greater interdependence particularly in light of the CSME, there remain certain fundamental challenges to member states’ ability to unite on this issue. These difficulties, which will be discussed next, clearly illustrate how loyalty to national over collective interest continues to hinder CARICOM in its efforts.

**Boundary Delimitation**

The entry into force of the United Nations Convention on the Law of the Sea (UNCLOS) in 1994 allowed coastal states to claim as part of their maritime jurisdictions, a 200 mile Exclusive Economic Zone (EEZ) stretching from the seaward or outer edge of the territorial sea. UNCLOS legislation grants full sovereign rights to coastal states over the exploitation and use of all marine resources both living and non living located within their EEZs.

As signatories to UNCLOS, all of the independent members of CARICOM have enacted national maritime legislation in each of their respective countries declaring their EEZs as allowed under international law. However, this presents a challenge in the ongoing effort to forge a CFPR governing the entire region, since their close proximity to each other prevents most states from delimiting the full extent of their EEZs without overlapping into an adjacent territory or territories. In cases where maritime jurisdictions overlap, the national legislations passed by all CARICOM members indicate that the
outer limit “shall be resolved by Agreement or other means recognized by International Law or, (in the absence of agreement), the outer limit shall be the median line.”

Articles 74(3) and 83(3) of UNCLOS obligate adjacent coastal states to enter into bilateral delimitation negotiations and agreements for the clear and identifiable demarcation of boundaries. There are in excess of sixty potential maritime boundaries to be delimited by CARICOM states, including intra-CARICOM Agreements and CARICOM/extra-CARICOM Agreements. However, to date, only seven of these have been settled via bilateral negotiations. One provisional agreement has been reached between Barbados and Guyana, while the delimitation cases of Barbados v Trinidad and Tobago and Guyana v Suriname were only settled after the disputing parties referred the matters to the Permanent Court of Arbitration. With the exception of Barbados and Guyana, no other inter-CARICOM bilateral agreements have yet been reached through negotiations. Limited financial resources, technical expertise and access to accurate information on the status of the marine resources in the areas to be delimited, coupled with the high number of bilateral delimitation agreements, whether inter CARICOM or with third parties that each CARICOM member is required to conclude, have all contributed to these protracted delays.

24 Ibid, p: 278
25 Dundas and Mitchell, p:7
### Table 2: Maritime Boundary Agreements by CARICOM /Extra CARICOM States

<table>
<thead>
<tr>
<th>STATE</th>
<th>BOUNDARY AGREEMENT TO BE CONCLUDED WITH:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua and Barbuda</td>
<td>St. Kitts and Nevis; Montserrat (United Kingdom); Guadeloupe (France)</td>
</tr>
<tr>
<td>Bahamas</td>
<td>United States of America; Cuba; Haiti; Turks and Caicos Islands (United Kingdom)</td>
</tr>
<tr>
<td>Belize</td>
<td>Mexico; Guatemala; Cayman Islands (United Kingdom); Honduras</td>
</tr>
<tr>
<td>Barbados</td>
<td>St. Vincent and the Grenadines; Grenada; Venezuela; Jamaica; Trinidad and Tobago; St. Kitts and Nevis; Saint Lucia, Antigua and Barbuda; Martinique (France)</td>
</tr>
<tr>
<td>Dominica</td>
<td>Martinique; Guadeloupe (France); Venezuela</td>
</tr>
<tr>
<td>Grenada</td>
<td>St. Vincent and the Grenadines; Barbados; Trinidad and Tobago; Venezuela</td>
</tr>
<tr>
<td>Guyana</td>
<td>Trinidad and Tobago; Venezuela; Suriname</td>
</tr>
<tr>
<td>Jamaica</td>
<td>Cayman Islands (United Kingdom); Cuba; Haiti; Colombia</td>
</tr>
<tr>
<td>Montserrat (United Kingdom)</td>
<td>Antigua and Barbuda; St. Kitts and Nevis; Venezuela</td>
</tr>
<tr>
<td>St. Kitts and Nevis</td>
<td>Antigua and Barbuda, Montserrat (United Kingdom); Saba (Netherlands); Venezuela</td>
</tr>
<tr>
<td>Saint Lucia</td>
<td>Martinique (France); St. Vincent and the Grenadines; Barbados</td>
</tr>
<tr>
<td>Saint Vincent and the Grenadines</td>
<td>Trinidad and Tobago; Saint Lucia; Grenada; Barbados; Venezuela</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>Barbados; Guyana; Grenada; Venezuela</td>
</tr>
<tr>
<td>Country</td>
<td>Neighboring Countries</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>France</td>
<td>Antigua and Barbuda; Barbados; Dominica; saint Lucia</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Antigua and Barbuda; Bahamas; Belize; Jamaica; St. Kitts and Nevis</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>Saint Kitts and Nevis</td>
</tr>
<tr>
<td>Cuba</td>
<td>Bahamas; Jamaica</td>
</tr>
<tr>
<td>Haiti</td>
<td>Bahamas; Jamaica</td>
</tr>
<tr>
<td>Colombia</td>
<td>Jamaica</td>
</tr>
<tr>
<td>Venezuela</td>
<td>Barbados; Grenada; Guyana; Montserrat (United Kingdom); St. Kitts and Nevis; Saint Lucia; St. Vincent and the Grenadines; Trinidad and Tobago; Dominica</td>
</tr>
<tr>
<td>Honduras</td>
<td>Belize; Jamaica</td>
</tr>
<tr>
<td>Suriname</td>
<td>Guyana</td>
</tr>
<tr>
<td>Mexico</td>
<td>Belize</td>
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<tr>
<td>United States</td>
<td>Bahamas</td>
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<td>Dominican Republic</td>
<td>Bahamas</td>
</tr>
<tr>
<td>Guatemala</td>
<td>Belize</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>Jamaica</td>
</tr>
</tbody>
</table>


As CARICOM countries continued to expand their maritime territories as per the provisions of UNCLOS without formalizing conclusive boundary delimitation agreements among themselves, an increasing number of fishermen began to be displaced from their “traditional” fishing grounds. This has led to maritime disputes between
CARICOM neighbors regarding claims to straddling and migratory stocks and marine resources found in the areas of bilateral overlap.

An additional challenge to the establishment of the proposed fisheries policy is that to date, with the exception of Belize and Saint Lucia, CARICOM members have not ratified, and therefore are not all bound by the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement- UNFSA). The UNFSA, adopted August 4 1995, is an implementing protocol of UNCLOS and is binding on all signatories. It outlines the mechanisms for international cooperation and the obligations of member states regarding the management and exploitation of straddling and migratory stocks within their jurisdictions. Specifically, Article 8 of UNFSA stipulates that coastal states are encouraged “to pursue cooperation in relation to straddling stocks and highly migratory species either directly or through appropriate sub regional or regional fisheries management organizations.”

This issue of boundary delimitation is further complicated by the fact that six Member States – Antigua and Barbuda, Bahamas, Jamaica, St Vincent and the Grenadines, Grenada and Trinidad and Tobago - have satisfied the requirements for and have each passed the necessary individual legislation to declare themselves “archipelagic states” as defined by Article 47(1) of UNCLOS. The archipelagic status of states within CARICOM affects the delimitation of boundaries, since it provides for an additional zone

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27 Dundas and Mitchell, p: 8
of waters (archipelagic waters) between the inland waters and the territorial sea of a state’s jurisdiction, over which the archipelagic state exercises complete sovereignty. In addition, archipelagic states that share common stock are obligated under Article 51 of UNCLOS to respect the traditional fishing rights of immediately neighboring states.

The Barbados-Trinidad and Tobago Maritime Dispute

The maritime boundary delimitation dispute between Barbados and Trinidad and Tobago captured the region’s attention throughout 2004 and 2005. This was a period in which CARICOM was fully engaged in its thrust towards enhanced economic cooperation and greater integration via the establishment of the CSME. Ironically, it involved two of the pioneers of the original West Indies Federation and two of the most ardent proponents of the CSME.

On February 16, 2004, the Government of Barbados filed a Notice of Arbitration and Statement of Claim with the Permanent Court of Arbitration (PCA)\(^28\) in accordance with Articles 74 and 83 of UNCLOS. It initiated these dispute settlement proceedings against the Government of Trinidad and Tobago ostensibly over the inability to finalize a fishing agreement regarding access to migratory flying fish resources located in waters off the north, northeast and northwest coasts of Tobago. This action came after more than ten years of bilateral negotiations had failed to produce a result.

At the center of this dispute was the fisheries agreement. However, as the process developed before the arbitration panel, it became clear that there were a number of more

complex matters at stake including rights of access to migratory and straddling stocks; sovereignty of EEZs and the prospect of exercising control over potential hydrocarbon resources that lay under the seabed.  

Consistent with the principles enshrined in UNCLOS, the Government of Barbados in February 1978 passed its Marine Boundaries and Jurisdiction Act^{29} claiming its Exclusive Economic Zone of 200 nautical miles. Eight years later in 1986, Trinidad and Tobago passed its own Archipelagic Waters and Exclusive Economic Zone Act,^{31} declaring itself an archipelagic state and also claiming the full extent of its EEZ. Less than 200 nautical miles separated both states. Within this zone of adjacency, stocks of flying fish would migrate freely from the waters of Barbados into the territorial waters of Trinidad and Tobago. In addition, the seabed beneath this area of bilateral overlap was known to be rich in natural gas resources. The stage was therefore set for conflict to erupt between both states.

During this period, Trinidad and Tobago’s Coast Guard began arresting, with increasing frequency, Barbadian fishermen found harvesting flying fish off the coast of Tobago, accusing them of fishing illegally in Trinidad and Tobago’s territorial waters. To avert further escalation of this conflict, the two countries entered into bilateral negotiations and successfully brokered a one-year fishing agreement in November 1990. This instrument outlined specific terms and conditions under which Barbadian fishermen

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^{29} Ibid, p:185
^{30} Clifford E. Griffin, *The Integrationist: The Race for Fisheries and Hydrocarbons in the Caribbean Basin: The Barbados-Trinidad and Tobago Maritime Dispute, Regional Delimitation Implications*, Jamaica, Ian Randle, 2007, p:18
^{31} Ibid, p: 18
would be allowed to harvest fisheries located within Trinidad and Tobago’s EEZ. In addition, the agreement authorized the Government of Barbados to import “up to 300 metric tons of whole and processed flying fish and associated pelagic species of an acceptable quality from approved vendors.” Essentially therefore, while agreeing to allow measured access to its sovereign fishing grounds, the Government of Trinidad and Tobago was also seeking to cultivate Barbados as a market for its own fishermen.

Approximately one month prior to the expiration of the one-year agreement, the Government of Barbados proposed negotiation of a new agreement. Trinidad and Tobago, however, offered to extend the terms and conditions of the original 1990 agreement for an additional year which the Government of Barbados refused. According to the Trinidad and Tobago government, the decision to maintain the terms of the old instrument was in keeping with its national interests, its sovereign rights as well as its obligations and responsibilities to protect against overfishing and depletion of the fish stocks within its jurisdiction as enshrined in UNCLOS under Article 62(4).

One of the main reasons for the collapse of bilateral negotiations between Barbados and Trinidad and Tobago was the difference in perspectives which each party had on the issues of disagreement. Barbados was of the view that the negotiation of a boundary delimitation agreement and a fisheries agreement were two intricately linked maritime issues. The Government of Trinidad and Tobago on the other hand, viewed each as mutually exclusive. Both positions reflected differing national interests. Barbados was interested in ensuring that its artisanal fisher folk continued to have access

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32 These included for example limiting the number of Barbadian vessels that would be allowed into Trinidad and Tobago’s waters; limiting the number of trips that could be made per vessel per season and strictly enforcing the payment of license fees.

33 Griffin, 2007, p: 21
to the migratory stocks in light of the importance of the fisheries industry to the country’s economy. On the other hand, given the fact that the electoral districts of Tobago could very well be decisive in determining which party governs the country, the interests or demands of Barbados could not be placed above those of Tobago by allowing Barbadian fishermen unlimited right of access to fish stocks within its EEZ.

By elevating the matter to binding arbitration, Barbados was seeking to have the Tribunal establish a single maritime boundary line of demarcation to delimit the EEZ and continental shelf between both countries as provided for under UNCLOS Articles 73 and 83. Barbados also argued that since its fishermen had for centuries been fishing off the north, northeast and northwest coasts of Tobago, it had an automatic historical right of access to the resources located within the territorial waters of Trinidad and Tobago.

On April 11, 2006, the Arbitral Tribunal rendered its decision. First, it established a single maritime boundary between Trinidad and Tobago and Barbados in the area of dispute (See Figure 1). However, it failed to render a substantive judgment on the matter of whether Barbadian fishermen should be allowed access to the territorial waters of Trinidad and Tobago because it did not have the jurisdiction to do so. The PCA concluded that both parties were:

“…under a duty to agree upon the measures necessary to coordinate and ensure the conservation and development of flying fish stocks, and to negotiate in good faith and conclude an agreement that will accord fisher folk of Barbados access to fisheries within the exclusive economic Zone of Trinidad and Tobago, subject to the limitations and conditions of that agreement and to the right and duty of Trinidad and Tobago to conserve and manage the living resources of waters
within its jurisdiction.\textsuperscript{34}

UNCLOS legislation invests a coastal state with exclusive sovereignty over the resources within its EEZ. Therefore by denying Barbadian fishermen automatic access to migratory flying fish off the coast of Tobago, Trinidad and Tobago was acting to protect the marine resources in the area of its jurisdiction. Despite Barbados’s claim to “historic” and “traditional” rights and privileges, the PCA determined that bilateral negotiations between the disputants were the only means by which the fishing dispute could be resolved since Barbados had failed to prove that it did in fact have such inherent rights.

Figure 1: Source: Sovereign Geographic Inc.
Third Party Access

Another factor hindering unity on the fisheries agreement is the absence of harmonized regulations governing right of access by third parties.

Growing international concern regarding the status of stocks of tuna and other large pelagic species within the Atlantic and other oceans have prompted fisheries management bodies such as the International Commission for the Conservation of Atlantic Tuna (ICCAT) to impose strict regulations in order to prevent over-fishing on these prized resources. To avoid the burden of higher registration fees, taxes and more stringent safety standards, some international vessel operators have opted to register as Flags of Convenience (FOC) vessels in countries that are classified as open registries.

Visions of boosting historical catch statistics and possibly guaranteeing future quota allocations as well as the prospects for training and employment for fisher folk have prompted some CARICOM member states to strike joint venture deals with these FOC vessels. These opportunities appear most attractive to countries in need of tangible solutions to resolve problems pertaining to food security and economic development. In some cases, for example, FOC vessels are allowed to use ports in the region as facilities for transshipment and taking of supplies to conduct deep sea fishing on the high seas. In return for the right of access, they may establish small processing plants that employ locals, successfully winning governments’ support. The problem lies in the fact that without adequate and fully operational Monitoring, Control and Surveillance (MCS)

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35 The term Flag of Convenience describes the business practice of registering a merchant ship in a sovereign state different from that of the ship’s owner and flying that state’s civil ensign on the ship.
systems in place in CARICOM countries, as FOC vessels traverse national waters to use ports in the region, they illegally harvest essential fish resources on which local artisanal fisher folk may be solely dependent for their livelihood. Due to the economic benefits to be gained however, there is a low level of interest among member states that license FOC vessels in establishing a common set of standards governing right of access to third party vessels or in deregistering them if they are found fishing illegally.

These arrangements have had disastrous consequences for Belize and St. Vincent and the Grenadines, both of which were subjected to international tuna trade sanctions by ICCAT because of the high incidences of IUU fishing activities carried out in their waters by foreign “high seas” vessels flying their flags.

**Power of the Implementing Agency**

Although not a source of intra-CARICOM disagreement, member states’ reservation regarding the power to be granted to the implementing agency is also a reason why progress on the policy has been retarded.

The agreement under which the Caribbean Regional Fisheries Mechanism was established in 2002 empowers the organization to function as a Regional Fisheries Management Organization (RFMO). In addition, one of its primary functions is to promote the efficient management, conservation and sustainable development of the aquatic resources of the Caribbean. However, for the past ten years, it has not been discharging this mandate.

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36 FAO statistics indicate that these two countries have the highest reported number of foreign-flagged vessels in the region. Dominica, on the other hand has adopted a policy of not granting licenses to FOC vessels.
CARICOM leaders remain concerned over the fact that while the CRFM may not now have the power to make decisions that are directly binding on them, if allowed to function as a managerial entity, its Ministerial Council will be able to make conservation and management recommendations that member states will be obligated to implement. Therefore, the Heads have resisted this and have instead opted to use it as an advisory body providing scientific information and performing a supportive role. As the commercially important fish stocks and the coastal and marine ecosystems continue to decline and as pressure increases internally for greater food security, the need for more responsible management is urgent. Whether or not the CRFM will be vested with the necessary authority to perform in a managerial capacity is as much a matter of political will as it is an indication of the importance they place on sustainable development of the fisheries sector.

The Common Fisheries Policy and Regime (CFPR)

At their fourteenth Inter-Sessional Meeting held in Trinidad and Tobago on 14-15 February 2003, CARICOM Heads of Government accepted a proposal by the Government of Barbados for the creation of a Common Fisheries Policy and Regime (CFPR) for the region. It was envisaged that such a regime would further extend the existing rights and privileges accorded to member states under the provisions of the Caribbean Single Market and Economy (CSME) to include a unified approach to the economic management of their fishery sectors. Specifically, it was intended that under the CFPR, provision would be made for the creation of a Common Fisheries Zone (CFZ), encompassing the Exclusive Economic Zones (EEZ) of individual member states, in which they would be allowed equal access to the harvest of surplus and straddling fish
stocks. It was also proposed that an autonomous regional organization be established for the purpose of administering, implementing and enforcing the policy. While member states accepted the idea of a CFPR in principle, many were cautious about the establishment of a CFZ since they believed that to do so would mean relinquishing portions of their EEZs and by extension, their sovereignty to a regional authority.

The overarching goal of the CFPR is to establish a common fisheries policy and regime within the context of the Revised Treaty of Chaguaramas, for the conservation, management, sustainable use and development of living aquatic resources and related ecosystems and the promotion of competitive trade for the social and economic benefits of the people of the participating states.”

To this end, the proposed policy outlines several objectives which include inter alia, to improve employment opportunities; alleviate poverty and contribute to food security among member States; to make the fisheries sector more market oriented and environmentally sustainable; to establish uniform measures and operating procedures for management and administration of the fisheries industry consistent with the provisions of the Revised Treaty of Chaguaramas; to promote and conduct research in order to facilitate decision making regarding sustainable use, management and conservation of the region’s living aquatic resources; to provide assistance to member states on the delimitation of boundaries and to establish efficient monitoring and surveillance systems to ensure long term protection of the region’s ecosystem. Its scope includes all living marine resources within the CFZ,

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38 Ibid. Article 2.1
which is an area of overlapping EEZs, and refers to the waters under member states’ jurisdiction which lie beyond the limits of the territorial sea.\textsuperscript{39}

The CFZ, as proposed by the working group charged by the Secretariat to produce the framework for this policy, will consist of two large non contiguous sub-regions – from Jamaica to the Bahamas in the North and from Saint Lucia to Suriname in the South, with a series of smaller sub-areas including Dominica, Montserrat, St. Kitts and Nevis, Antigua and Barbuda and Belize.\textsuperscript{40}

To appease national interests, it is intended that member states will retain absolute authority over the management of the fisheries resources found up to the boundary of their territorial seas. In addition, they will have the power to determine the status of their stocks and the prerogative to issue licenses to third parties to allow them access to fish in this area. However, within the designated CFZ, member states must first be authorized by the regional authority in order to gain access to harvest these resources. This provision continues to be a major source of contention among CARICOM Heads of Government since it would involve not only ceding their autonomy to an external entity but relinquishing control over their EEZs. The latter is particularly significant in cases where straddling and migratory stocks reside in the areas of overlap.

In most CARICOM countries, the institutional structure of the fisheries sector is arranged linearly.\textsuperscript{41} The State plays the central role in all aspects of fisheries management, regulation and conservation. It does so through direct intervention and

\textsuperscript{39} Ibid. Article 5.1
\textsuperscript{40} Dundas and Mitchell, p: 17
\textsuperscript{41} Rosemarie Kishore, “Political Organization and Socioeconomics of Fishing Communities in Trinidad and Tobago, Belize and Grenada,” in Coastal Resources Management in the Wider Caribbean: Resilience, Adaptation and Community Diversity, ed., Y. Brereton, Ian Randle Publishers, 2006 p: 206
implementation of relevant policies and development programs. Fisheries departments are generally located under the wider umbrella of a Ministry of Agriculture or Natural Resources with varying and often tangential levels of involvement from other government agencies, research institutions and from the stakeholders in the industry itself.

Under the proposed arrangement, the Caribbean Regional Fisheries Mechanism (CRFM) will be the designated regional entity charged with the administration and management of the CFPR. Its major responsibilities include establishing cooperative arrangements among member states for the management of shared, straddling or migratory species; determining access rights to resources in the CFZ; deciding on catch and fishing limits where over capacity is deemed to exist and adopting the necessary conservation measures for the management of resources under its jurisdiction.

Recent Developments

At a Multi-Disciplinary workshop convened by the Caribbean Regional Fisheries Mechanism in Georgetown, Guyana on April 12 – 14, 2011, stakeholders finally agreed on the text of the Draft Agreement on the Establishment of a CARICOM Common Fisheries Policy. The policy document has since been referred to and approved by the CARICOM Ministers with responsibility for fisheries (the CRFM Ministerial Council), but has not yet received the endorsement of the Caribbean Heads of Government.

There are some notable differences between this agreement and the earlier version which was being proposed. These differences once again reflect the governments’ prioritization of individual sovereignty. Firstly, Article 5(f) which outlines the
fundamental principles by which the agreement will be guided refers to a principle of subsidiarity and states that: the [Implementing Agency] will only perform those tasks which cannot be more effectively achieved by [the] individual Participating Parties.”

This clearly reduces the degree of autonomy initially proposed for the implementing agency, rendering it subordinate to the authority of the national fisheries institutions and by extension, to the will of the individual member states and their Heads of Government.

The revised language further stipulates that the agency will *inter alia* concentrate on providing technical assistance and advice to member states on policy issues; coordinating data collection and research activities; supporting member states in their interactions and relations with Third Parties; identifying and mobilizing technical and financial resources to help build member states research capabilities and representing CARICOM at various international forums. While these are important services to regional and national needs, the agency charged with the responsibility of administering a common regional policy has still not been vested with the authority to perform a managerial rather than simply an advisory role.

Secondly, regarding access to fisheries resources, Article 9 of the recently approved policy states that a Member State may consider entering into an arrangement either with another member state or with a Third Party for the purpose of providing them access to fishing opportunities in its waters. As previously discussed, one of the major sources of contention in maritime relations within CARICOM is the lack of standardized regulations governing both the exploitation of shared stocks in areas of overlap and the

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grant of access rights to foreign distant water vessels (Third Parties). Therefore, the development of an appropriate licensing system which would include the agreement to comply with the regulations of the CFZ is an essential requirement for the management and control of exploitation. If the authority to license fishing vessels is left solely to member states, it will neither be possible to accurately assess the extent of harvesting in relation to quantity of available stock, nor to exercise control over fishing activities to prevent over exploitation and long term depletion of the region’s marine resources.

Finally, Article 20.1 provides for the development and adoption of a list of additional protocols to activate the broad mandates of the CFPR. Interestingly, this article contains the only mention made of a Common Fisheries Zone (CFZ) where it is listed as item (e). This again points to the reluctance of member states to elaborate on this issue. Member states still maintain strong reservations about its establishment, its delimitation, and in particular, about ceding individual sovereignty over and sharing access to the living resources in their EEZs.

In the final chapter, I will re-assess my hypothesis and comment on future prospects for regional integration in CARICOM.
CHAPTER 5: CONCLUSION

In this thesis, I have sought to provide evidence to support the hypothesis that: Successful integration cannot be achieved so long as Member States of a regional grouping are unwilling to subordinate the individual interest to the collective interest. The Caribbean Community (CARICOM) comprises fifteen small states which do have a clear interest in promoting trade and development through regional integration. Indeed, slowly they have moved from a free trade area to the establishment of a single market. In the process, they have boosted functional cooperation in key areas. CARICOM’s leaders clearly recognize that the repositioning of the global economy has thrust a myriad of complex challenges on the region, making deeper integration essential to its future economic viability.

However, notwithstanding the commitment in principle to work more collaboratively, the political leadership of CARICOM remains unwilling to countenance the sharing of national sovereignty. As I have demonstrated, this persistent individualism has guided the decisions and informed the actions of member states throughout the various phases of integration and has affected the process in two very significant ways. First, it has led to the formation of institutions which lack supra-national powers and as such, intergovernmental cooperation remains discretionary. Secondly, it has contributed to a state of inertia in the region whereby the implementation of key decisions and policies is extensively delayed.
For the past nine years, CARICOM leaders have persisted in their efforts to integrate the region’s fisheries sectors by forging a Common Fisheries Policy and Regime (CFPR) in order to maximize the sustainable use of its marine resources. Considering the length of time that this has engaged their attention, one would have expected that more substantial progress would have been made by now. However, in my examination of the process, I have found that they are beset by various challenges which have delayed unity on this issue.

National interest has prompted member states to claim full delimitation of their individual Exclusive Economic Zones as permitted under international legislation. This has created a number of marine areas of bilateral overlap leading to disagreement over access to the migratory and straddling stocks that reside in these areas. In addition, there is concern over the displacement of fisher folk that have traditionally harvested these resources. Moreover, states continue to express strong reservation over the establishment of a Common Fisheries Zone encompassing portions of individual member states’ EEZs in which all will enjoy equal fishing access. Again, CARICOM states differ, primarily for economic reasons, in their respective policies regarding the licensing of third party vessels and since there is no urgency to harmonize legislation in this regard, illegal fishing proceeds unabated.

In order to satisfy these competing national interests and still reach agreement on the fisheries policy, the Community opted, in April 2011, to alter certain key aspects of the CFPR which were previously envisaged. Specifically, the level of authority of the implementing agency has been considerably curtailed and decisions relating to right of access and management of individual resources will remain within the remit of the
member states. Given CARICOM’s stated desire to develop a common policy for the sustainable management of its marine resources, one would expect that a regional entity would be given adequate powers to address the formulation of rules and regulations for the overall operation of the Common Fisheries Zone (CFZ), with national fisheries units as the facilitating agencies in the various local jurisdictions, acting in tandem with the regulatory body. This decision to incorporate a decentralized management structure with a regional strategy is exactly indicative of the dilemma that CARICOM is grappling with and which continues to impede progress towards deeper integration.

In addition, the establishment of the Common Fisheries Zone and the extent of its delimitation have been left to the discretion of the region’s leadership. By agreeing to the establishment of the common zone, member states would have benefitted immeasurably by inter alia, automatically gaining guaranteed access to a wider pool of resources subject to the conservation and management measures stipulated as part of the CFPR; having increased opportunities to participate in the development of fisheries in the region; earning supplemental revenues from the operations of Third States’ fleets in the region and improving the balance of trade in fisheries products in the region by import substitution. However, notwithstanding these benefits and the fact that the CFZ is consistent with the spirit and intent of the Revised Treaty of Chaguaramas, CARICOM’s leaders regard the commitment to rules governing a CFZ as too big a price to pay individually for regional cooperation. Therefore, while there has been a measure of progress in that a common regional fisheries agreement has been reached, this instrument provides for collaboration only at a minimal level.
In light of the foregoing, the prospects for deeper integration in the fisheries sector do not appear to be particularly bright, given CARICOM’s attachment to this state-centric concept of national sovereignty. As in other areas of functional cooperation, it is expected that the leadership will continue to seek the most comfortable way to pool their collective resources, for example by collaborating on areas such as training; ecosystem research; harmonization of quality assurance legislation; strengthening human resource, technological and institutional capacities; and transfer of technology. It is unclear whether member states will eventually agree to create a common fisheries zone and if so, what its demarcation would be and what would be the specific protocols governing the exploitation of its resources. One can only hope, in the interest of those that this policy was designed to serve, that such a decision would not require several additional years of deliberation.

The difficulties that hinder cooperation in the fisheries sector are indicative of a more systemic problem in the region. The leadership has agreed that even as the Caribbean seeks to deepen integration, CARICOM should remain a community of independent sovereign states without a supra-national authority to make decisions binding on its members. Within this framework, deeper integration requires the passage of national legislation to give force to regional decisions. However, given the adversarial nature of Caribbean politics, collective decisions can easily become hostage to domestic national interest. For as long as CARICOM continues to function as an amalgam of separate states, there will be tension between the need for more comprehensive integration and the political, legal and institutional mechanisms designed to underpin the integration process.
However, CARICOM is by no means the only regional grouping that is encountering challenges in its effort to balance individualism with collective interest. The European Union, for example, which has for decades been at the forefront of regional integration experiences and stands as the most successful example of an integrated regional grouping took almost four decades to initiate dialogue regarding the establishment of a single market. Today, that region is experiencing considerable turmoil among its member states in the face of a global financial crisis. There is simply no easy or single best way to integrate sovereign nation states with competing national postures, cultures and interests within a regional framework. It is a continuously evolving process which requires as much creativity and sacrifice as it does political will.


Hoffman, Stanley. "Obstinate or Obsolete? The Fate of the Nation State and the Case of Western Europe." Daedalus 95 (1966): 862-915.


