

## The Caribbean and the Convention

By

The Hon. Mr. Justice Winston Anderson, JCCJ

This paper considers the relationship between the Caribbean and the Law of the Sea Convention.

The Caribbean was pivotal to the conceptualization, negotiation, and adoption of the Convention, and virtually all Caribbean States have accepted the Convention and incorporated it into their domestic legal systems through constitutional law principles or by specific legislative enactments and judicial decisions. The others apply most of its provisions tacitly. Provisions in the Convention identify the Caribbean Region as a legal entity possessed of international rights and obligations. The territorial limits and maritime areas entitlements of Caribbean States are dictated by the Convention.

International litigation involving Caribbean States illustrates the importance of the Convention to the rule of international law, economic development, and international dispute resolution. *Nicaragua v United States* (1984) emphasized the applicability of the Convention to armed conflicts conducted at sea; *MV Saiga* (1998) and *MV Louisa* (2010) considered rules governing the operation, detention and release of Caribbean flags of convenience vessels; *Barbados v Trinidad and Tobago* (2006), *Guyana v Suriname* (2007), and *Nicaragua v Honduras* (2007) shed light on maritime boundary disputes, resource ownership, and dispute settlement arrangements under the Convention.

The correlation between the Caribbean and the Convention continues to evolve as the region explores entitlements in such areas as the global cruise ship industry; living marine resources; the ISA's Deep Sea Bed regime; and the Caribbean Sea as a Special Area within the context of Sustainable Development.