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## State Identity and the Development and Settlement of Maritime Claims

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THE FLORIDA STATE UNIVERSITY  
COLLEGE OF SOCIAL SCIENCES AND PUBLIC POLICY

STATE IDENTITY AND THE DEVELOPMENT AND SETTLEMENT OF  
MARITIME CLAIMS

By

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## **ABSTRACT**

In this dissertation, I consider what makes some states value ocean space more than others, and how these differences in value affect state actions. I posit that history, geography, legal systems, and national narratives all play a role in causing states to assign different values to maritime space. These values, moreover, guide how states respond to international disputes over maritime ownership. States that place a higher value on maritime space are more likely to respond to international ambiguity of ownership by attempting to settle the issue. This settlement can take various forms, from international conflict to international legal courts. I find that identity does play a valuable role in how states value maritime space, and that the higher value states have for such space, the more likely they will be to settle any disputes over it.



## **CHAPTER ONE**

### **IDENTITY THEORY OF MARITIME BEHAVIOR**

Maritime space, unlike territory, has long been seen as existing mostly outside political lines. Yet, every day, diverse areas of socio-political life are impacted by maritime affairs. For example, approximately 90% of global trade is transported by water (IMO 2007), meaning that much of the global economy we take for granted relies upon the smooth workings of an international maritime regime. But the ocean is not only used as a medium for trade; it provides assets of its own, including oil, minerals, and biological resources. All of these have been of importance within the past few years, but it is the last of them that appears most urgent today. This is because the ocean's fisheries are, in 70% of cases, currently being utilized at or beyond sustainable capacity (FAO 2007).

The two important facets of maritime space, resources and trade, have generally existed unopposed to each other, but this is increasingly less possible. States have always demanded access to the sea; the right to transport people and goods across the water. Likewise, coastal states have been protective of their rights to exploit resources in a traditional way. Yet, as technology improves, competition for these resources has been exacerbated, leaving states to claim more maritime space for themselves and potentially restricting the access of others. This movement did not go unchallenged.

In fact, we find that maritime disputes are fairly common (Gleditsch and Hegre 1997) between even the most peaceful of dyads, democracies (Mitchell and Prins 1999). Mitchell and Prins (1999) illustrated that fisheries were a point of hot contention between democracies, finding that maritime issues in general, and fishery resources in particular, were the cause of a large proportion of militarized interstate disputes between these generally peaceful states. This finding is highly interesting considering the fact that international law scholars have likewise drawn attention to the number of maritime cases brought before international courts or third-party arbitration (Charney 1994). This is puzzling; states not only exercise force over maritime

space on a regular basis, but also turn to peaceful settlements through international law with the same astonishing regularity. It seems clear that the importance of fisheries to states cannot be overestimated; these resources are very valuable and therefore highly contested.

Yet despite this importance, political scientists have yet to provide anything resembling a systematic research program dedicated to understanding the motivation behind state behavior over maritime space. Maritime space is unique in that it provides space and resources for the datae, but it is not necessarily incorporated into the state itself like territory. The consideration of maritime conflict is almost always done in conjunction with territorial or, in rarer cases, riparian conflict, instead of being considered by itself, the way that territorial conflict generally is (see Hensel et al 2008). Furthermore, in those cases when maritime conflict is considered separately, it is generally assumed to stem from the same sources as other (usually territorial) issues. To date, many investigations into maritime conflict behavior have focused on these variables proven relevant to territorial conflict (regime type, capabilities, etc) without further consideration of why maritime conflict may differ.

The literature on territorial conflict has long examined what factors lead to an increase in the chances of a militarized dispute or war, as well as what may be likely to prevent such actions. For example, contiguous states are more likely to engage in territorial conflict than states that do not share borders (Starr 1978, Diehl and Goertz 1988, Most and Starr 1989, Senese 2005). Another fruitful line of research states that territory has varying degrees of value or salience, and that territory itself is special, linked to the state in an inseparable way. According to Diehl (1992: 334), salience is defined as “the degree of importance attached to [an] issue by the actors involved.” Salience can further be separated into two broad categories, tangible salience, or material value, and intangible salience, or psychological value. Areas with tangible salience or resources are likely to attract conflict (Hensel 2001), and this is logical, as states will desire to gain these resources for themselves. However, areas with intangible salience are valuable as well, and the implicit intangible value of territory is encoded into the territorial conflict literature.

Holsti’s (1991: 308) claim that “Territory still evokes sentiments of national pride and prestige, and often symbolizes the spatial foundations of the national society” exemplifies this position well. Yet this sentiment is often provided as a given, as a justification for focusing on territorial conflict alone. States are allowed to vary on characteristics of intangible value when it comes to territory, but all states are presumed to attach some inherent degree of intangible value

on land. Furthermore, this attachment is usually assumed to be unvaried across states and unique to territory. This is because land is often tied to a form of identity (Luard 1970, Hensel and Mitchell 2005).

It is certainly true that maritime space differs from territorial space in important ways. These differences are why it is troubling that so many scholars are content to use territorial conflict determinants to predict maritime conflict. This is despite evidence such as that of Mitchell and Prins (1999), who find that one of the biggest predictors of dyadic peace over territory, joint democracy, does not seem to necessarily affect the propensity of maritime militarized conflict. This indicates that perhaps territorial conflict determinants are not the only place (or the best place) to look for potential relevant factors for maritime disputes or conflict. Because the current literature does not focus uniquely on maritime conflict, though, these potentially important factors have been overlooked thus far. This suggests that a more in depth consideration of maritime space conflict is necessary.

In this dissertation, I aim to do just that: to consider the unique nature of maritime space and determine what about this particular type of space and its resources may drive states to come into conflict over ownership or utilization of it. The questions I pose here are essentially ones of state behavior. *Given that a potentially contentious maritime space claim exists between two or more states, why do some states attempt to settle it through conflict, while others turn to bilateral agreements, and still others consider mediated good offices or international arbitration?*

This question is worthy of investigation for several reasons. We know that maritime issues are of interest to states, and we also know that states are willing to consider conflict over them (Gleditsch and Hegre 1997, Mitchell and Prins 1999), yet states do not always fight over such issues and are indeed unusually willing to set them before international law (Charney 1994). There has as yet not been a systematic attempt to explain why states are open to these different settlement routes, or if there are differences between states that make certain options more promising than others.

This dissertation makes two unique contributions to the study of international relations. First, it moves beyond the current research, which again has mostly dealt with maritime conflict only in a comparative context, as opposed to a topic deserving of study in its own right. Secondly, it provides a unique theory for why states value maritime space, based on state identity and the psychological value of maritime space to a state.

My theory, culled from the broader international relations logic of constructivism, proposes that state identity affects the value of maritime space for states. Some claims bring real value to any state, as is the case with strategic claims of any type, for no state would prefer to allow another to occupy a strategically important area. Some claims, however, provide greater benefits to some states than others based on the composition of state identity, which I define as the mixture of characteristics such as political system, history and culture that affects the way a state views itself and the image that it attempts to project to the international system at large. State identity can lead a state to be more interested in maritime space and maritime resources, and thus impact the way that state will behave when challenged for these spaces and resources.

For example, the value of a particular piece of maritime space and the identity of the state that makes a claim to it should have an effect on the way states attempt to settle claims. States with a strong maritime identity should find that maritime claims that are more valuable to them – through the combination of general salience and state type as described above – and thus will pursue settlement more vigorously than those states that lack such an identity, even over valuable space.

Below, I present the logic of how the constructivist models of international relations would consider the importance of maritime space and predicted state behavior over it. I consider the logic of state identity formation at the systemic level, following the theoretical construction of Wendt (1994, 1999), and a more state specific formation of identity construction as set out by Del Sarto (2006). I then present my own theoretical guide to state behavior over maritime space, and lay out the guide for the rest of the dissertation.

### **Toward a Unified Maritime Theory: Constructivism**

I choose to consider the motivations of states to claim maritime space through the lens of constructivism, as I believe state identity affects behavior over maritime space.<sup>1</sup> This logic, pioneered by John Gerard Ruggie (1998) and Alexander Wendt (1992), among others, examines the role of social constructs in influencing and determining state behavior. Constructivism can take into account the ways in which various states build their identities, and the ways in which

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<sup>1</sup> Constructivism is only one possible lens through which to consider maritime space and maritime claims, but I choose it because I am specifically interested in the role of state identity, a concept more central to the tenets of constructivism than for other “grand theories” such as realism or liberalism.

they incorporate maritime space into these identities, as well as provide some purchase on how these various identities may play a role in influencing state behavior.

Wendt provides two basic tenets of constructivism in his seminal book on the topic, *Social Theory of International Politics* (1999). These tenets are as follows:

- (1) “The structures of human association are determined primarily by shared ideas rather than material interests.”
- (2) “The identities and interests of purposive actors are constructed by these shared ideas rather than given by nature.” (Wendt 1999:1)

The first of these tenets implies that nothing exists or has existed in a vacuum. Material things can only affect human behavior through value vested in them by these “shared ideas” – people primarily covet things because of the shared notion of their value. Likewise then, states desire things because of the value vested in them by collective ideas. Money and power are worthless without these shared ideas; money because no one would accept it, and power because no one could identify it without a shared notion of what it means to be powerful and what the signs of power are.

The second of these tenets means that these shared ideas shape the way that people think of themselves and what they want out of life. That is, the “structures of human association” in the first tenet are determined by ideas *indirectly*. These ideas are used to create human identity, and the combination of identities and the acceptability of these identities affect the structures individuals set up to regulate their existence. The basic model of this would be as follows:

**Shared ideas → identity → behavior**

Actors are exposed to and indoctrinated in the ideas of value and wealth, and these ideas shape the identities that they create for themselves and the goals that they set. Note that individual actors, be they people or states, may not accept the collective ideal; their identity may consist of a rejection of the shared ideas of the majority.

It is important to note, however, that identity does not directly motivate behavior. Identity creates incentives and preferences within states. A more accurate model would be the following:

**Shared ideas → identity ↔ incentives/preferences → behavior**

This logic flows with that of Moravscik (1997), who claims that preferences determine behavior. The expression of preferences themselves help shape state identity, as states select and reinforce their identity through these choices.

What we take away from this definition of constructivism is that actors are afforded a vast deal of autonomy and independence under this theory. Ideas may determine the world itself, but they can only shape identity. Actors have the ability to construct themselves based on the ideas around them, and all actors are responding in different ways to the same shared ideas. In the case of maritime space, actors (states) are free to accept or reject the idea that this space has great value, and are likewise able to accept or reject ideas of how to best govern, protect, or claim such space for themselves.

What this means is that states have the autonomy to decide their own value for oceanic waters and resources. With constructivism, it is expected that in many cases states (or states with similar identities or identity constructs) may place a similar value, but that other states would remove themselves from this valuation. This means that we would expect similar states to behave in similar ways toward maritime space. We can divide states into different groupings of identity, behaviors and values that would indicate shared beliefs about maritime space.

This means that a theory of maritime space behavior that incorporated a consideration of state identity and the resultant values that identity caused states to place on maritime space would allow us to begin to understand the patterns of maritime space conflict. We could single out the factors that states put high(er) values on, and determine if these higher values lead to an increase in conflict behavior over maritime space from these states. As said before, higher value results in a decrease in a state's willingness to let an issue go, and increase the likelihood that a resource may become inflamed enough to risk conflict.

### **Constructivism, Wendt, and the Formation of State Identity**

Constructivism gives us an interesting potential avenue for exploration.<sup>2</sup> A maritime theory based broadly on constructivism would have us take a more individualized approach, considering the position of each state or groups of states on maritime issues to determine what factors (if any) provide the most value for them. I take this approach because I am interested in the impact of state identity in the specific area of maritime issues. I do not intend to ignore the persuasive aspects of other areas of thought; for example, power transition scholars have ably

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<sup>2</sup> It is important to note here that I am not considering a specifically “constructivist” theory of state maritime behavior. Instead, I am interested in using the insights that can be gained by considering its perspectives and creating a theory that incorporates its logic.

illustrated that armed conflict in general is more likely to occur when two states are similar in power to each other (Organski and Kugler 1980, Kim and Morrow 1992). To ignore such insights is to willfully walk away from the knowledge this scholarship can provide. Likewise, we also know that the more value something has to states, the more likely they are to covet it and/or be willing to escalate conflict over it (Vasquez 1998, Hensel 2001). I build upon this by focusing on the role of identity; though other things will also have an impact, this is the criteria I felt was the most important to explore.

I believe that by focusing on a constructivist inspired approach, I am able to create a truly maritime theory of conflict management. The logic of constructivism encourages a theory take into account the special and unique considerations of states, because state identity is a construct individual to each state. While certain features may be similar across a majority of state identities, such as recognition of the principle of state sovereignty, other components of identity may not be so widespread. This would certainly apply to maritime issues and the relevancy of maritime space. Maritime issues in general may be of less relevance to some states than others, or certain types of maritime issues may be less pertinent than other types (Hensel et al 2008). Constructivism allows me to account for these differences in the formation of my theory, and for the production of a wide array of different testable hypotheses from this theory.

In order, though, to determine how state identity affects behavior over maritime space, we must consider how state identities are formed in the first place. After all, the fact that state identities and interests are constructed rather than given is a core tenet of constructivist theory (Wendt 1994). There are differing perspectives to consider here. Wendt (1999), writing from a systemic perspective, naturally considers systemic factors in identity creation. I acknowledge the relevancy of these factors, but include state-level factors as well.

Wendt considers state identity as the ongoing result in an “evolutionary approach” that considers the dual mechanisms of natural and cultural selection (1999: 319-320). Natural selection is the process by which the strong are better able to produce reproductive offspring that will survive and prosper. Wendt notes, however, that natural selection as a mechanism can only operate in areas in which survival itself is difficult; a circumstance that may have described conditions for states in the historical past, but seems to be rather untrue today (1999: 323).<sup>3</sup>

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<sup>3</sup> Wendt (1999) attributes this shift to the establishment of the Westphalian system, claiming that post-1648, the death rate of states was much lower. While this turning point seems debatable (did colonization not result in the

The second mechanism, cultural selection or socialization, is the process by which the strong are able to spread their philosophies and behaviors. Wendt considers two forms of cultural selection, imitation and social learning. Imitation occurs when new or weak states pattern themselves after a state thought to be strong and successful. Social learning reflects the process by which identities and interests are created and learned by reference to how they are viewed by a relevant “Other” (Wendt 1999: 327).<sup>4</sup> In other words, states develop identities through interaction, both their own identity and the identities of others. Interaction provides information about the identity of the Other, while at the same time, allowing a state to sharpen its definition of its own identity through contrast with that Other.

This approach, however, is problematic for the purposes of developing a theory of state maritime behavior. The mechanisms of natural selection and imitation, when fully played out, result in the creation of a more homogenous international system. Only social learning will enable states to take on differences from each other, but there is nothing inherent in the process that ensures they will do so. In fact, Wendt accepts many of the realist tenets of the state as a simplified unitary actor (Keeley 2007). Yet we know that states have different valuations of maritime space (Hensel et al 2008), and these different valuations arise from the different identities and interests of states vis-à-vis maritime waters. Therefore, we need a theoretical process of identity formation that allows states to be flexible with regard to their valuations to maritime space.

### **State Level Contexts of Identity Formation**

To better understand the determinants of these differences in values of maritime space, I take a more state-level approach to identity formation. Wendt notwithstanding, much constructivist scholarship on identity is primarily state-centric (Del Sarto 2006). Again, I consider identity to be defined as the mixture of characteristics that affects the way a state views itself and the image that it attempts to project to the international system at large. Del Sarto provides seven characteristics that shape identity: “the political, legal and economic system ...

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deaths of states?), it is certainly true that modern states simply do not die even when they are rendered vastly incapable of self-defense. The continued existence of Somalia after decades of civil conflict, government-in-absentia, and warlordism would be a case in point.

<sup>4</sup> For more on this process, see Wendt (1999): 328-336.



[and] also by national, religious, geographical and historical narratives” (2006: 42). I will consider each of these in turn, keeping in mind that since identity itself cannot be seen or measured, much of what we know about these various aspects of identity is best understood through the context of rationalist scholarship on various subjects of interest.

Oftentimes today political and economic systems coincide, such as the capitalist-democratic structure of most of today’s wealthiest states. These twin features have been the focus of much rationalist attempts to explain state behavior, and have provided explanations for some of the most famous and important findings in the study of political science. We know, for example, that the wealth of a state strongly predicts the likelihood of democratic stability (Przeworski et al 2000). We also know that interstate conflict is far less likely to occur between democracies than other states (Dixon 1993, Maoz and Russett 1993, Schulz 1999, among others). This latter finding, the democratic peace, has caused much speculation as to what in particular about these democratic institutions affects their conflict behavior. Since political institutions affect state notions of identity, understanding the impact of state institutions is important for understanding behavior.

Legal systems’ impact on state identity are somewhat less studied by scholars of international relations, but are still of interest. The legal system as a source for state identity can be explained as “a focus on law, its sources, and its speakers as important to constituting identity for people living in nation-states and weaving connections across or in spite of other attachments” (Resnik 2008). According to Resnik (2008), the legal system provides a good source for state identity because it is a vehicle to showcase principles that are important to the state and its people through their codification in legal code, and a means by which these principles can be continually challenged and altered. Furthermore, “the judicial opinion has proven to be a remarkably useful communicative device, embedding legal precepts into narratives that come with the authority of the state” (Resnik 2008: 42). Moreover, state legal systems have been shown to have an effect on state behavior. Powell and Mitchell (2007) consider the effects of states’ legal systems (common, civil or Islamic law) on behavior, in this case their submission to the jurisdiction of the International Court of Justice. They find that domestic legal systems – legal identities, if you will – indeed affect international behavior.

The role of nationalism and national narratives has most notably been captured in Benedict Anderson’s (2006) definition of the nation-state as an “imagined community.” The

nation-state, according to Anderson, is imagined because the members will never all meet, limited because of discrete boundaries separating them from the Other, sovereign because of the desire to be free, and a community because the nation is conceived of as a fraternity, a brotherhood of equals (2006: 6-7). National narratives provided the state with a glue by which it could hold itself together – and give it the legitimacy to ask for sometimes extreme sacrifices from its citizens in the name of that image.

Religion and religious identity can sometimes be seen as a challenge to the state and state identity. In some senses, for instance, Islamic authority can take precedence over state authority (Moberg 2000: 165). Also, historically, the secular nation-state was seen as legitimate because of the demise of the religiously-ordained model of leadership (Del Sarto 2006: 46). However, religion can play a part in holding states together, and deeply affect the ways in which states choose to center their identity. This can take the form of the more overtly religiously structured states of the Middle East or the theocratic guidelines of John Calvin for Geneva, but it can also be seen in narratives of United States self-identity as a place where all religions are free.

The linkage between international relations and geography has been explored in what is often called the geopolitics literature.<sup>5</sup> Agnew (2000: 92) defines geopolitics as “the study of the influence of physical geographical factors on interstate relations.” Ó Tuathail (1996) goes so far as to say that geography itself is power, and dates the concept of what he calls “geo-power” to the 16<sup>th</sup> century. Because of this linkage, states are presumed to have certain identities and international interests based on their geographical location. Indeed, geographic factors have been used to explain many political phenomena, from the spread of democracy (Starr 1991, O’Loughlin et al 1998) to the spread of war and other violent events (Most and Starr 1980, Li and Thompson 1975). The likelihood of the outbreak of conflict has also been tied to geographical location (Hensel and Diehl 1994). The weight of this evidence strongly indicates then that geography would seem to have some effect on states’ values and behavior.

Lastly, the historical past of an area (the state and the political groupings that preceded it) also has been believed to have an effect on state identity. Wendt’s above explanation for identity formation leaves out the role of forces within the state and the historical narrative of identity (Zehfuss 2006). This is an important oversight because history plays a role in identity formation

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<sup>5</sup> See Gearóid Ó Tuathail (1996) for why the term “geopolitics” is heavily loaded and thus may not be the best term to use for this relationship.

and its continual reconfirmation in the interactive process of social learning (Zehfuss 2006: 105). Anderson discusses the vital link between past and present for the nation-state thusly: “If nation-states are widely conceded to be ‘new’ and ‘historical’, the nations to which they give political expression always loom out of an immemorial past” (Anderson 2006: 11).

Del Sarto’s (2006) seven components of state identity – political, economic and legal systems, and national, religious, geographic and historical narratives – help to paint a more complete picture as to what goes in to state identity formation. Each state will vary in the emphasis they place on these various components of identity, as well as to the extent they interact with each other. Moreover, they provide the variation needed to determine why some states will be more interested in maritime space than other states, and why some states will choose to settle differences peacefully and others will not.

### **A Theory of Maritime Conflict**

I propose that relevant variations along Del Sarto’s (2006) seven state-level components of identity will affect state behavior over maritime space, because these components will affect the value that maritime space has to that state. States with a strong identity connection with maritime space should find these spaces more valuable to them, and will pursue uncontested ownership more vigorously. While some areas of maritime space will bring value to any state which possesses them, others have more value depending on the individual state’s identity and interests. I am particularly interested in determining the impact of geography, legal systems, national narratives and historical past events and experiences on the value they provide to maritime space for states, and the potential effects they have on state behavior.

I choose to explore these because they seem the most promising with regards to shedding new light on state behavior over maritime space. The relationship between political system and economic wealth and conflict is well-known, and there do not seem to be many reasons to believe that politics and economics will affect maritime space conflict propensities any differently than they do territorial space conflict prospects. Likewise, since most of the world’s major religions do not speak to any special nature or value of maritime waters, it seems unlikely that religion itself will have a large effect on state behavior in this realm.

This is not to say that I ignore these aspects; I will be considering them inasmuch as they

are relevant. That is, while I am not interested in a state's overall wealth, I am interested in the proportion of that wealth is dependent on maritime ventures (fishing, offshore drilling, etc). While I am not interested in religion per se, I acknowledge the differing rules that Islamic laws brought to a mostly Roman legal system. This is why I say that I am interested in *relevant* variations; while in general these are of lesser interest, they still have dimensions of relevancy.

The other four dimensions - geography, legal systems, national narratives and historical past events – all seem to entail direct implications for state identity and state behavior over maritime space. Geography dictates a state's ability to access maritime waters, the extent to which they access them, and the limits of their capacity to claim these waters as their own under international law. Different legal systems have differing traditions with regards to maritime space, as I mentioned above with my example of the change in status for maritime space between Greco-Roman and Islamic legal traditions. National narratives may embrace the sea, as some states have longstanding cultural traditions regarding maritime waters, such as states in the Oceania region of the southern Pacific Ocean. Historical events too play a role; states that have long plied the waters are unlikely to suddenly wish to stop.

In the next three chapters, I will consider these in greater detail, with regards as to their impact on the following question: Given that a claim between two states to maritime space exists, why do some states attempt to settle them through conflict, while others turn to bilateral agreements, and still others consider international arbitration? I argue that state identity and interests affect state behavior in this regard, considering history and legal systems in Chapter 2, and geography and national narratives in Chapters 3 and 4.

In Chapter 2, I examine the role of historic legal systems in northern and southern Europe. I examine whether northern Europe, with its history of Viking wars and fishing disputes, systematically handles maritime issues differently than southern Europe, with its Roman-Islamic background. The Mediterranean has an uneasy history of coexisting Greco-Roman, Islamic, and modern traditions, and thus I hypothesize that it should be more conflict prone than northern Europe, which has a similar, relatively unbroken heritage despite its history of ocean conquest. The Mediterranean region has an incentive to fight, whereas in the north of Europe, there was strong incentive not to fight. I find that indeed, Mediterranean states are more likely to use violence to settle maritime claims, and that they are also more likely to be involved in more severe conflict in which there was at least one fatality over the issue.

In Chapter 3, I investigate geographical circumstances and national narratives specifically by considering whether island states behave differently over maritime space than their mainland counterparts. Social constructivists have suggested that island chains may consider the maritime space between them as an integral part of their culture, as traversing these spaces is a part of their way of life. In other words, due to their special geographical circumstances, island states develop a different relationship with maritime space than their continental counterparts. I extend this theory beyond its cultural implications, and consider how it may affect maritime claim onset and management. I theorize that if such a strong maritime identity exists, then island states will be more likely to make a settlement attempt over that claim in a given year, as their state identity will drive them to place a greater importance on maritime space and settling the issue. I find that island states are indeed more likely to attempt bilateral negotiations in a given year, and are often more likely to take a maritime case to an international court as well.

Lastly, in Chapter 4, I analyze one particular island state maritime dispute in greater detail, a fishing rights dispute between the two Caribbean island states of Barbados and Trinidad and Tobago. The flying fish is a cultural icon of Barbados. Its nickname is “The Land of the Flying Fish,” its national dish is Cou Cou and Flying Fish, and the fish is present on the back of their dollar coin and on the seal of the Barbados Tourism Authority. Yet the fish itself has been growing scarcer in Barbadian waters, instead moving south into the waters of neighboring state Trinidad and Tobago, causing the fishermen to follow. The resultant arbitration case in 2006 told both states to come to a fishing agreement, but both sides have yet to begin serious talks, leaving the fishermen high and dry. I determine that the cultural importance of the flying fish is a valid argument that impacted the behavior of the Barbadian government over the area in dispute.

At the end of this dissertation, it should be clear that identity is an important component in determining how states behave over maritime space. The four components of interest here, history, legal traditions, geography and national narratives are shown to be relevant for determining state propensity to use conflict to settle maritime disputes as well as impacting their routes for peaceful settlement. This is only the beginning, however; the work included here reflects but a few relevant dimensions of state identity and interests for the purposes of maritime space and maritime space behavior. These routes have proven fruitful, though, and indicate the validity of identity as a component of understanding state behavior over maritime space.

## CHAPTER TWO

### EUROPEAN MARITIME HISTORY AND CONFLICT

*“Littorum quoque usus publicus est, et juris gentium, sicut et ipsius maris ... proprietates autem eorum potest intelligi nullius esse: sed ejusdem juris esse, cujus et mare, et, quae subjacet mari, terra vel arena.”*

“The use of the sea-shore, as well as of the sea, is also public by the law of nations ... for the shores are not understood to be property in any man, but are compared to the sea itself, and to the sand or ground which is under the sea.” (*Institutes of Justinian*, trans. Cooper 1812)

Maritime law is, if not quite as old as the sea itself, has been recorded and codified over many thousands of years. The excerpt above, from the law code of the late Roman emperor Justinian, is far from the oldest example we have of maritime law. This tradition of legislating the use and potential ownership of maritime space continues today, and forms one of the most vibrant and dynamic areas of international law (Charney 1994).

Laws, however, do not arise out of nowhere. International maritime law owes much to the ancient laws that first began to set limits on maritime use. These laws arose out of necessity in various parts of the seafaring world, from the Mediterranean to the Indian Ocean to China (Cuyvers 1984, Sharma and Sinha 1994, Deng 1997, Khalilieh 1998, Steinberg 2001). Once in place, these laws had certain staying power; institutions are generally sticky, so an area which has historically followed certain practices is likely to continue to do so. These traditions can sometimes lead to a peaceful division of resources, or they can encourage abuse of these resources by creating a “tragedy of the commons” situation (Hardin 1968).

Ancient laws are of interest because they can create institutions with various incentives for states. This is an area where Del Sarto’s (2006) legal systems and historical narratives come

together to influence the identities of states. Ancient legal systems can become part of an historical narrative linking past traditions with present day behavior. Maritime laws have been part of this narrative for thousands of years, as civilizations needed some way to regulate those who traveled by sea, and the goods they carried.

In this chapter, I intend to examine the impact of ancient and medieval maritime laws and traditions on the behavior of European states. Europe is a good area for investigation because it has a long and well documented history of both laws and sea power, and yet contains some very different traditions. Most of Mediterranean Europe, conquered relatively early by Roman power, submitted to Roman and later Byzantine law, 1000 years of heritage and tradition that was abruptly broken by a new Islamic tradition coming out of the Arabian Peninsula. Northern Europe was either left unconquered by the Romans (as in the case of Germany) or conquered late and thus did not keep to Roman ways after the fall of the empire (as in the case of Great Britain). They were thus free to found their own maritime tradition without having to be overly burdened by a longstanding Roman heritage.

The Mediterranean area suffered a shock with the rise of Muslim power. Roman law tended to see maritime space much as the Romans themselves did, as an area to be freely traversed and used but not as an extension of territory (Steinberg 2001). Islamic maritime law, however, introduced a new tradition: the division of the sea into zones, with different rules for the governance of each zone (Khalilieh 1998). With this concept came a more revolutionary one, the idea that the state could extend jurisdiction and even sovereignty over maritime space. This new policy was to create a major shift in state thinking and new, uneasy politics in the Mediterranean Sea.

However, areas not under the sway of historic Roman law, such as Germany and much of northern Europe, did not have this well-established idea of legal use of maritime space, and were free to make their own laws and traditions without complications.<sup>6</sup> This freedom was especially useful for the Scandinavian states, which turned away from the Roman territorial focus and entered into a “Viking Age” that emphasized ocean conquest and movement overseas (Jones 1984). Furthermore, the Viking states of Norway, Sweden and Denmark influenced many of their non-Viking neighbors, especially the territory of the Holy Roman Empire (or Germany) to their

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<sup>6</sup> Again, this includes some areas of northern Europe that the Romans had conquered, such as Great Britain, because their influence did not last in this area (Lewis and Runyan 1985).

south, and the British Isles to the west, and created new settlements and future states in areas such as Iceland.

The Mediterranean, with its uneasy history of coexisting traditions, should be more conflict prone than northern Europe, which has a similar heritage despite its history of ocean conquest. This is because northern Europe has better, more solid institutions that prevent the outbreak of conflict. I intend to investigate the historical sources of their differences in depth, and test to see if the areas differ systematically in their use of conflict to determine ownership of disputed areas of maritime space.

### **Greco-Roman Law, Islamic Law and the Mediterranean**

The Mediterranean Sea has a long and tumultuous history. In ancient times, the area was violent but relatively stable, as the Greeks spread out from the Attic peninsula to Sicily and elsewhere before falling to Roman domination. The Romans, despite their conquest and annexation of Greek areas, adopted and adapted much of their culture and philosophy. This is the case with their attitude toward maritime space, which the Romans adopted from Greek laws that were old even for them.

The ancient maritime code of the Greeks, the *Lex Rhodia* or Rhodian Sea Laws, is the earliest example of maritime law, probably dating to between 500 and 300 BCE (Paulsen 1982, Anand 1983).<sup>7</sup> The island of Rhodes was in a unique position to control and dictate maritime law due to their advantageous geographical position, located in the Aegean Sea near Asia Minor, with good access to Egypt and the Middle East. This beneficial location meant that Rhodes was one of the most important ports for Mediterranean commerce, and thus keenly interested in maintaining the sea trade and keeping maritime peace.

At this time, the most important part of keeping maritime peace involved fighting, preventing and punishing piracy, a duty that the island of Rhodes took very seriously. According to Roman historian Strabo, “[Rhodes] is remarkable also for its good order, and for its careful attention to the administration of ... naval affairs, whereby it held the mastery of the sea for a long time and overthrew the business of piracy” (Strabo 1924). This struggle against piracy was

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<sup>7</sup> Dating materials in antiquity is often difficult and controversial. The Rhodian Sea Laws have been dated as early as 900 AD. See Paulsen (1982) and Melikan (1990).



a constant one, but necessary for Rhodes to maintain its position as a maritime leader and ensure the free flow of trade.

Rhodian law, however, did not involve any concept of ownership of the sea. The laws were meant to protect maritime trade and thus the interests of Rhodes, but there was no implication that Rhodes itself had any ownership claim to sea territory. Instead, the sea was seen as a free place where no state had jurisdiction, and certainly no state had sovereignty (Vitzthum 2002). Thus, Rhodian law strongly supported the doctrine of freedom of the seas.

While Rhodes was and would remain an important port for hundreds of years, there were bigger powers growing in the Mediterranean. The most notable of these was the Roman Empire, which though it began in Italy, would grow to control the entire Mediterranean basin. At first the Romans concentrated on expanding their territory, and did not overly concern themselves with the security of the waters. This led to a rise in piracy, and eventually called the Romans' attention to the importance of a safe and secure maritime basin.<sup>8</sup> The Senate, in the waning days before empire, turned their attention to fighting piracy and in 67 BCE dispatched Gnaeus Pompeius Magnus, triumvirate partner of Julius Caesar, to the east specifically to fight pirates.

The Romans viewed the Mediterranean as their absolute sphere of influence, as implied by their name for it: *mare nostrum*, or "our lake." Despite this titular ownership, the Romans agreed with Rhodian law in that the sea was an area where no state could claim sovereignty. This, moreover, was a deliberate choice. According to Fenn, "at a time when Rome was able to assert effectively the opposite position, the sea, and the fish in it, were open or common to all men, for their use, as to the sea, or for their appropriation, as to the fish" (1925: 717). Instead, the Romans merely felt as though it was their responsibility to monitor and protect all Mediterranean interests (Vitzthum 2002). They didn't think it belonged to them, but they certainly didn't want any other power in the region using it against them.

In fact, the Romans let much of Rhodian law continue to stand. Elements of it were first codified under the emperor Tiberius (14-37 CE), and these laws were sanctioned by his successors (Fenn 1925). The Institutes of Gaius, a compendium of Roman law produced in the time of Hadrian (117-138 CE), create a division of property types into those subject to divine law

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<sup>8</sup> Pirates at this time would often kidnap and hold wealthy Romans for ransom. Julius Caesar was himself kidnapped in this way. The pirates had originally planned to ask for a ransom of 20 talents, but Caesar was offended by the low value placed on his life and told them to increase it to 50 talents. He paid the ransom, then organized vessels to capture the pirates, and crucified them as he had threatened upon his capture. See Plutarch (1919) for more details.

and those subject to human law, with the latter being subdivided into public and private properties. This type of classification system was used in the later *Corpus Juris Civilis*, the collection of laws made under the eastern Roman emperor Justinian (527-565 CE), where the sea was deemed *res communis*, owned by no one but used by all (Fenn 1925). The legal code of Justinian, despite being codified close to 1000 years after Rhodian law, still relied upon that ancient text, expressly mentioning it (Vitzthum 2002).

The latter of the emperors named above, Justinian, was a Byzantine ruler, whose empire consisted of the eastern remnants of the Roman Empire after the fall of the west, and served as heir to its traditions and laws. With the fall of Rome, Justinian turned Byzantium away from the traditional land based power of ancient Rome and focused instead on improving sea power (Lewis and Runyan 1985). The naval empire created by Justinian was centered around Constantinople, with outposts in Alexandria, Ravenna, and Carthage.

Byzantium was challenged, however, only 100 years after the time of Justinian by the rise to power of Muslim forces in the Arabian Peninsula. The first Muslim challenge in 651 to Byzantine sea power began a war that would be waged on and off until eventually, Muslim forces gained control over most of the Mediterranean by the 10<sup>th</sup> century. They began with Syria and the eastern empire before moving into North Africa and the islands of the Mediterranean and eventually into Spain.

The change of power led to a new tradition: Islamic maritime law. Islamic maritime law represented a major break in many ways from the earlier Greco-Roman tradition, containing new ideas that would completely change the way that Mediterranean states viewed maritime space. For the first time, the continuity of control over the Mediterranean Sea would be broken; it was no longer a Roman lake, instead belonging to a new mix of ideas and cultures – Byzantine, Islamic and eventually Frankish kingdoms and Italian city-states (Khalilieh 1998). A unified Rome, with few serious challengers, didn't need ownership when it could exercise effective control. In a fractured Europe, however, states faced incentives to use ownership as a means of gaining control in an area where tradition and law claimed such ownership was illegal.

Islamic maritime law introduced the idea of maritime zones or areas, with differing restrictions and responsibilities for each zone. Islamic law divided maritime space into three areas: the high seas, coastal waters and internal waters. The high seas were left as a communal area, free for all to traverse, similar to the Greco-Roman tradition, allowing for trade,

communication and mixing of cultures. The real difference, the break in tradition, was the new idea of coastal waters,<sup>9</sup> and the notion that states could exercise jurisdiction or even sovereignty over the maritime space nearest to their territory. The Islamic compromise, a proto-territorial sea, created incentives to claim ownership for all, including non-Islamic states, in order to prevent the space from falling into unfriendly hands. Combining this with the lack of explicit limits to ownership was inviting conflict.

Muslim governors and political authorities claimed the right to govern these adjacent waters, defined as being the distance from which a ship's mast could still be seen from the land (Khalilieh 1998).<sup>10</sup> This control was deemed necessary for self defense in an era of violence between Christendom and Islam (in the form of Crusades) as well as political unrest within the Islamic areas themselves. To maintain sovereignty over this maritime space, Muslim rulers maintained a coastal defense system, with watch towers and a coast guard that had the authority to board and inspect ships, and if everything was not in order, escort these ships to shore.

This claim to sovereignty, moreover, was backed and accepted by non-Islamic powers, which in many cases were inspired to make claims of their own. The Italian city-states, which controlled a bulk of Mediterranean trade between the 12<sup>th</sup> and 13<sup>th</sup> centuries, sought control for tax purposes, imposing tolls on ships entering their waters. The Papacy put forward its own claim to Latium's coastal waters, an area that became known as the *mare ecclesiae*, or "the Church's Sea" (Khalilieh 1998). Outside of Italy, France, Spain and England also sought to control the sea, though their purpose was to prevent trade with Muslims.

State claims to maritime sovereignty were over time so accepted as to become codified in legal documents. The most infamous example of these assertions to maritime sovereignty is the Treaty of Tordesillas (1494), which divided the oceans of the world between Spain and Portugal, by the authority of the pope (Anand 1973). They were, however, implicit in other, less avaricious legal documents; trade agreements between Islamic governments and Italian city-states often contained references to sovereignty over coastal waters (Khalilieh 1998). Much of the ocean conflicts that followed this shift in legal thinking then were attempts by one state to protest or take control of maritime space claimed by another state (Anand 1973).

The importance of this shift cannot be overstated. The rise of Islamic maritime power in

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<sup>9</sup> This concept is similar to what we today call the territorial sea.

<sup>10</sup> According to Andalusian documents, this was a distance of approximately 6 miles (Khalilieh 1998).

651 CE forever altered the continuous legal tradition regarding maritime space dating back to Rhodian law. It introduced a new concept of state political jurisdiction and sovereignty over a measured area of maritime space, a concept completely foreign to the previous 1000 years of Greco-Roman governance. Moreover, it further introduced political discord into the Mediterranean Sea, an area which, though historically war-prone, had always seen fighting between similar cultures and traditions. The sea became an area of peaceful trade, yes, but was just as often another battleground in the longstanding conflict between Islam and the Christian West. States fought with each other to extend their control over maritime space, in terms of absolute area and in terms of their range of powers over that space. This discord was one that could not be easily reconciled, and the uneasy balance of controlled and uncontrolled areas of maritime space continued to prove problematic throughout the Middle Ages, Renaissance, and into today.

### **The Vikings and Northern Waters**

After the fall of Rome, the northern parts of Europe moved away from their classical roots and towards a new “maritime destiny” (Lewis and Runyan 1985: 86). The major Roman port cities in Britain and on the English Channel disintegrated, leaving little trace of the previous Roman influence.<sup>11</sup> By approximately 780, northern Europe had begun a new era: that of the Vikings (Jones 1984, Kendrick 2004). These seafarers of the north were heirs to a previous tradition of pirate raiding in the Baltic and North Seas, dating back to the Angles’ and the Saxons’ various assaults on the Roman Saxon Shore.

The Viking age is not just one of seafaring and maritime colonization, but these exploits are those with which they are most closely identified. In fact, the word “viking,” at least in the written sources, originally means piracy or pirate raid; those who committed such acts were “vikingr” (Jones 1984: 76, fn 1).<sup>12</sup> Their sea-power was their defining characteristic to those who encountered them; in fact, the term Viking was used in Celtic and English writings before it was used in Norse works (Kendrick 2004).

The Vikings were primarily concentrated in three areas in Europe: Norway, Sweden and

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<sup>11</sup> Some of these cities would, however, be rebuilt later on (Lewis and Runyan 1985).

<sup>12</sup> The term itself is probably derived from the Scandinavian word “vik,” which means “creek” or “bay,” but this is just a supposition. See Jones (1984) and Kendrick (2004) for more information.

Denmark. But this is not to say that their influence was solely contained in these areas. Colonization would lead them outwards to settle in places such as the Faroe Islands, Iceland and Greenland, as well as smaller islands such as the Orkneys and Hebrides. They engaged in wars of conquest in England, Ireland and Russia and looked south to fight wars with the empire of Charlemagne. The Vikings were thus an important force to consider for most, if not all, of northern Europe.

Vikings used the sea for trade and transport. The first mentioned, trade, utilized the sea for part of their vast network of trading routes. In the west they utilized ports in Ireland and Wales for trading the resources gained on their sea voyages, such as whale oil, dried fish, and walrus tusks, as well as items of value acquired by acts of piracy and war (Jones 1984, Kendrick 2004). These Celtic ports were in addition to the trade routes well established in the North and Baltic Seas. This trade was especially important to Denmark, which lay at the intersection of the sea trade from east to west, and the route south to the rest of mainland Europe.

The use of the sea for transport is obviously directly related to trade, as transporting goods was one important reason why the Vikings took to the sea. However, it was also used to transport men for the purposes of war and colonizing. The push to colonize was strong due to limited arable land back home in Scandinavia, which forced younger sons to look elsewhere to make their living and fortunes (Jones 1984). Political turmoil added to this compulsion, as the frequent civil wars resulted in the losing side seeking dominion elsewhere. Having nowhere to settle in their own lands forced these men to consider the sea as their road to prosperity, and used it to seek out new homes among the Atlantic isles.

The importance of the sea to the Vikings led to their development of a very different attitude towards it than was seen in the Mediterranean area. To the Vikings, the sea was an extension of their lands, a place to be controlled and exploited as they would territory. Because of this, it was not treated any differently than land in a political sense; it, like territory, was another place to be owned and conquered. The sea was vitally important to Viking kings; without the sea, it was impossible to tie the various parts of a country together (Bill 2003). Thus, they could not afford to treat it as an empty space in the Greco-Roman tradition.

Instead, the Vikings claimed ownership of the sea in the same way as they claimed the land. Evidence for this can be seen in the Icelandic Egils Saga, where King Harald of Norway (c. 900), is described as explicitly claiming dominion over both land and water: “King Harald

claimed possession in every district ... the whole land, settled and unsettled, and equally the sea and the waters” (cf Jones 1984: 91).<sup>13</sup> This would have been unthinkable in the Greco-Roman tradition, completely contrary to the spirit of Rhodian law, but this tradition had not penetrated this area. In the absence of any guiding traditions, the Vikings created their own.

With the decline of the Vikings and the rise of nation states, traditions altered and changed, changing incentives with them. The Vikings were, after all, traders, and trade was becoming more important, especially with the rise of navigation allowing for true transoceanic travel. However, the Vikings were no longer able to hold the north in perpetuity, which led to concerns about states claiming the entire ocean, as southern Europe began to make the extreme claims described above. This led to northern Europe focusing on creating institutions to insure the preservation of trade, such as Hugo Grotius declaring a freedom of the seas doctrine. The territorial sea allowance mitigated the shock of the new ideas, allowing northern states to continue to claim the areas of greatest importance to them, such as Britain’s claim to the English Channel (Hargreaves 1959). This allowed the old ideas to remain in abeyance, out of sight but not out of mind, and resurface in the mid 20<sup>th</sup> century when Iceland, a former Viking colony, believed that Great Britain was encroaching on its waters. The unilateral increase in territorial sea ownership claims was part of the cause of the Cod Wars, possibly the most famous maritime dispute in modern times.

### **Interpreting History: What this Means for Today**

Historical information, like that provided above, can provide insight into the political decisions states make today. The discord produced in the Mediterranean area with the conflict between the old Greco-Roman tradition of communal maritime usage and the new Islamic tradition of indefinite areas of territorial sea ownership resulted in a cultural shift in the way that these states and their peoples saw maritime space. Likewise, the constant idea of maritime ownership in the North and Baltic Seas as well as the North Atlantic Ocean remained in place as well.

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<sup>13</sup> This tyranny of King Harald may or may not be literal truth; it is Icelandic tradition that their forefathers journeyed to Iceland to avoid the oppression of the king. Because of this, it is unclear whether King Harald truly placed a claim to all land and sea, or if this is an exaggeration by later Icelanders to justify their heritage and independence. The point here, however, is not whether or not Harald did so, but rather that this was something that was imagined to be in the power of a king to do. See Jones (1984) for more information.

This means that when the doctrines on the proper terms of use and ownership of maritime space began to change yet again in the 20<sup>th</sup> century, some areas were better able to accept the changes than others. At this time, states began to challenge the limited notion of the territorial sea and move towards a greatly expanded purview of maritime ownership, a change that was eventually codified in the United Nations Convention on the Law of the Sea (1982). For northern Europe, this was merely a return to the way things had previously been in the Viking Middle Ages, where ocean space was owned but the freedom to trade was preserved. For the Mediterranean area, this was yet another major shift in the way states used maritime resources.

I posit that these historical differences still have an effect on the way that states behave today with regards to maritime space. The Mediterranean area, with a history of conflicting traditions and cultural discord, will be much less able to adapt and resolve potentially conflictual issues of maritime space ownership than their counterparts in the north of Europe. This historical discord will continue to affect the way that Mediterranean states behave and thus increase the potential for violence when these states dispute ownership of maritime space.

That a state's history still affects its policy decisions is uncontroversial. As an example, a recent white paper on maritime policy in Norway began with this justification: "In Norway, people have always lived by the sea, of the sea and on the sea" (cf from Fougner 2006: 184). Fougner claims that these historical claims work to unite Norway as a state and a people: "the focus on things maritime as culture worked to constitute Norwegians as a people with a shared culture or way of life" (2006: 184). Historical depictions and ideals such as this are important to a state's mythos, and thus attain a life of their own and self-perpetuate themselves through policy choices.

In the case of the Mediterranean states of southern Europe, the historical approach to maritime space has been confused and conflictual. States who had grown used to a millennium of Greco-Roman policies denying state jurisdiction over maritime space suddenly had to adapt to a millennium of Islamic-influenced policies claiming that they could enjoy such ownership, at least over a limited but undefined swath of territorial sea. This then was extended even further just in the past 100 years, allowing for a much greater range of ownership. By this point, these states had gone from one extreme to another, and it would be surprising if these major changes had no effect on state maritime policies. Because of the difficulties in dealing with these paradigm shifts and the resultant change in incentives, these states should be less equipped to

handle potentially problematic situations, such as when two states both claim the same area of maritime space, and thus more likely to turn to violent conflict to settle these claims.

In northern Europe, on the other hand, the traditional policy of state ownership of maritime space was confirmed by the UN Convention (with a long period of the hybrid regime of territorial sea with high seas freedom). These states were better equipped to handle potential conflicts of ownership, with their legacy of sea travels and wars between various Viking factions. They were aware of the many issues that came into play with contested ownership and the potential consequences of violence should these claims be too hotly protested. This is not to say that these states would be unlikely to ever use conflict to settle a contested claim; one of the best known examples of maritime space conflicts comes from these states.<sup>14</sup> However, with their broader experience with these problems and a history of policy focused around the issue of maritime ownership, they should be less likely to have to resort to conflict to settle a claim to maritime space.

This difference in culture in the Mediterranean area should lead to an increase in conflict behavior because there are varying positions that Mediterranean states can take that are culturally acceptable. This means that it is more likely that southern European states may choose to follow different traditions (Greco-Roman, Islamic, etc), and thus that they will find their potential dispute partner in a position that renders negotiation difficult. Their incentives also cause these disputes to be less tractable. Moreover, disputes that arise from deep rooted cultural traditions are often less manageable, which would also raise the likelihood of conflict behavior (Kleiboer 1996). This position contrasts highly with that faced by northern Europe, which has stable traditions that enable them to understand the other's position and choose conflict behavior accordingly.

**Hypothesis 1: Given that a maritime claim has been made, southern European states will be more likely to engage in conflict over that claim than northern European states.**

## Research Design

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<sup>14</sup> I refer here of course to the so-called “Cod Wars” between Iceland and the United Kingdom. The name is somewhat misleading; though the UK and Iceland did engage in a protracted dispute over fishing rights off the coast of Iceland, actual conflict behavior was rare.



According to the theory detailed above, northern European states should differ systematically from southern European states in their ability to avoid conflict over conflicting claims to maritime space. Because of this, I only focus on situations (claims) where the ownership of the maritime space (or rights of use) is in question between the governments of two or more states, and this contestation of ownership is made by official representatives of each state's government. This is because the propensity of a state to claim maritime space for itself is only an international issue if it infringes upon what another state sees as its rights. Data on all such European maritime claims between 1900 and 2001 are found in the Issue Correlates of War (ICOW) project at the claim-year level (Hensel et al 2008).

I consider two dependent variables of interest, both from the Correlates of War's Militarized Interstate Dispute dataset. The first is the presence or absence of a militarized interstate dispute (MID), defined as the "threat, display, or use of force" (Jones et al 1996). The second dependent variable is the presence or absence of a fatal MID, a dispute that resulted in at least one fatality.<sup>15</sup> By considering both MIDs and fatal MIDs, I am able to distinguish not only whether some states are more prone to resort to violence, but also the level of that violence.<sup>16</sup> Conflict is an important potential outcome to maritime claims because of the evidence that states, including the democracies that make up most of Europe, are likely to engage in conflict behavior over maritime space (Mitchell and Prins 1999). Table 2-1 details the 14 pairs of states that experienced a maritime MID during 1900-2001.<sup>17</sup>

My independent variable of interest is the geographical location of the state(s) involved in a maritime claim. I hypothesize that Mediterranean states (southern Europe) are more likely to resort to conflict over maritime claims than North Atlantic, North Sea and Baltic Sea states (northern Europe). I classified states bordering the Mediterranean as "Mediterranean" states and

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<sup>15</sup> I concentrate on conflict behavior because conflict has a different mechanism than other potential settlement options. While to negotiate or arbitrate a dispute requires that both sides be committed to the process, conflict can occur unilaterally. Because of this, it is difficult to compare conflict outcomes with bilateral processes.

<sup>16</sup> In both cases, I only consider MIDs that are a result of maritime conflict, not those that were between the two states for other reasons.

<sup>17</sup> I ran the model without the dispute between Greece and Turkey, the most prevalent dyad to have a MID, to insure that the data are not biased because of the recurrence of this dispute. The results were the same, however, when I removed this case from analysis, indicating the findings are robust.

**Table 2-1: Dyads that Experienced a European Maritime MID, 1900-2001**

<b>Dyad Pair</b>	<b>Number of MIDs</b>
Netherlands and Iceland	2
West Germany and Iceland	1
UK and Iceland	1
Denmark and Iceland	1
Denmark and Norway	2
Italy and France	1
France and Spain	1
Spain and Ireland	1
UK and Norway	1
Greece and Turkey	13
Russia and Denmark	2
Sweden and Russia	1

states bordering the North Atlantic, North Sea and Baltic Sea as “northern” states.<sup>18</sup> The “Mediterranean” variable thus indicates whether at least one state involved in a claim is a Mediterranean state. According to my theory, the Mediterranean variable should be positive and significant, illustrating that these states are more prone to use conflict.

Additionally, I consider four control variables: the presence or absence of joint democracy, the relative capabilities of the states, a dummy variable for the presence of the UN Convention on the Law of the Sea, and the overall salience of the claim in question. The first two of these, joint democracy and relative capabilities, have long since been shown to affect conflict propensity and are included for this reason.<sup>19</sup> Data for these were taken from the Polity (democracy = 6 or greater) and Correlates of War datasets respectively. I also consider a dummy

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<sup>18</sup> Mediterranean states are classified as follows: France, Spain, Italy, Malta, Albania, Croatia, Yugoslavia, Slovenia, Greece, Cyprus and Turkey. I define northern states as the United Kingdom, Ireland, the Netherlands, Belgium, Germany, Poland, Russia, Estonia, Latvia, Lithuania, Finland, Sweden, Norway, Denmark and Iceland.

<sup>19</sup> I operationalize democracies as those states which have free and fair elections, and relative capability as the extent to which a state could, if called upon, make war against another state.

variable for the existence of the UN Convention on the Law of the Sea (ratified in 1982), because it introduced new dispute resolution mechanisms that may affect state behavior over maritime claims. Lastly, I consider the salience of the claim in question, as a more salient and/or valuable claim may attract more conflict than a less salient or valuable one. The salience index is also taken from the Issue Correlates of War data. Lastly, I also control for time dependency using the Beck, Katz and Tucker (1998) method with three, equally-spaced cubic splines and a count of the number of years since the last occurrence of the dependent variable.

I do not include a control for the legal system (common, civil or Islamic law) because Europe is relatively homogenous, with all but the United Kingdom being civil law systems. This includes Turkey, which is a civil law, not Islamic law, state. Thus, a variable for legal system would end up being a dummy for the United Kingdom, as the only common law state in the data, and such a dummy would probably end up capturing more than just legal system. I did include it in a robustness check, and a legal system United Kingdom dummy does not affect the results.

### **Empirical Results**

The results of my empirical analysis are consistent with my theoretical predictions. Table 2-2 illustrates the propensity of states to resort to violence over maritime claims. The results are similar across both of the dependent variables. All else being equal, Mediterranean states are more likely to become involved in a MID over maritime space than non-Mediterranean states, and also more likely than their northern counterparts to become more involved in a MID that had at least one fatality.

Table 2-3 provides the first differences, information about the change in the probability of the occurrence of a MID that results in having a Mediterranean state involved in the claim. This information is helpful for interpreting the substantive meaning of the information provided in Table 2-2. Examining the first differences shows that having a Mediterranean state involved in a maritime claim increases the likelihood that claim will experience a MID in a given year by about 4%. Likewise, having a Mediterranean state involved in a claim will increase the chance of a fatal MID by about 0.12%. This last is a substantively low number, but the propensity of conflict over a maritime dispute is low in general, and a fatal MID is a likewise smaller subset of all MIDs.

**Table 2-2: The Determinants of Conflict over European Maritime Claims**

	MIDs	Fatal MIDs
Mediterranean State	1.190** (.527)	4.076*** (.628)
Joint Democracy	.236 (.417)	.786 (1.078)
Relative Capabilities	2.581 (2.093)	20.384*** (7.137)
UNCLOS	.131 (.418)	5.430** (2.766)
Claim Salience	.358*** (.079)	.549** (.233)
Constant	-9.271*** (2.137)	-38.058*** (6.363)
N	825	825
Log-Likelihood	-109.287	-16.037

\*  $p < 0.10$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$  (two-tailed); Robust standard errors given in parentheses

Of the control variables, only claim salience had a statistically significant effect for determining the propensity for a MID, illustrating that more salient claims had a greater likelihood of conflict, as predicted. Greater claim salience also increased the propensity for a fatal MID, as did relative capabilities. Surprisingly, the establishment of the UN Convention on the Law of the Sea also increased the chance of a fatal MID. This finding makes sense, however, in that UNCLOS expands purview for ownership, leading in the Mediterranean to have incentives to make further claims.

Joint democracy did not have an effect on the propensity to engage in conflict behavior. This fits with the finding of Mitchell and Prins (1999), who found that democracies were willing to engage in conflict over maritime resources, and that such conflict constituted close to a quarter of all joint democratic conflict.

These results illustrate a linkage between historically discordant Mediterranean policies and an increased likelihood of conflict in modern times. They are consistent with my theory that these states, due to their past history of policy confusion and alterations in the legal status of

**Table 2-3: Increase in the Probability of Conflict For Mediterranean States**

	MIDs	Fatal MIDs
Mediterranean State	.036 (.003, .088)	.0012 (.001, .007)

Upper and lower bounds of 95% confidence interval in parentheses.

maritime space, are less able to communicate with each other and thus more prone to considering violence to settle issues. My independent variable is broad, but this is necessary to capture the 2500 years of maritime history experienced by this region and the states that inhabit it.

### **Conclusion**

History, no matter how ancient, still has an effect on state behavior today. States use their history to create their own mythology, a necessary component to maintaining unity and political control. In this paper, I posited that European states are still affected by their history with regards to maritime space. Mediterranean Europe suffered from several abrupt and contradictory shifts in the legal status of maritime space, and the extent to which states were expected to control and exercise sovereignty over it. Their earliest legal codes, stemming from Greek Rhodian law (around 500 BCE), declared maritime space communal property, to be used by all but owned by no one. This policy lasted until about 650 CE, when the Muslim civilization brought Islamic law into the Mediterranean, under which states could exercise sovereignty over a band of territorial sea (about 6 miles wide). This general policy went global and lasted until it was modified beginning in the 20<sup>th</sup> century to allow for even greater control using Exclusive Economic Zones, a change that was then officially codified in the UN Convention on the Law of the Sea in 1982.

Northern Europe, in the North Atlantic Ocean and North and Baltic Seas area, had a much greater consistency of policy. The Roman Empire did not have many great successes in the north of Europe, failing to conquer Germany and maintaining only a tenuous hold over the island of

Britain. Because of this, subsequent peoples had a blank slate for determining their maritime policy. The Vikings took full advantage of this opportunity and established a system of state ownership of maritime space, a policy that was only somewhat limited by the later Grotian regime of freedom of the high seas but later would be mostly renewed under the Convention on the Law of the Sea.

Because of these differences, northern Europe was better equipped to handle the challenges of the modern legal regime over maritime space. The Mediterranean, which had so much historical discord, was less able to unravel the contradictions that had become knotted in their policies. Therefore, Mediterranean states are more likely to resort to conflict to attempt to resolve disputes over maritime space, because they are still working out the implications of the new regime. For the north, however, this new regime was merely a return to the old Viking regime, and thus they were better equipped to understand each other and/or to have already long since resolved these potential differences.

Indeed, as Del Sarto (2006) and other constructivists claim, history is living and vital, and still has a profound effect on the way states behave today. Maritime traditions formed thousands of years ago still have a profound impact on maritime claim management into the 20<sup>th</sup> century and today.

## CHAPTER THREE

### ISLANDS AND MARITIME IDENTITY

“The Icelandic people – an island nation – make their living to a great extent on the living resources of the sea.” - former Icelandic Prime Minister Thorsteinn Pallsson, quoted in Heininen (1992)

The above quote describes an attitude that is well-known to scholars of international maritime relations and history. Iceland has been a vigorous defender of what it conceives as its rightful maritime space, going so far as violence in the famous Cod Wars with Great Britain in the 1950s through 1970s. The first of these “wars” broke out when Iceland unilaterally extended its claims to maritime space to 12 miles from the coast in 1958, a claim that Britain refused to acknowledge. Icelanders, following British violation of these new limits, stood united behind their government's declaration, despite their potential for conflict (Davis 1963).

Of course, this unity is unsurprising; fishing was then, as it still is today, the most important industry in the country.<sup>20</sup> The economic benefits gained by Iceland with control of these waters were thus very valuable. But the Icelandic claim, as seen in Pallsson's quote, was twofold. It was not a mere statement of the rights of Icelanders to the economic bounty of fish, it was a declaration of the rights of an island people to control the resources of their most plentiful surroundings. This emphasis on the island nature of Iceland was meant to illustrate that its people have a special relationship with the ocean, especially in areas close to their own shores.

This cultural linkage between island states and maritime space can be extended beyond Iceland to all such states. In other words, due to their special geographical circumstances, island states develop a different relationship with maritime space than their continental counterparts. This relationship has an economic component, to be sure, but it also has an identity component

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<sup>20</sup> In 2006, fish comprised over half of all Icelandic merchandise exports (FAO n.d.).

as well.<sup>21</sup> Because of this, island states may have unique considerations when determining whether or not to put forth or contest a bid to ownership of a particular area of maritime space (an action which in this paper I refer to as a claim). What independent effects, if any, do identity issues have on how states deal with maritime claims? Do island states make more identity based claims than their continental counterparts? Do they dispute these claims more vigorously?

In this chapter, I will explore the linkage between geography and identity and maritime claims and disputes. Del Sarto (2006) includes both geography and national narratives as sources of state identity, and in this case, I claim that geography causes island states to develop a certain national identity based on the conditions that being an island imposes on its people. As island states develop, they construct a national narrative that highlights the importance of maritime waters, causing them to have a strong identity related to maritime space.

I begin by considering the literature on island and archipelago states' identity relationship with maritime space. I follow this by considering the counterargument that identity claims are a “cover” for pure economic claims, and discuss ways in which we can distinguish between these. I then investigate whether island and archipelago states differ systematically from continental states in making claims with both identity salience and economic salience. Lastly, I examine how island and archipelago states settle claims to maritime space when they do arise, to see whether this systematically differs from continental states.

### **Cultural Identity and Island/Archipelago States**

Why might island and archipelago states develop different identity linkages to maritime space than their non-island counterparts?<sup>22</sup> After all, these states are generally plagued with the same problems that affect any small, less developed state: high costs of transportation, dependence on trade, etc (Bartmann 2000). Yet, from an identity standpoint, there are reasons to believe that islands may in fact be distinct.

Island states, divided distinctly from each other and the mainland, develop identities and

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<sup>21</sup> Identity here is considered from the point of view of the individual state. Legal definitions of cultural ownership may differ. See Van Dyke (2007) for an explication of various legal definitions of what constitutes state ownership.

<sup>22</sup> An important question to consider here is whether island and archipelago states can be considered jointly. I do so in this analysis because many island states of interest are individual islands of an archipelago (Caribbean states that form the Lesser Antilles, for example). Likewise, many of these island states were colonial possessions, which create an artificial historic archipelago. For these reasons, it does not seem to me terribly problematic to consider these in the same light. Thus, any reference to “island states” may be assumed to mean both.



ways of life separate from outside interests (Bartmann 2000). Their territory is clearly theirs, with no questionable or artificial boundaries. This allows them to create a deeper bond of statehood, as the state is intrinsically linked with the notion of territoriality. Indeed, territorial boundaries are part of the very definition of statehood, and as such are among the most important issues of interest to states (Holsti 1991, Vasquez 1993, 1999, among others). This link, however, is emphasized in islands, where the boundaries of the political entity are intimately and irrevocably linked with the limits of land itself. Islands are seen as complete units, existing in and of themselves, and this view is shared by islanders and mainlanders alike (Steinberg 2005, Anckar 2007). This creates a unique tie between the people and the state, because the land of an island is not just their territory, but is in fact the only territory.

But island states are about more than just the development of unusually strong linkages to territoriality. Island states celebrate their “islandness,” a term that encompasses geography and culture alike. It is a celebration of their unique place in the world, and forms the backbone of their identity. Weale (1991: 81) assesses islandness in this way: “Any repudiation of our Islandness is, therefore, a deep and fundamental repudiation of who we are – and our uniquely precious existence.” These states see themselves as separate from the mainland, as having a completely different and distinctly island way of life. This island life is simultaneously unique to each island and yet strangely universal; as Putz (1984: 27) says, “islanders share a common sense with islanders worldwide.”

Traditional island life is held up as distinct from modern, continental “otherness,” and is to be protected and kept authentic (Friedman 1998). Indeed, the biggest fear of these states seems to be the loss of their islandness; note the protests and objections of small island provinces to the idea of a bridge link to the mainland (Royle 2001).<sup>23</sup> In fact, residents of these states almost always mobilize to protect the island culture from the encroachment of other, mainland, states (Bartmann 2000).<sup>24</sup>

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<sup>23</sup> For more on the implications of creating bridge links to the mainland, see Baldacchino (2007).

<sup>24</sup> This reaction is predictable, in light of Poole’s (1999) explanation of the importance of traditional culture in the formation of personal identity. “If my identity is formed within a certain culture, then it defines my fundamental perspective on the world, constitutes me as a member of a community, provides me with a set of memories and aspirations, and thus with a past and a future, and it gives me a place which is mine. My cultural identity defines who I am; and when I envisage the loss of that identity, I am confronted with the thought that I will lose my sense of self and cease to be what I am. ... The loss is a considerable one; and usually carries with it a continuing and deep sense of alienation. It is because culture is important to identity, in this sense, that the claim of the individual to his or her own culture has so much force.”

Unsurprisingly, this island identity stretches beyond territoriality to cover maritime space as well. Islands and island chains may consider the maritime space between them as an integral part of their culture, as traversing these spaces is a part of their way of life (Steinberg 2000). Steinberg (2000) illustrates this aspect of maritime construction with a case study of Micronesia. The early peoples of Micronesia saw the ocean much as early continentals saw the land, as a provider of the necessities of life. The ocean serves as “connection-space,” a form of maritime territory that was as unique in features and landmarks as the more familiar land territory. In addition, the maritime territory was a vehicle that provided connection with other islands; to traverse from one land territory to the next, one had to utilize maritime territory.

Epeli Hau'ofa (1994) describes a similar phenomenon. He claims that the idea that islands are tiny places comes from a continental emphasis on territoriality. But this is not the self-image that residents of these islands hold. Instead, Hau'ofa (1994) claims that in the Pacific Islands, instead of seeing themselves as unconnected land masses, they see themselves as connected through ocean waters. “Their universe comprised not only land surfaces but the surrounding oceans as far as they could traverse and exploit it...” (Hau'ofa 1994: 152). This, he claims, is the difference between perceiving the Pacific Islands as “islands in a vast sea” versus seeing it as a “sea of islands” (Hau'ofa 1994). One elevates maritime space to the same status as territory; the other does not.

This view of maritime territoriality makes sense for archipelago states of the Pacific, such as Micronesia, which are comprised of small islands stretched out over many nautical miles. But this view seems to be implicit in most, if not all, island states, as they all share this identity of islandness, of disconnect from the mainland. The maritime space around their land territory acted as a buffer zone, insulating the island culture from continental influence. As such, the maritime space itself became incorporated into notions of identity; there could be no separation, no islandness, without the sea. Maritime space then became something that belonged to island states, as it took on characteristics of a vital resource.

Much of the explicit territorialization<sup>25</sup> of maritime space came about when oceanic resources became more valuable to states (Steinberg 2001). Developing states resented the intrusion of their more developed counterparts into their waters, taking the resources they saw as

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<sup>25</sup> I will be using the term “territorialization” to indicate that a state or group of people are making an explicit claim to maritime space as a *territory*, with exclusive rights of usage and specific boundaries.

intrinsically theirs. Island states, however, seemed to resent these incursions more than most, regardless of level of development. After all, the Cod Wars mentioned above were between two developed, *island* states. The oceanic resources desired by the continental states were ones that had always been seen by islands as belonging exclusively to them, but moreover, these new incursions were a threat to islandness. It threatened the fishing culture that pervaded many island identities, and it held the potential to remove the key function of maritime space, its ability to act as a buffer between the mainland and the island.

Otto (1998) provides a case study of the maritime territorialization process in Papua New Guinea. Coastal waters around the Lavongai and Tigak islands had always been considered the property of local communities. The waters were held jointly, but individuals of that community were responsible for obtaining fishery tools (spears, etc) and were free to fish the waters as they pleased (historically, providing some portion of their catch to the community). Fishing was a coastal activity; tribes did not have the means to deep sea fish traditionally. As contact with outsiders provided people with the ability to fish in deeper waters, individuals began to range outside of the community waters. However, rights to fish outside of these areas were granted freely, under the principle of reciprocity (Otto 1998). Communities allowed individuals from other local communities to fish their waters, knowing that the same privilege would be granted to their people in turn.

However, this principle could no longer apply when foreigners began to fish the local waters. Though the foreign ships were interested in fishing deeper waters than were traditionally used by the islanders, the locals had begun to fish these waters when technology had allowed them to do so, and in that sense they extended their rights of ownership accordingly. Thus, the onset of foreign fishers in their community waters was unpopular. In order to make the situation more palatable to the locals, the Papua New Guinea government decreed that foreign ships would have to pay royalties to the traditional owners of the resources. However, the locals are still not entirely content and call for “the closure and protection of their maritime territory” (Otto 1998: 245).

In short, maritime space to natives of Papua New Guinea was always seen as belonging to the local community. They claimed exclusive rights of use to as much maritime space as they could use, and increased the amount accordingly when they were better able to utilize resources. Though they were willing to share with fellow islanders, they clearly saw these resources as their

own, and were unwilling to share them with anyone who would not share back. Territorialization of maritime space, then, was merely a formalization of the claims already held and accepted by the islanders.

Friedman (1992) has argued that this process of resource management has helped strengthen the bonds of identity. The process of taking accepted practices and politically formalizing them for relations with others calls a greater attention to the traditions that spawned the claim in the first place. Thus, in being challenged for their maritime space rights, island communities become more aware of the role maritime space plays in their identity, and it becomes more important.

And maritime space is clearly important to these island communities. It is a resource that gives them identity in many ways. It allows them to be separated from continental states and lands, and thus offers freedom to develop an island way of life. It allows them access to vital resources for their communities, resources which have long been appropriated and used in this way (Schug 1996). It has shaped their history and culture and caused the foundations of institutions. In short, it seems as though maritime space is inextricably linked with island identity and “islandness.”

### **Identity and Maritime Claims**

Trying to determine any substantive evidence for the importance of identity is difficult to do with any kind of data, qualitative or quantitative. Since this is one of the first studies to address this question by working with quantitative data, it is first incumbent upon me to discuss the potential strengths and weaknesses for this approach to determine the answers to the questions posed above. Because, as I said above, the resources in question can have value both for identity and economic reasons, it becomes difficult to ascertain which reason provides the motivating value.

What we can do is begin to determine if island states are distinct from their mainland counterparts in two important ways. The first is to examine the extent to which island states are motivated to make systematically different types of claims to ownership of maritime space given that a claim is made, and if so, what these differences are. The second is to determine whether, once a claim is underway, island states then approach the management of this potential dispute in

a systematically different way than mainland states.

All state leaders have some incentive to make claims to areas, be they territorial, maritime, or other spaces, because anything that can potentially improve the welfare of citizens is helpful to maintaining the power of the leader. However, leaders must balance this desire to improve their political positions with the risk they take by potentially overreaching and making a claim that will lead to conflict. Therefore, state leaders cannot make claims to every potential area they may desire; they have to be selective and only make claims to areas that will provide the most benefit, to make the risk worth taking.

The first step in determining the relationship between island states and maritime space claims then is to investigate whether they are more or less likely to make certain types of claims. This is an important concern, because, geographically speaking, island states are in a better position to make claims to maritime space. They border the ocean on all sides, giving them multiple directions in which to consider making additional claims. According to the cultural theorists cited above, they would be most likely to make additional claims to maritime space with identity salience.<sup>26</sup>

Knowing whether island states make more claims to maritime areas rich in identity resources than mainland states (or areas with rich economic resources) should begin to provide an answer. Likewise, knowing whether island states are systematically more apt to resolve these claims once underway illustrates a heightened commitment to the resolution of a maritime space ownership debate, and thus a more interested party in the ownership of the space.<sup>27</sup>

**Hypothesis 1: Given that a claim has been made, island states are more likely to make claims (act as challengers) to maritime areas with identity resources, such as homeland waters or fisheries. Likewise, they should be less likely to be targeted over**

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<sup>26</sup> The above assumes that states have an equal opportunity to make claims to either identity or economically salient maritime space. This seems reasonable, as island states have a long heritage of ranging out to pursue opportunities, whether it be travel between islands in an archipelagic state, such as in the Pacific Islands, or a history of colonization and colonial battles, as we see in the Caribbean. Since my analysis focuses on the Caribbean, the extent to there are overlapping areas within the legal limits defined by UNCLOS is relatively high, as these states are close together, it seems reasonable to assume that states do indeed have an equal opportunity to make either sort of claim.

<sup>27</sup> It is important to note that all of my hypotheses are somewhat conditional on a claim occurring and take the following form: “Given that a claim has been made, how do we expect states to behave?” This is due in part to data limitations – we can only record events that have happened, and not the counterfactual alternative of claims that could have happened but did not. However, it is important to note that states are restricted in the number and extent of the claims that they can make, and the logic of rational choice tells us that states will choose to state a claim to only those which they believe will best maximize their utility in some form.

**these claims.**

**Hypothesis 2: Given that a claim has been made, island states are less likely to make claims to primarily economically-valued maritime areas, such as those with oil or other natural resources. Likewise, they should be more likely to be targeted over these claims.**

To that end, I examine the various options states can undertake when a claim to space is disputed by another state. They can use force to resolve the claim in their favor, attempt to negotiate with the fellow claimant, turn to mediation of some sort, or pursue binding arbitration under international law.<sup>28</sup> Island states, if they are concerned about identity issues, should pursue any or all of these avenues in order to have their ownership of the maritime area in question confirmed as quickly as possible. This is not to say that they will pursue any settlement without regard to the outcome; obviously, island states would not want a settlement that removes important identity waters from their control. But they will wish to try multiple options, in the hopes of finding a settlement favorable to them within a reasonable time period, and will be willing to switch methods should one route stall or prove unfavorable. This is because to have identity waters confirmed would be a great political victory for that island state, with benefits even potentially beyond those gained by access to economic resources.<sup>29</sup> Thus, they will be vigilant for any opportunity to state their case and have their ownership confirmed or find a politically favorable compromise.

To be certain as to the validity of one perspective over another, I must move beyond descriptive evidence and examine the way in which these maritime claims, once made, are handled. I theorize above that if such a strong maritime identity exists, then island states will have a greater number of claims to maritime space and will manage these claims differently than their non-island counterparts. Moreover, while the island studies literature suggests that island states form a cultural connection with waters, and thus that identity salience is relatively more important to them, it certainly acknowledges the economic bounty of the ocean for these states as

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<sup>28</sup> These options are not exclusive; states can simultaneously pursue more than one settlement option at a time. In this paper, in fact, I assume that they do. For more on this, see Hensel et al (2008).

<sup>29</sup> According to Tir (2003), citizens tend to place a special weight on intangible elements like identity. These gains are obviously more abstract than tangible elements, like economic resources, but they are also more satisfying due to the psychological gains they provide.

well. Though by Hypothesis 2 we would expect to see relatively fewer claims to maritime areas with economic resources, this does not mean that island states would neglect the ones they do have. We would expect, given the import and cultural ownership island states feel for these resources, that they would likewise act to protect them.<sup>30</sup> Thus, maritime waters will be more important to these states than to non-islands, and thus they will make more settlement attempts and be more likely to use violence to settle the claim than non-island states would.<sup>31</sup>

**Hypothesis 3: Island states will be more likely to try to settle a maritime claim in any given year than a non-island state, using bilateral negotiations, mediation, and/or arbitration.**

Note that while the first two hypotheses make a distinction between challenger and target states, the third hypothesis does not. This is because the distinction between challenger and target is essential for the purpose of determining what type of claims are made, as only the challenger is deciding to make a claim contrary to the status quo. For the purposes of settlement, there is no real distinction of import between challenger and target for initiating a claim resolution attempt.

### **Research Design**

First, some definitions are in order. States, for the purposes of this paper, are considered to have made a claim when an official representative of their government asserts ownership of the maritime space in question, and that ownership is contested by another state. Simply put, I am only interested in claims where the ownership of the maritime space (or rights of use) is in question between the governments of two or more states. Since I am specifically interested in island ownership, I define island states as those which are surrounded by water but are not

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<sup>30</sup> As noted above, island states tend to feel strongly about their traditional economic pursuits, as many island states were home to traditional and subsistence fishermen. An example of this is seen in Chapter 4. The Barbadian affinity for the flying fish, a part of Barbados's cultural heritage as the "land of the flying fish," which led it to make a claim to the traditional flying fish grounds off the coast of Tobago. The relationship between identity and economic importance is not always a pure dichotomy, and this hypothesis takes that logic into account.

<sup>31</sup> This may seem contradictory at first, that they would be more likely to pursue both avenues, but to choose one as "more likely" than the other utilizes a false dichotomy. States can simultaneously pursue multiple avenues of settlement, and the greater the relative importance of settlement is, the more likely they should be to pursue all of these avenues. See Hensel et al (2008) for a more in depth discussion of this point.

themselves continental.<sup>32</sup>

Claimant states themselves are broken into two categories, challenger and target states. The target state is the one that holds official or *de facto* ownership of the maritime space in question. The challenger state is the one who pursues the acquisition of maritime space that it does not currently hold. This distinction is important for the purposes of investigating how claims are made.

Another important point of distinction is the particular characteristics of maritime space, and how these relate to cultural identity and/or economic value. Maritime space can be classified on a continuum from “pure identity” to “pure economic.” We can consider claims to maritime space as belonging to the homeland as purely identity; likewise, we can consider claims to maritime space with mineral resources and oil as purely economic. This is because homeland claims should directly play into this notion of state “ownership,” and thus reflect the state’s claim to existence with its insistence on the control of “our space.” Claims with resources, however, are clearly exploitable on an economic basis, and are thus generally viewed as economic boons to a state. Claims to fishery resources are more complicated, however, and thus can be considered as a mixture of both. Fishing is an identity issue in that island states usually have a historic relationship with this lifestyle, as described above. But fisheries are also an economic issue because fishing can be a relevant industry, such as for the island states of Maldives, Iceland, etc. I expect that island states will be more interested in maritime space closer to the identity side of the spectrum.

To conduct my investigation, I consider data on maritime claims comes from the Issue Correlates of War (ICOW) project,<sup>33</sup> which currently includes information on all maritime claims in the Western Hemisphere and Europe from 1900-2001 at the claim-year level.<sup>34</sup> These

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<sup>32</sup> This, of course, leaves out Australia from our definition of “island states.” This seems reasonable, as Australia, a continent in its own right, is of such a size as to make the development of what identity scholars call “an island way of life” unlikely. Since Australia is not included in my quantitative analyses, this should not unreasonably bias the results of the study in any way.

<sup>33</sup> For more information on the Issue Correlates of War project, see Hensel (2001). For more information on the maritime data, see Hensel et al (2008).

<sup>34</sup> The limitations of the data, confined to the Western Hemisphere and Europe, create the potential for an external validity problem. This data limitation inherently means that my analysis revolves around the Caribbean and the British Isles. However, this is only a validity issue if there is reason to suppose that inclusion of other areas – in particular, the Pacific Island states – would cause the data to behave differently. Since much of the island studies literature revolves around the Pacific Islands, and their important cultural connection with ocean space (see Hau’ofa 1994 and Otto 1998 above for examples of this), there is little reason to fear that these states will have systematic



are dichotomous: the presence or absence of bilateral negotiations, non-binding mediation, and/or binding legal arbitration.<sup>35</sup> Because the dependent variables are dichotomous, I use a logit model, as this model best fits. Bilateral negotiation describes an attempt between the claimant states without input from third parties. Non-binding mediation describes efforts undertaken by a third party to settle the claim that do not hold the claimant states legally liable. Arbitration describes efforts undertaken by a third party, usually a court, to settle the dispute, and claimant states are bound to the results.

My independent variable of interest is whether or not both states involved in a claim are islands/archipelagos. Both island and archipelago states are likely to have this connection with the ocean, and for the purposes of this analysis, many of these island states form part of a geographic archipelago in the Caribbean Sea.<sup>36</sup> Furthermore, archipelago states, comprised of a group of islands, should also be cultures of “islandness.” This information is publicly available in many places, but I followed the list given in Watts (2000).<sup>37</sup> This is because I want to see if the geographical and cultural context of a state being an island has a systematic effect on the propensity of a state to attempt one of these four settlement options, and how often in a year they make that attempt. We cannot measure identity directly; many identity scholars would say that you cannot measure identity at all. However, having illustrated the association between island states and identity above, we can use the measurable concept of “island” to capture the essence

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differences of behavior. Since the data on this region of the world has not been compiled yet, I am unable to quantitatively test this hypothesis, but this will remain an avenue for future research.

<sup>35</sup> For robustness, I also measure the dependent variable as a count model, to see if there is a systematic difference in the *number* of settlement attempts per year. For these models, I utilize a Poisson model, as it is the basic count model. The results are similar, with no major changes.

<sup>36</sup> To ensure that grouping island and archipelago states together did not unduly bias the results, I also ran my models with separate variables for islands and archipelagos. There was no systematic difference between the two types of states. It is important to note, however, that since we are limited in region to the Western Hemisphere and Europe, there are few real archipelagos of the type seen in the Pacific or Indian Oceans. This may indicate that we should separately consider the “two-island” archipelagos such as Trinidad and Tobago or St. Kitts and Nevis separately. Since, however, activity on claims is a relatively rare event – conflict and conflict management itself being a rare event – there are simply not enough data to consider a third division of island type.

<sup>37</sup> According to Watts (2000), the following are island states: Barbados, Cuba, Cyprus, Dominica, Grenada, Iceland, Jamaica, Madagascar, Mauritius, St. Lucia, Singapore, and Sri Lanka. Watts names these as archipelagic states: Antigua and Barbuda, Bahamas, Cape Verde Islands, Comoros, Fiji, Indonesia, Japan, Maldives, Marshall Islands, Micronesia, New Zealand, Palau, Philippines, St. Kitts and Nevis, St. Vincent and the Grenadines, Samoa, Seychelles, Solomon Islands, Trinidad and Tobago, United Kingdom, and Vanuatu. Watts incorrectly names Malta as an island instead of an archipelago and leaves out the island state of Nauru and the archipelagic states of Bahrain, Kiribati, Timor-Leste, Tonga and Tuvalu. Not all of these will be included in my analyses, as they only cover the Western Hemisphere and Europe.

of “islandness” for the purposes of this study.<sup>38</sup>

This is especially true considering that much of the island studies literature equates all islands with having “islandness.” This island identity relationship with the ocean is meant to hold true for all islands, from the relatively large ones, such as the United Kingdom, to small ones like Barbados.<sup>39</sup> It is because this relationship is so equated with islands that an island variable is the best possible way to capture this distinction.<sup>40</sup> Though much of the island studies literature is qualitative, the operationalization of “islandness” remains the same for my quantitative analysis.

I also include a second independent variable that measures whether only one state involved with a maritime claim are islands. This is to see if there is any way in which the presence of one island or archipelago state increases the likelihood of settlement attempts. This is a secondary measure, because we would expect to see a stronger relationship when both states are islands, as this implies that both states have this identity value for maritime space and thus would both be more likely to work out an agreement. However, the desire of one state to solve a disputed claim over maritime waters may also have an independent effect, so this variable is included as well.

I also include five control variables: the presence or absence of joint democracy, the relative capabilities of the states, a dummy variable for the presence of UNCLOS, a lagged dependent variable, and the overall salience of the claim in question.<sup>41</sup> I also utilize the Beck, Katz and Tucker (1998) method for controlling for time dependency through the use of three,

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<sup>38</sup> There are potential concerns with considering all island states to have similar feelings of identity, and thus rendering this operationalization suspect. I do so, however, for the following reasons. First, in a quantitative analysis, some level of generalization is to be expected, and here, I simply wish to draw a distinction between island and nonisland states. This measure serves that function. Second, as stated above, this approach of equating all island states with “islandness” seems to be prevalent in most of the literature. As such, this makes it a good starting point at the very least for understanding the concept. In future works, it may be worth considering additional distinctions between island states and differing concepts of island identity and the resultant quality of “islandness.”

<sup>39</sup> For more on the possible distinctions between islands on various measures of “small” and “large,” and the problems with making these distinctions, see Royle (2001).

<sup>40</sup> It is important to be sure that I am adequately removing economic concerns from the island variable, if this is to be a true test of island identity. The concern here is that economic pressures may be so overwhelming for island states that they cannot avoid considering them in all maritime claims. This would seem to be unwarranted. A quick look at the data on fish exports indicates that the island state in my data with the highest percentage of fish exports, Iceland, still only has this important industry account for about 15% of GDP (FAO n.d., World Bank 2008). While this is a concern, as this indicates that for Iceland fishing is a major industry, none of the other states in my data even come close to approaching this level of importance (the next closest is the Bahamas, at a mere 6%).

<sup>41</sup> I considered including a control variable for major power status, as my data includes both island major powers (the United Kingdom, for example) and non-island major powers (the United States, for example). I ran analyses including this variable to ensure that it did not affect the results of the models, but have not included it here because I wished to avoid overspecification of the model through the use of too many control variables.

equally-spaced splines when appropriate.

Joint democracy and relative capabilities are both well-known to affect state behavior, and data on this comes from the Polity and Correlates of War data respectively. I include the dummy variable for UNCLOS (post-1982), to account for the fact that the agreement suggested certain dispute resolution mechanisms and thus may have an effect on state behavior, regardless of whether that particular state became a party to the UN Convention.<sup>42</sup> I also have a lagged dependent variable as a control, as the likelihood of a settlement attempt in a given year is not independent from the occurrence of a settlement attempt in the past.<sup>43</sup>

The claim salience index is likewise shown to affect settlement of a claim (Hensel et al 2008), and this also comes from the Issue Correlates of War data. The salience indicator is a composite variable that takes into account that a particular area of maritime space may contain more than one valuable resource. Maritime space that contains multiple dimensions of value will be more highly regarded (and potentially more hotly contested) than areas with only one or two dimensions of value, therefore I control for these other expressions of value.<sup>44</sup> This variable is essential to include because it captures the economic value of the maritime area in question.

### **Island Maritime Claims**

The first step in identifying whether island states are substantially different from their continental counterparts is to investigate whether there is a distinct difference in the number and type of claims they make to maritime space. That is, are island and archipelago states more likely to make claims, and if so, are these claims more likely to have identity or economic salience?

Table 3-1 presents descriptive information about maritime claims by island and non-island states, separated by challenger and target respectively. It is important to distinguish which

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<sup>42</sup> The UN Convention on the Law of the Sea did not enter into force until 1994, so creating a dummy variable around that date would simply exclude too much of the data, which end in 2001. However, the existence of an agreed-upon lawmaking treaty may in and of itself have an effect on state behavior, so I chose to consider the impact of UNCLOS's existence, rather than entry into force or individual ratification dates.

<sup>43</sup> I also ran analyses to see if the occurrence of a settlement attempt of another type in that year affected the likelihood of a particular route to settlement. I also verified to see if the presence or absence of a militarized interstate dispute – defined as the “threat, display or use of force” affected settlement propensity (Jones et al 1996). Again, to avoid overspecification, I did not include these analyses here, but they did not affect the results of the model.

<sup>44</sup> So, for example, when examining maritime space claims that contain homeland value, this variable would indicate whether or not a particular claim also contains mineral resources, fish, oil, etc.

state is the island in the claim. Claims are, by definition, between at least two states, and all states in a claim may not be islands. Because I am interested in the behavior of island states, it is important to note which of the states in the claim, challenger or target, is an island state. When an island state is the challenger, they are the claimant state, but when an island state is the target, another state is making a claim against them. These are very different circumstances, and thus this must be accounted for in my analysis.

Table 3-1 gives the percentage of the total number of claims made by each type that contained the resource listed. So we see that, in the first row of the first part of the table, maritime space that contained homeland waters made up 36% of all maritime space claims made by island challengers.

According to Table 3-1, we see that the evidence is somewhat mixed. Island challengers are less likely to claim homeland territory, with 36% of claims versus 59% for non-island challengers. However, they are more likely than non-island challengers to claim fishery and migratory fish resources. Island challengers are less likely to claim areas with oil or other resources than non-island states.

With the exception of the lack of island challenger claims for homeland maritime space, these results are consistent with the identity hypotheses 1 and 2. Island challengers are more likely to have made a claim to areas with fishery and migratory fishery resources, just as hypothesis 1 predicted, and less likely to make claims to areas with oil and other resources, given that a claim has been made. The homeland waters exception is the only finding inconsistent with the identity hypotheses.<sup>45</sup> This could be because island states, when making a claim to homeland waters, are unchallenged; other states, knowing how important these waters are to islands, may not wish to engage in protracted claims with them over these areas. Alternatively, the United Nations Convention on the Law of the Sea, which spelled out state rights to nearby waters, may have reduced the ambiguity of these areas in recent times.

For target states, we see that island targets are always more likely to contain a given resource than non-island targets. The difference is least regarding homeland territory (86% versus 83%) and greatest regarding oil resources (24% versus 11%). This evidence, then, is highly inconclusive. The identity line of thought would have expected that, due to the cultural

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<sup>45</sup> I ran supplemental analyses to see if this finding was driven by major power status. I coded for major power status following the Correlates of War major power data, and removed these cases to see if this made a difference. There was no effect.

**Table 3-1: Comparing Maritime Claims between Island and Non-Island States By Resource<sup>†</sup>**

	Island Challenger	Non-Island Challenger
Homeland Resources	36%	59%
Fishery Resources	86%	70%
Migratory Fish Resources	73%	48%
Other (Non-Oil) Resources	59%	70%
Oil Resources	9%	16%

	Island Target	Non-Island Target
Homeland Resources	86%	83%
Fishery Resources	81%	72%
Migratory Fish Resources	62%	52%
Other (Non-Oil) Resources	71%	66%
Oil Resources	24%	11%

<sup>†</sup>Note: percentages do not sum to 100% due to overlap; many claims have multiple characteristics (for example, have both fishery and oil resources).

importance of the homeland waters and fishery resources, that other states would be less likely to challenge their ownership of these. The economic theory would have expected there to be no difference. What this might suggest is a power disparity; island states are generally smaller, and often poorer, than the mainland states of the Western Hemisphere and Western Europe. Perhaps this is just a reflection of the power disparity, where the relatively stronger mainland states are challenging the relatively weaker island states. The ease with which mainland states could make claims to areas administered by island states then may be responsible for this general finding.

This information is purely descriptive, but it hints that there may be a difference in how island states consider maritime space. It provides some support for the identity perspective, as island states are less likely to make claims to maritime space with oil or other resources, and more likely to make claims to fishery waters. While fish stocks are simultaneously an identity and economic resource, the lack of evidence that island states claim maritime space with other economic resources favors the further development and investigation of the identity perspective.

## Settling Maritime Claims

We can now turn to the settlement of maritime claims. Above, I predicted that, according to the identity reasoning, island states will be more likely to attempt the settlement of a maritime claim than a mainland state will. I consider island and non-island behavior over four types of maritime space in turn. Tables 3-2 through 3-6 present the results of these models. We see a clear pattern with the results. Over claims of all types, having one island state involved in a claim means that the states involved are more likely to try mediation than we would see with just mainland states, all else being equal. When both states involved in a claim are islands, then we see that, as predicted, they are more likely to try every available avenue of settlement open to them: conflict, bilateral negotiations, mediation and arbitration.

The first of these tables examines the independent effect of island states on various settlement options over maritime space with homeland resources. Here we see that, all else being equal, island states will try non-binding mediation to settle maritime claims with homeland value, even if their opponent is not an island. When their opponent is an island, then, on average, they will try using bilateral negotiations and binding arbitration. Mediation, however, is not significant here. The results for claims with fishery resources are similar. Table 3-3 shows that, all else being equal, island states are on average more likely to try non-binding mediation to settle the division of waters with fishery resources. When both states involved in a fishery waters claim are islands, then we see an increased probability for settlement attempts of all types.

Table 3-4 shows that island states are more likely to turn to both bilateral negotiation and mediation than their mainland counterparts when attempting to settle maritime claims with migratory fish populations. When both states involved in a claim are islands, then we see an increased propensity to settle the claim using bilateral negotiations or mediation, though there is no increased likelihood of arbitration.

Table 3-5 examines maritime claims with resources, and here again island states are more likely to try mediation. For claims where both states are islands, we again see an increase in settlement attempts of all kinds. Lastly, Table 3-6 examines maritime claims with oil. Island states are once again more likely to turn to mediation than non-island states, and will try mediation more often (and to a lesser extent, bilateral negotiations). There are no claims with oil resources that are between two island states, so this variable is dropped in the models.

**Table 3-2: The Determinants of Making Settlement Attempts: Claims with Homeland Value**

	Bilateral Negotiations	Non-Binding Mediation	Binding Arbitration
Island State	-.198 (.197)	.640*** (.232)	.599 (.590)
Both Islands	.156*** (.390)	.709 (.552)	1.727 (1.180)
Joint Democracy	.164 (.160)	-.133 (.216)	1.053* (.565)
Relative Capabilities	-1.565*** (.473)	-.905 (.697)	-2.622 (1.764)
UNCLOS	.606*** (.156)	.217 (.206)	-1.573 (.837)
Other Claim Salience	.033 (.042)	.089 (.056)	.121 (.177)
Prior Settlement Attempt	2.028*** (.172)	2.074*** (.270)	---
Constant	-2.101*** (.470)	-3.435*** (.668)	-4.163** (1.878)
N	2963	2963	2963
Log-Likelihood	-692.154	-466.230	-86.756

\*  $p < 0.10$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$  (two-tailed); Robust standard errors given in parentheses

**Table 3-3: The Determinants of Making Settlement Attempts: Fishing Claims**

	Bilateral Negotiations	Non-Binding Mediation	Binding Arbitration
Island State	-.192 (.198)	.715*** (.259)	.287 (.575)
Both Islands	1.435*** (.389)	.768 (.577)	2.080* (1.168)
Joint Democracy	.129 (.161)	-.124 (.228)	1.420*** (.524)
Relative Capabilities	-.943* (.486)	-.294 (.756)	-4.200*** (1.597)
UNCLOS	.572*** (.157)	.122 (.217)	-.582 (.588)
Other Claim Salience	.041 (.041)	.131 (.055)	.146 (.134)
Prior Settlement Attempt	2.121*** (.175)	2.228*** (.293)	---
Constant	-2.662*** (.487)	-4.308*** (.693)	-3.237** (1.538)
N	2913	2913	2913
Log-Likelihood	-667.833	-401.279	-94.599

\*  $p < 0.10$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$  (two-tailed); Robust standard errors given in parentheses



**Table 3-4: The Determinants of Making Settlement Attempts: Migratory Fish Claims**

	Bilateral Negotiations	Non-Binding Mediation	Binding Arbitration
Island State	.317 (.230)	.757** (.300)	.281 (.583)
Both Islands	1.904*** (.501)	1.193* (.713)	1.928 (1.202)
Joint Democracy	-.156 (.216)	-.589** (.290)	1.095 (.771)
Relative Capabilities	-1.639 (.785)	-2.072** (1.034)	-3.152 (1.990)
UNCLOS	.503** (.206)	.131 (.266)	-.763 (.722)
Other Claim Salience	.122** (.057)	-.025 (.074)	.116 (.186)
Prior Settlement Attempt	2.121*** (.227)	2.173*** (.346)	---
Constant	-2.566*** (.957)	-1.347 (1.195)	-3.913 (2.822)
N	1590	1590	1590
Log-Likelihood	-379.928	-272.912	-64.974

\*  $p < 0.10$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$  (two-tailed); Robust standard errors given in parentheses

**Table 3-5: The Determinants of Making Settlement Attempts: Claims with Mineral (Non-Oil) Resources**

	Bilateral Negotiations	Non-Binding Mediation	Binding Arbitration
Island State	-.039 (.216)	1.237*** (.279)	-.125 (.814)
Both Islands	1.688*** (.409)	.846 (.547)	3.222** (1.274)
Joint Democracy	.389** (.174)	-.461** (.233)	1.475** (.727)
Relative Capabilities	-1.328** (.528)	-1.495* (.820)	-4.599** (1.944)
UNCLOS	.595*** (.173)	.378* (.229)	-.301 (.614)
Other Claim Salience	.167*** (.050)	.212*** (.069)	.401*** (.134)
Prior Settlement Attempt	1.963*** (.190)	1.687*** (.315)	---
Constant	-3.493*** (.574)	-4.172*** (.795)	-5.863*** (2.025)
N	2539	2539	2539
Log-Likelihood	-570.286	-350.763	-70.482

\*  $p < 0.10$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$  (two-tailed); Robust standard errors given in parentheses

**Table 3-6: The Determinants of Making Settlement Attempts: Claims with Oil<sup>†</sup>**

	Bilateral Negotiations	Non-Binding Mediation	Binding Arbitration
Island State	.208 (.249)	.915*** (.333)	-.922 (1.195)
Joint Democracy	.235 (.205)	-.167 (.281)	2.988*** (1.006)
Relative Capabilities	-2.029*** (.689)	-1.320 (1.007)	-3.674 (2.405)
UNCLOS	.710*** (.216)	.613** (.304)	-.161 (.766)
Other Claim Salience	.180*** (.054)	.070 (.087)	.389** (.173)
Prior Settlement Attempt	1.725*** (.226)	1.904*** (.350)	---
Constant	-2.803*** (.697)	-3.194*** (.826)	-7.767*** (2.070)
N	1305	1305	1305
Log-Likelihood	-363.694	-224.721	-45.417

\*  $p < 0.10$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$  (two-tailed); Robust standard errors given in parentheses

<sup>†</sup> Dual Islands variable dropped due to lack of cases.

Table 3-7 provides first differences, information about the change in the probability that we have a settlement attempt that results in having an island (or two islands) involved in the claim. This table helps to illustrate the effect of having an island involved in the claim. When one state party to a maritime claim involving fish is an island, the probability of mediation increases by about 2%. When both states are islands, the chance of having bilateral negotiations in particular rises greatly.

What we find is that “islandness” – the identity we capture in the two island variables – does have an interesting effect on state behavior. Simply having a single island state involved in a conflict is enough to attract mediators, and encourages the states involved to turn to mediation. For claims between two islands, we see a strong and robust increase in the propensity to turn to settlement avenues of all types, with only a single exception for arbitration over claims with migratory fish stocks.

Because the relationship between island states and the propensity for settlement is so robust – in all models and across all types of maritime space – we can reasonably conclude that “islandness” does have some impact on the way island states choose to settle maritime claims. This relationship, moreover, is independent of the effect of relative capabilities – it is not merely that island states are too weak to fight, or too poor to afford arbitration.

The control variables present interesting, if inconsistent results. Relative capabilities are only occasionally significant. Joint democracy is usually insignificant, but is either close to standard significance or is significant and positive for arbitration, indicating that a democratic pair is more likely to attempt arbitration. UNCLOS is positive and significant for bilateral negotiations, indicating that the treaty may enable states to better discuss their differences. The occurrence of a previous settlement attempt is consistently positive and significant. Other salience is usually positive and significant as well, but not always.

These findings for the most part affirm the studies by identity scholars that claim island states have a different relationship with maritime space. They act with regard to settling competing maritime claims in a consistently different manner than mainland states. This increase in settlement attempts highlights the cultural attachment of these states to maritime space. They want to settle these issues, and seem more likely to use certain tools (mediation) to do so.

Continuing this point, we see that island states are more likely to attempt mediation even

**Table 3-7: Increase in the Probability of Settlement for Islands**

	Bilateral Negotiations	Non-Binding Mediation
Homeland Claims:		
Island		.025 (.006, .047)
Both Islands	.203 (.079, .369)	
Fishing Claims:		
Island		.024 (.005, .050)
Both Islands	.184 (.065, .337)	
Migratory Claims:		
Island		.033 (.006, .074)
Both Islands	.260 (.090, .480)	
Resource Claims:		
Island		.052 (.024, .089)
Both Islands	.212 (.079, .393)	
Oil Claims:		
Island		.053 (.014, .109)

Only significant results shown in table. No results were significant for binding arbitration. Upper and lower bounds of 95% confidence interval in parentheses.

when the other party to the claim in question is a mainland state. This begs the question, why do island states turn to negotiation and mediation more often than their mainland counterparts? Perhaps it is a tradition of resource sharing, begun when island states were controlled by tribal populations or colonial overlords. This would fit with Otto's (1998) study on Papua New Guinea tribes. Or perhaps island states are more likely to volunteer to step in and help with other islands'

crises over maritime resources, due to their common heritage and relationship with maritime space.<sup>46</sup> We would need to know more about which states were acting as mediators to know for sure.

### **Conclusion**

This study is a first attempt at a quantitative analysis of the relationship between island cultural identity and possession of maritime space. This is a topic that many qualitative scholars, in political science and international studies as well as other fields, have examined before, but has largely been bypassed by large-n researchers. Because it is a new way of examining the topic, there is an unfortunate dearth of data – we have no identity variable and therefore must simply rely on geography to capture a cultural phenomenon. Many scholars, of both methodologies, would complain that this does not capture the concept well enough at all.

Perhaps this is true. Yet this study, despite problematic data, still illustrates that identity scholars and island studies researchers are correct when they claim that there is an identity linkage between island states and maritime space. Island states do behave differently than mainland states when it comes to settling competing claims over maritime space. They are more likely to try to settle a claim in any given year to solve the dilemma of competing maritime claims.

As the findings from this chapter indicate, maritime issues are an area which deserves closer examination by political scientists. We can clearly see that island states act very differently over maritime claims than non-island states. The paucity of data and relative lack of study by political scientists (especially when compared with territorial issues) indicate that there is much potential here for future understanding of both general state behavior with regards to maritime space and island state behavior in particular.

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<sup>46</sup> After all, it is unlikely that island states, being relatively poor, would be more likely to attract mediation as a result of an escalatory crisis, in the way that Israeli-Palestinian disputes attract attention due to their political importance.

## CHAPTER FOUR

### IDENTITY ECONOMICS: BARBADOS AND THE FLYING FISH

Does cultural identity affect a state's behavior over maritime space? In the previous chapter, I considered this issue by conducting quantitative analyses. Here I will take a close look at one case study where a specific maritime claim was further complicated by geographic circumstances that, combined with national narratives, caused a state to develop an identity that valued maritime space. My case study in question is a maritime claim made by Barbados over waters containing the flying fish.

The island state of Barbados and the twin island state of Trinidad and Tobago are located close to each other in the southeastern Caribbean. At their closest, Barbados and Tobago (the closer of the two) are only about 116 nautical miles apart (Barbados 2004, Trinidad and Tobago 2004). This means that neither could claim the full 200 nautical mile Exclusive Economic Zone granted to them by the United Nations Convention on the Law of the Sea without overlapping each other. Barbados and Trinidad and Tobago both claimed their EEZ rights but did not delimit the maritime boundary between their states.

This is a common dilemma between states in the Caribbean, but the potential boundary between Barbados and Trinidad and Tobago was particularly troublesome to Barbados due to the state's unique relationship with a particular fishery. The flying fish, found off the coast of Tobago, is a cultural and dietary staple of Barbados. Barbados has long been associated with the flying fish: its motto is "Land of the Flying Fish," and the national dish is "cou cou and flying fish." Furthermore, the flying fish is found on the dollar coin in Barbados, as well as on the paper currency, and a fish that looks like a flying fish is found on the state seal. In fact, Barbados has been associated with the catching and cooking of flying fish since its colonial beginnings in the 15<sup>th</sup> century (Barbados 2004).

The flying fish, however, migrates south, moving from close to Barbados down through Trinidad and Tobago waters and eventually, beyond. This has led Barbadian fisherfolk to pursue

the flying fish closer and closer to Tobago. Barbadian fisherfolk felt they should have the right to fish for the flying fish wherever they wanted, so long as they remained outside the territorial sea of Trinidad and Tobago, in part because they felt it was the cultural heritage of Barbados. These actions, however, angered Tobagonian fisherfolk and occasionally provoked state action by Trinidad and Tobago. Bilateral talks meant to create a fishing agreement and end the dispute occurred regularly, but failed to produce any results.

To explore the effect that the special nature of the flying fish had on Barbados's actions vis-à-vis Trinidad and Tobago, I examined the past 10 years worth of newspaper coverage, from 1998-2008, in Barbados's largest newspaper, the *Barbados Nation*.<sup>47</sup> In this way, I was able to examine several things of interest: the official government statements, the opinions expressed by the editorial board and letter-writers, and the general tenor of the coverage and importance of the issue, with the latter indicated by page placement. Understanding the type and level of newspaper coverage will provide insight into what the quoted elites believe to be of importance as well as the type and level of information about the dispute that the average Barbadian citizen was provided.

Fishing disputes like this one are often multi-dimensional; that is, they have both economic and cultural facets. It seems clear that the flying fish was indeed of great political importance to Barbados, and also that there were at least three differing frames provided to explain this importance. Here I am particularly interested in determining whether cultural arguments have any real independent domestic political effects. But the cultural argument is just one of three major elements that affected the actions taken by the Barbadian government. Below, I seek to explore the presentation of the three possible frames for the fishing debate in the local newspaper to see which have clear legitimacy or standing, indicative of their importance in the debate.

### **History of the Flying Fish Dispute**

“The only thing that takes this long is the peace agreement between Israel and the Palestinians, and they will probably have a peace treaty before we have a fishing

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<sup>47</sup> The dispute dates back to the 1980s, but began to heat up around 2001 (da Silva 2004). The start date of 1998 was determined because of the severely lessened availability of archival material of articles before that date. The research itself was conducted in 2008, hence the end date.



agreement with Trinidad.” Mr. Braithwaite, Barbadian engineer, cited in (Burnham 2001).

The maritime problems related to the flying fish date back to the 1980s (Clarke 2004). The dispute over these fishery waters led Barbados and Trinidad and Tobago to establish a special position, High Commissioner to Trinidad and Tobago/Barbados, and endow them with the authority to negotiate and sign a fishing agreement to settle the issue. The High Commissioner to Trinidad and Tobago, Frank da Silva, and the High Commissioner to Barbados, Reginald Dumas, were in fact able to craft such an agreement in November 1990, which would be in effect for the 1991 calendar year.

The 1990 agreement allowed up to 40 boats owned by Barbadians to travel down and fish in the Exclusive Economic Zone of Trinidad and Tobago, for a US\$800 license fee. Furthermore, each boat would only be allowed five trips during the fishing season, and the boats could be no longer than 15 meters (Blake and Campbell 2007; Clarke 2004). In addition, it also made provision for the Barbados Government to import an additional 300 metric tons of fish (Blake and Campbell 2007).

This agreement, however, was only valid for a single year, 1991. Barbados offered proposals for a new bilateral agreement, but Trinidad and Tobago would only consider renewing the 1990 agreement, which Barbados did not accept (Blake and Campbell 2007).<sup>48</sup> The failure to renew or renegotiate this agreement meant that for the next 15 years, Barbados and Trinidad and Tobago would have no consensus on the flying fish issue. Without a demarcation line or an understanding of where and under what circumstances Barbadians were allowed to fish, the two states continued to come into conflict with each other. Barbadian fishermen were arrested and fined with astonishing regularity, with a case happening approximately every one or two years. At the same time, talks would be proposed, carried out and abandoned by the two states with the same regularity.

The tenor of the talks changed in 2001, however, with the December 10 arrest and imprisonment of Barbadian fisherman McAllister Ward and others. Fisherfolk anger over this arrest led to a planned march on the Barbadian Parliament building by the Barbados National

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<sup>48</sup> The decision not to accept Trinidad and Tobago’s offer to renew the agreement was based in part on Barbadian objections to a 1990 agreement between Trinidad and Tobago and Venezuela. Barbados claimed that this treaty encroaches upon maritime space that was rightfully theirs. See Griffin (2007) for more details on the 1990 Trinidad and Tobago-Venezuela agreement and its impact on Barbados.

Union of Fisherfolk Organisations (BARNUFO). Reacting to the level of anger and hostility, Prime Minister Owen Arthur called for retaliatory actions against Trinidad and Tobago, including a review of Barbados's economic relationship with the twin island state. Despite this action, however, BARNUFO was not dissuaded from its protest. When the group was denied its permit to march to Parliament, they created a flotilla of boats and sailed into Bridgetown harbor laden with placard-waving fisherfolk.

The BARNUFO protest and Prime Minister Arthur's reaction to the arrest of fisherman Ward and others created an uproar, but essentially did not bring about any change in Trinidad and Tobago's position, nor create headway in any negotiations between the two states on the issue. However, it did create greater visibility for the issue and elevated the status of BARNUFO and its president, Angela Watson. Watson had been active in the fishing dispute before, but after the protest she became even more involved in the ongoing process, calling for fisherfolk to be allowed onto Barbados's negotiation team and help work towards an agreement.

These negotiations, as mentioned above, had been continuing, off and on, since the failure to renew the 1990 agreement. The Barbados negotiation team was led by former Prime Minister Sir Harold St. John, and despite Watson's pleas through 2002 and 2003, it did not contain any Barbadian fisherfolk. In addition to these negotiations, the Prime Ministers of the two states, Owen Arthur from Barbados, and (after December 2001) Patrick Manning from Trinidad and Tobago, would meet occasionally and discuss the issue. The topic even came up occasionally in Caribbean Community (CARICOM) discussions, as building regional fish policy and maintaining regional fish stocks was a priority for CARICOM (Saul 1998, Chakalall et al 1998).

In February 2004, the issue exploded when the crew of two more Barbadian fishing boats were arrested and held by Trinidad and Tobago. The families of the crew called on both Prime Ministers to work together to solve the fishing problem, a call reiterated by BARNUFO. Prime Minister Arthur claimed that, in light of this egregious offence, Barbados was going to begin to treat economic imports from Trinidad and Tobago in the same poor way that Trinidad and Tobago treated Barbadian fisherfolk; that is, they were going to restrict imports from Trinidad and Tobago just as the Barbadian fisherfolk were restricted from fishing. This announcement caused a great deal of controversy, as Barbadian commercial interests welcomed potential restrictions on Trinidad and Tobago imports while others worried about international law and the effect this might have on CARICOM and themes of Caribbean unity.

Despite these worries, though, the actions by Trinidad and Tobago seemed to provoke an outpouring of anger by Barbadians. An editorial in the *Sunday Sun* newspaper claimed that Trinidad and Tobago's actions were inflammatory and the reaction from Prime Minister Arthur was unsurprising (Sunday Sun 2004). Many Barbadians noted the complexity of the issue, but there was a general feeling that Trinidad and Tobago was not playing fair, and had not demonstrated a willingness to negotiate and settle the dispute. This impression was reinforced by Prime Minister Arthur's statement that he had sent three letters to his counterpart, Prime Minister Patrick Manning, in 2003 which had never been answered.

It was in this atmosphere that, after an unannounced meeting with Trinidad and Tobago officials, Prime Minister Arthur announced that Barbados would seek binding arbitration under the United Nations Convention for the Law of the Sea (UNCLOS). The decision to go to arbitration was based in part by the fact that the two states had untenable positions with regards to maritime boundaries (Lynch-Foster 2004). In 1990, Trinidad and Tobago signed a delimitation treaty with Venezuela to mark their maritime borders. In this treaty, Trinidad and Tobago accepted Venezuelan claims to territory that Barbados disputed, leading Barbados to claim that this treaty awarded maritime space to Venezuela that actually belonged to Barbados and others. Trinidad and Tobago stood by the 1990 bilateral treaty with Venezuela, and refused to negotiate any agreement with Barbados that violated the line set out therein, and Barbados refused to accept the validity of that line. Thus, the demarcation issue prevented any resolution to the fishing issue.

The decision to undertake binding arbitration did not end the controversy, though. Immediately after the decision was announced, Barbados Deputy Prime Minister and Attorney General Mia Mottley instructed fisherfolk to continue to fish in the disputed waters. Trinidad and Tobago did not accept this, and Prime Minister Manning responded by saying that his country would continue to arrest fishermen in their waters. Furthermore, many Barbadians, fisherfolk or not, were confused by the new turn the issue had taken from a simple fishing dispute to a demarcation issue.

For confusion there was. As jurist Oliver Jackman put it in a February 22, 2004, piece for the *Sunday Sun*:

“It is now clear, for a start, that the real dispute is not about fishing rights. This, to me

and, to I suspect, not least to the fisherfolk of Barbados, is the really big news. But, though the maritime wealth of the sea is more than just fish, how are the fishing agreement and the maritime boundary issue ‘inextricably linked’?”

The confusion and turmoil over the maritime issue with Trinidad and Tobago continued into April, with considerable press attention provided to all sides of the issue. After that, though the issue would resurface sporadically in the popular debate, things were relatively quiet pending the decision of the international court.

The Permanent Court of Arbitration set a hearing date of October 17-28, 2005. It would be another six months before the court produced an agreement on April 11, 2006. This agreement called for the marking of a line that was for the most part equidistant between the two states.<sup>49</sup> This line was not that proposed by either Barbados or Trinidad and Tobago; however, both states immediately claimed victory with regards to the agreement. Barbados officials claimed that the arbitral line clearly marked Barbados’s rights to maritime space and limited expansion by Trinidad and Tobago; for their part, Trinidad and Tobago officials claimed that the court rejected Barbados’s claims to fishing grounds near their state.

The arbitral court did not address the issue of fishing rights directly, but did call upon Trinidad and Tobago to “negotiate in good faith and conclude an agreement that will accord fisherfolk of Barbados access to fisheries within the Exclusive Economic Zone of Trinidad and Tobago” (Arbitral Tribunal 2006). This aspect of the agreement was specifically pointed to by Barbados as beneficial to the fisherfolk, as it would allow them to fish without fear (Griffith 2006).

However, despite this call for a fishing agreement, such was not forthcoming. Despite agreeing to negotiations in June 2006, Barbados and Trinidad and Tobago were unable to come together to form an agreement. In fact, as of this writing an agreement has still not been reached.

### **The Importance of Framing**

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<sup>49</sup> The line was, generally speaking, an equidistant line, but it was adjusted in the southeast to take into account Trinidad and Tobago’s coastal frontage. See Arbitral Tribunal (2006) for more information on the reasoning behind the adjustment.

When considering a political issue, it is important to understand the different parties who can gain from one side or another. Different actors in the political arena have competing priorities, and will act in order to gain their desired result. The constructivist literature describes the process of framing as such that it “provides a perspective from which an amorphous, ill-defined and problematic situation can be made sense of and acted upon” (Rein and Schon 1991: 263, c.f. Joachim 2003: 250). Framing is a way of “creating and recreating meanings” for the issues at stake in a particular situation (Finnemore and Sikkink 2001: 409). Framing is not just about forming and structuring arguments in a particular way, but also about the strategic actions undertaken by the network or movement to accomplish their end goal (Finnemore and Sikkink 2001). Different political factions will develop frames as ways to help convince the appropriate audience that their cause is important and just (Keck and Sikkink 1998: 17-18). Likewise, frames will also suggest a course of action and will mobilize a group behind taking that action (Payne 2001).

Much of the literature concerning frames investigates the ability of international groups/NGOs trying to bring an agenda into a state (e.g. Keck and Sikkink’s (1998) transnational advocacy networks, Joachim’s (2003) work on NGOs, women’s rights and the UN, and Payne’s (2001) discussion of international labor activists). In this case study, I am looking at domestic factions within the state of Barbados. I concentrate on two primary factions here: the Barbadian government (which until January 2008 consisted of the Barbados Labour Party under Prime Minister Owen Arthur), and the Barbadian fisherfolk (led first by Henderson Jordan and then by BARNUFO). We can assume, following the logic of selectorate theory (Buono de Mesquita et al 2003), that the government wants to remain in power and thus retain the support of the winning coalition (which may include fisherfolk but does not solely consist of them). Likewise, we can assume the fisherfolk want to increase their economic well-being by ensuring they have appropriate access to fish.

The government needs to appeal to its winning coalition to remain in power. The fisherfolk need to appeal to the government, either directly or indirectly through their winning coalition. Both sides then will need to frame their approach to the fishing dispute with Trinidad and Tobago in such a way as to garner the support they need to bring about the desired end result.

There are three potential frames that each side can make regarding the dispute. They can claim that Barbados is culturally linked with the flying fish in a way that no other state is, and thus Barbadian fisherfolk deserve access. They can claim that the waters in question have valuable economic resources, including but not limited to the flying fish, and therefore gaining access will help Barbados prosper. Or they could take the opposite approach, and claim that the larger issue of Caribbean unity should prevent Barbados from quarreling with an important neighbor like Trinidad and Tobago. Below, I discuss each of these potential frames in turn, and their appeal to the two groups of interest, the government of Barbados and the fisherfolk.

### **Economic Frame**

Of course, there is an important economic aspect to the flying fish waters. Fishing is more than a historical and cultural occupation; it is also a lucrative economic profession. Approximately 6,000 people in Barbados were involved in the fishing industry in 2004 (Barbados n.d., Barbados 2004). Of these, around 2,200 of them were fisherfolk, with the other 3,800 working onshore as fish sellers, boat mechanics, etc (Barbados 2004). This makes up approximately 4% of Barbados's working population.

By Barbados's own admission, the fisherfolk rely on the fishery off of Tobago to make a living (Barbados 2004). The flying fish is migratory, and so by pursuing the fish off the coast of Tobago, the fisherfolk of Barbados can increase their fishing season.<sup>50</sup> As this fish provides 64% of Barbados's total fish catch, somewhere between 1500 to 2600 tons annually (FAO n.d.), this is a vital component in Barbadian fisherfolk's economic survival.

While this industry pales in comparison to the tourism industry (Mycoo 2006), it is clearly still economically important to Barbados. These two industries, moreover, complement each other. Barbados "sells" its fishing heritage to tourists in the form of a weekly fish fry in the city of Oistins. Oistins is a major fishing community in Barbados, that every week hosts the Oistins Fish Fry. The Oistins Fish Fry is an open-air market with stalls selling cooked fish, with tables and music to create a social atmosphere. The Fish Fry is attended by locals as well as tourists, but all visitors to Barbados are encouraged to go. Oistins is also home to the Fish Festival, an event that takes place Easter weekend and is meant to honor the fisherfolk.

Fish are also important economically because of their importance in the Barbadian diet.

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<sup>50</sup> For more information on the exact migration patterns of the flying fish, see Mahon (1987).

Per capita, Barbadians consume approximately 24-30 kg of fish annually (Barbados n.d.). Fish make up an important source of nutrition for the citizenry, and reduction of that source could mean that Barbadians would have to replace fish in the diet with other, potentially more expensive foods. Alternatively, it could also mean that the state would have to increase its importation of fish, potentially leading to a rise in prices for Barbadians.

These economic aspects are too important to be ignored, and undoubtedly play a role in the relationship the state of Barbados has with the fishing industry. This economic importance also gave the government and people of Barbados reason to encourage their fisherfolk to pursue the flying fish off the coast of Tobago.

Moreover, there are other economic issues as well. The dispute was not always solely about the rights of Barbadian fisherfolk to fish the waters near Tobago. Sometimes it was about maritime boundary delimitation and the resultant rights to underwater resources such as oil and natural gas as well. By February 2004, when Barbados made the decision to take the case to international arbitration, it was about all of these. The introduction of oil and other mineral rights was a relative latecomer to the dispute. While the coverage before February 2004 was consistent in referring to the dispute as a fishing concern, by late February there were clear and repeated indications that the dispute was now including other materials in the disputed waters, such as oil and mineral rights. It is unclear if boundary delimitation was meant to primarily aid the fisherfolk in their ability to catch the flying fish legally or if it was primarily meant to increase Barbadian access to these natural resources.

Though the argument that Barbados had rights to these minerals was relatively new to the dispute, there can be no doubt of its importance. Trinidad and Tobago has built its wealth in large part on its oil and natural gas reserves, an industry that accounts for about 40% of its GDP (CIA World Factbook 2010). The prospect of gaining wealth like that would be highly appealing, and adds greater weight to an argument about the economic importance of these waters.

Again, we see reasons why both the government and the fisherfolk may frame the debate in economic terms. For the government, it is an important political argument; they are working to save jobs and create economic growth, things which appeal to citizens. The fisherfolk also profit when the economic frame is dominant, as it highlights their importance to the economy as a



**Figure 4-1 Barbados Quarter (obverse)**

native industry of Barbados, and provides citizens with a powerful reason to sympathize with their plight.

### **Cultural Identity Frame**

The flying fish has long been intimately connected with Barbados. Barbados has been associated with the catching and cooking of flying fish since its colonial beginnings in the 15<sup>th</sup> century (Barbados 2004). Several visitors to the then British colony in the late 18<sup>th</sup> century remarked on the importance of the flying fish to the territory (Dickson 1789, Pinckard 1806, cited in Barbados 2004). This historical importance of the flying fish has continued up until the





**Figure 4-2 Barbados dollar coin (reverse)**

present day. The motto of the state is the “Land of the Flying Fish,” and this fish is a popular staple in the Barbadian diet (Clarke 1954). The flying fish is often paired with cou cou, a dish made of cornmeal, to make the national dish, “cou cou and flying fish.”

To celebrate this important aspect of Barbadian culture, the government has incorporated it as a symbol of the state. The Barbados coat of arms features a shield held up by a dolphin and a pelican. The dolphin represents the fishing industry of Barbados and symbolizes its importance (Government of Barbados n.d.). This dolphin, however, is scaly like a fish, and has fins which bear at least a superficial resemblance to the flying fish. Thus, the dolphin on the state seal at least evokes the importance of fishing to Barbadian culture and suggests the importance of the

flying fish.

This association is particularly important when considering that the state seal is found on the obverse of all Barbadian coinage (see Figure 1), as well as on its paper currency. This helps to promote the historical ideal of Barbados as a fishing state to its people. While the connection between the seal and the flying fish is tenuous at best, this image is reinforced by the addition of the explicit image of the flying fish to the currency. On paper currency, the flying fish is located directly to the right of the seal, and it appears to be flying toward the seal itself. Furthermore, the image of the flying fish is present on the reverse of the important Barbadian dollar coin (Figure 2, one of the most common coins in Barbados (Barbados 2004). Thus, it is safe to say that the image of the flying fish has been consciously used by the government of Barbados as a powerful cultural and political symbol of the state.

Furthermore, fishing for the flying fish is an important part of Barbadian history. A November 16, 1724 letter from Governor Henry Worsley detailed a contretemps between a British Barbadian fisherman and a French Martinique fisherman off the coast of Tobago, which was then disputed territory (Kupperman et al 2000). This tradition continued up through independence to today. Tobagonian records show that, in fact, Barbadian fisherfolk taught them how to fish the flying fish off their own coast (Barbados 2004). Fishermen disregarded the fact that the flying fish were off the coast of Tobago and not Barbados because of this cultural ownership of the flying fish (Gibbons 2004).

In short, the flying fish is seen as an important cultural identity symbol of Barbados, both by the fishermen whose historic practices have revolved around it, to the government which has packaged and promoted it to the general citizenry as a uniquely Barbadian fish. This has given it great importance to these citizens, as they have embraced the flying fish as their own, and greatly resented any attempts by Trinidad and Tobago to “steal” their fish/symbol.

Both the government of Barbados and the fisherfolk may have had incentives to center their argument for access to waters in the cultural identity frame. The government could use it to provide legitimacy for their desire to increase the reach of their state, thus invoking cultural factors for political gain. Likewise, fisherfolk would also use it to provide motivation for non-fishers to be interested in these waters, giving all Barbadians ownership of the flying fish instead of limiting it to the self-interested.

## Caribbean Unity Frame

The cultural identity and economic aspects of the fishing dispute encouraged the government and people of Barbados to continue pursuing the issue. However, there were also reasons why Barbados was politically wary of escalating the dispute, and these revolved around the Caribbean Community (CARICOM) and the proposed CARICOM Single Market and Economy (CSME).

The Caribbean Community was the successor organization to the Caribbean Free Trade Association (CARIFTA). In 1972, the leaders of the CARIFTA decided to create a common market, and transform the organization (CARICOM Secretariat 2009). The result was the Caribbean Community, or CARICOM, which all members of CARIFTA joined by 1974.<sup>51</sup>

CARICOM was meant to increase regional integration. This movement towards Caribbean integration was deepened by the decision to create the Caribbean Single Market and Economy (CSME) in 1989. According to the Grand Anse Declaration establishing the CSME, it was meant to “deepen the integration process and strengthen the Caribbean Community in all of its dimensions to respond to the challenges and opportunities presented by the changes in the global economy” (CARICOM 1989).<sup>52</sup> The CSME will help integration by widening the free movement of goods and people and creating opportunities for business cooperation (Hosein and Thomas 2007).

The government of Barbados supports CARICOM and the CSME. Prime Minister Owen Arthur stated the case for the CSME forcefully in an address in 2004:

“I again offer the perspective that the creation of a Caribbean Single Market and Economy is an urgent, inescapable and historic necessity that must be satisfactorily and successfully met, no matter how massive the task appears, no matter how meagre the immediate returns may be, or how numerous may be the obstacles and pitfalls that must be overcome.” (Arthur 2004).

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<sup>51</sup> The original members of CARIFTA who joined CARICOM were: Antigua and Barbuda, Barbados, Trinidad and Tobago, Guyana, Dominica, Grenada, St Kitts/Nevis/Anguilla, Saint Lucia, St. Vincent and the Grenadines, Jamaica, Montserrat and Belize. CARICOM garnered three additional members: the Bahamas (1983), Surinam (1995) and Haiti (2002), as well as five associate members: British Virgin Islands (1991), Turks and Caicos Islands (1991), Anguilla (1999), Cayman Islands (2002) and Bermuda (2003). See CARICOM Secretariat (2009) for more details.

<sup>52</sup> Not all CARICOM members are members of the CSME. The CSME members are: Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

This desire to support CARICOM and the CSME was hindered by the desire to escalate the fishing dispute with Trinidad and Tobago. Barbados and Trinidad and Tobago were two of the most prosperous and politically powerful members of CARICOM and the CSME, and conflict with each other could potentially detract from their message of Caribbean unity and cooperation. It also provided ammunition for political opponents who claimed that CARICOM was dysfunctional and useless.

Furthermore, both Barbados and Trinidad and Tobago at differing points in time expressed their desire to handle the dispute through the CARICOM organization. Barbados at one time believed that the situation could be best handled through the creation of a CARICOM regional fisheries policy, and submitted a draft of such a policy to CARICOM in 2003. Later, in 2004 when the dispute was heating up, Trinidad and Tobago Prime Minister Patrick Manning called for the dispute to be referred to CARICOM. This suggestion, however, was overlooked in favor of binding settlement procedures under the United Nations Convention on the Law of the Sea (UNCLOS).

While it seems clear that the government of Barbados was committed to CARICOM and the CSME, and thus may have had incentive to frame the debate in this way, the fisherfolk stand to gain nothing through the use of the Caribbean unity argument. The government can use it to explain inaction on pursuing ownership of the waters, as taking this action may hurt a larger scale goal. But the fisherfolk are unlikely to care more about principles of Caribbean unity than access to a resource that would expand their livelihood, and thus will fight the use of this frame.

### **Driving Factors in the Fishing Dispute: Evidence from Barbados**

To gain a better understanding about how all these frames were used to inform and shape Barbados's actions regarding its fishing dispute with Trinidad and Tobago, I examined local media coverage of events. Below, I discuss the portrayal of the dispute over ten years in the Barbados Nation family of newspapers, which includes the *Daily Nation*, *Weekend Nation*, the

*Saturday* and *Sunday Sun*, and the *Business Authority*.<sup>53</sup> The *Nation* newspaper is the largest in Barbados, with Sunday circulation data of 50,000 (Nation Publishing 2005).

Examining newspaper coverage is valuable for several reasons. It is generally accepted that mass media play an important role in educating citizens about political issues (Graber 2002), even though the exact nature of this role and the effects of the mass media are often difficult to parse out (Barabas and Jerit 2009). Thus, to understand the issues covered by the mass media is to gain insight into the popular discourse. Barbados is a democracy, run by a parliamentary government, and the opinions and ideas of the public should be influential on government decisions. The selection of the *Nation* newspaper to gain insight was due to the fact that this coverage is local in nature; the *Nation* is a Barbadian newspaper for a Barbadian audience, and thus contains the Barbadian perspective.<sup>54</sup>

For this analysis, I examined coverage of the fishing dispute between Barbados and Trinidad and Tobago over the past 10 years, from 1998 to 2008. This time period was selected for multiple reasons. The first is that it was important to have a good range of articles around the arbitration dates (2004-2006), to allow for solid understanding of the events leading up to the case and the consequences thereafter. Second, these articles have been saved electronically in the *Nation's* library database, allowing for easy location and thus reducing the possibility that relevant articles could be overlooked. Before 1998, this database is incomplete.

From this coverage, I coded a dataset of 255 articles, in which I examined multiple variables of interest. My data contains information on the page number, issue(s) of interest (cultural identity, economic, or Caribbean unity), the source(s) of information for the article, which newspaper the article was featured in, whether or not the article was an editorial or opinion column and whether the article contained a call to action on the part of the government and/or citizenry.<sup>55</sup>

Page number is relevant because placement in news coverage matters, with front page stories having more effect than those further back (Liska and Baccaglini 1990). The issue or

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<sup>53</sup> With the exception of the *Business Authority*, all of the other publications mentioned are part of the same newspaper. The *Daily Nation* runs Monday through Thursday, the *Weekend Nation* runs on Friday, and the *Sun* runs on Saturday and Sunday.

<sup>54</sup> Inclusion of data from television programming to supplement that gained from the *Nation* would have been helpful as confirmation of the representative nature of the public knowledge on the topic. However, the only local television station is run by the Caribbean Broadcast Corporation, and it is unknown to what extent this would bias the news against a purely Barbadian viewpoint.

<sup>55</sup> For more information on the data, including the coding guidelines, see Appendices A and B.

frame of interest and the sources of that argument are my primary variables of interest, detailing what argument was made in a given article and who made it. The newspaper of interest was mentioned because the *Nation* may have a different focus than the *Business Authority*. Editorial and opinion columns do not have sources, and reflect only the thoughts and sentiments of the author or editorial board, thus they should be considered separately. Lastly, I look to see which articles if any feature a call to action: a specific plea for the government or relevant group to take a particular action. This will show dissatisfaction with the status quo.

Coding articles is difficult, because it many times requires controversial decisions on the part of the coder. Furthermore, all articles are not alike in their treatment of issues. One article may be a passionate detailing of the economic importance of the fishing dispute to Barbados; another may simply mention it in passing. For this data, I erred on the side of caution. Any article that mentioned the fishing dispute with Trinidad and Tobago was included, even if the substantive point of the article was another topic. This allowed me to examine how the fishing dispute permeated throughout coverage and thus gain traction on the importance of the issue to Barbadian citizens (the *Nation's* readers). Likewise, any mention of an issue (economic, cultural identity or Caribbean unity) was coded, because even references reinforce the ideas behind the argument. Spelling out the economic or identity argument may have been unnecessary, and would certainly have been too repetitive for a newspaper, and so any reference was taken as encoding the idea.

In newspaper articles, any argument made can be attributed to a person or group, whether that is a government representative, group leader, individual citizen or member of the editorial staff. I code this information to ensure that the source of the argument is not lost. However, it is important to remember that all articles and statements are judged by the article's author and the newspaper's editorial staff for its relevancy to Barbadians. Column space is premium in a newspaper, and uninteresting and/or irrelevant information will not be presented. Thus, any article can be assumed to be of interest to Barbadians, despite its source.

These 255 articles represent the public face of the dispute to Barbadians. From this coverage, we can garner a great deal of information about the way that the fishing dispute was presented to Barbadians, and, through the editorial page contents, the way in which they responded to this. Table 4-1 provides summary statistics for our first elements of interest, the frames or issues raised in each piece. This will provide us with information about the relative

**Table 4-1: Issues Mentioned in Coverage of the Fishing Dispute in the *Nation*, 1998-2008**

	Articles Mentioned
Identity	23 (9%)
Economic	59 (23.1%)
Caribbean Unity	17 (6.7%)

frequency of each frame, indicating whether one was dominant. Continued usage of a frame indicates its legitimacy, so this table will indicate the acceptability of each frame of the dispute.

Table 4-1 describes the nature of the issues mentioned in the *Nation* articles. Not all articles explicitly mentioned the issues at stake (economic, cultural identity, and/or Caribbean unity). Much of the coverage of the fishing dispute was straightforward in nature, reporting the commencement or conclusion of a round of talks, for instance, and thus lacked the need for a frame. However, in some cases, sources or columnists provided justification for the Barbadian perspective, and would mention one or more of the issues at stake. Table 4-1 shows us that the most commonly mentioned issue at stake was the economic issue, which was referred to in almost a quarter of the articles. After that, cultural identity was the next most mentioned, featured in 9% of the coverage, and Caribbean unity was the least likely to be mentioned, occurring in only 6% of pieces.

This is only the beginning of the story, however. Table 4-2 illustrates frame occurrence over time. Table 4-2 shows that the economic frame has always been an important way of considering the maritime dispute, and its occurrence remained relatively consistent over time. This indicates that this frame has the highest degree of legitimacy. The cultural identity frame was not used regularly until 2004, which was the year that the arrest of two fishing boats sparked the referral of the dispute to the Permanent Court of Arbitration. It became an important part of the debate then, however, and maintained a less visible but regular presence in the debate after that. The Caribbean unity frame was a small part of the debate before 2004, but disappeared after

**Table 4-2: Issues Mentioned by Year in the *Nation*, 1998-2008**

	Economic Issue	Identity Issue	Caribbean Unity	Total Articles
1998	2	0	0	11
1999	6	1	0	8
2000	1	0	0	3
2001	3	0	2	33
2002	3	0	1	13
2003	2	2	3	32
2004	25	15	10	101
2005	1	0	0	5
2006	9	3	1	27
2007	1	1	0	6
2008	6	1	0	15
Total	59	23	17	255

**Table 4-3: Sources for Coverage of the Fishing Dispute in the *Nation*, 1998-2008**

	Articles Cited
Government Official	96 (37.7%)
Fisherfolk	17 (6.7%)
Academic	8 (3.1%)
Community Group	13 (5.1%)
Foreign Government Official	32 (12.6%)



that, with only a single mention in 2006, the year of settlement.<sup>56</sup> The disappearance of this frame after 2004 indicates that this frame probably lost legitimacy or became irrelevant.

Table 4-3 presents the sources of information from each article. I examine five sources of interest: government officials, leaders of fisherfolk groups such as the influential Barbados National Union of Fisherfolk Organisations (BARNUFO), academics, leaders of community groups, and officials from foreign governments (here usually, but not always, Trinidad and Tobago). Here we see that the Barbadian government is far and away the most often cited source, with government officials appearing in 38% of articles. Foreign government officials, such as Trinidad and Tobago's Prime Minister Patrick Manning, are cited in nearly 13% of articles, providing balanced coverage. BARNUFO and other fisherfolk are quoted 17 times, a mere 6.7% of articles. However, over the 17 articles that the fisherfolk were cited in, 10 of these articles were in the first five pages of the paper, indicating that they were given weight when they were mentioned. By comparison, the government was only mentioned in the first five pages 44 of 91 times. This indicates that the government is primarily responsible for framing the debate over the disputed waters, but that the fisherfolk were still considered relevant.

Having considered articles, I now examine the content of the editorial pages. There are three types of pieces contained within the editorial pages: the official newspaper editorial, opinion columns by staff or guest writers, and letters to the editor by members of the public. Table 4-4 compares the editorial page coverage of issues with the coverage provided in articles. The results show that editorials provide economic issue coverage equal to that provided by articles (that is, no significant differences exist), but that they are more likely to cover identity issues and Caribbean unity issues than articles. It is important to note, however, that the increased coverage of Caribbean unity issues is partly due to coverage by the staff – 2 of the 9 columns to mention the issue were official staff editorials.

This is important because the editorial pages confirm the idea that cultural identity frame is seen as legitimate by Barbadians. Economic issues are clearly important as well – they are covered with the most frequency – but these considerations are not seen as the sole motivation

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<sup>56</sup> This article, which ran on April 16, 2006, featured a call from the President of Congress of Trade Unions and Staff Association to hurry up and finalize a fishing agreement for the good of the CSME. This itself is a frame meant to convince others to encourage trade, which is in the interest of that organization.

**Table 4-4: Editorial Coverage of Issues in the *Nation*, 1998-2008**

	Economic Issue	No Economic Issue	Total
Editorial	20	59	79
Article	39	137	176
Total	59	196	255

Pearson  $\chi^2 = 0.306$  Pr = 0.580

	Identity Issue	No Identity Issue	Total
Editorial	11	68	79
Article	12	164	176
Total	23	232	255

Pearson  $\chi^2 = 3.355$  Pr = 0.067

	Caribbean Unity Issue	No Unity Issue	Total
Editorial	9	70	79
Article	8	168	176
Total	17	238	255

Pearson  $\chi^2 = 4.108$  Pr = 0.043

for Barbadians. They are also concerned about their cultural heritage as a fishing state, and the importance of the flying fish as a long time cultural symbol of Barbados.

From the analysis above, it is clear that the economic perspective is a legitimate and dominant frame for viewing the Barbados and Trinidad and Tobago maritime dispute. It is featured in the majority of articles that use a frame, it has been a consistent part of the debate as far back as 1998, and are mentioned by articles and editorials alike. However, it is equally clear that the cultural identity argument is a secondary legitimate frame for viewing the dispute. While cultural identity issues receive less overall coverage than economic concerns in the *Nation*, but it is important to note that their coverage is consistent over time and steady after the onslaught of attention in 2004.

## Conclusion

It is difficult to parse out the meaning of fishing and fishery issues for states. It is tempting to consider them purely economic issues, and in fact many scholars may do so, but this is a gross oversimplification (Otto 1998, Matsuda 2007). For some states, especially islands, fishery issues may represent an important cultural link with their past, and a basis upon which the cultural identity of the island-state is founded. These states find fishery issues far more complicated than mere economics.

To better understand this relationship, I have provided a case study concerning Barbados and their cultural ownership of the flying fish. This case study complements the findings from the quantitative study I provided in the previous chapter, which illustrated that islands handle maritime claims and maritime dispute differently than mainland states. In this case study, I am better able to determine what issues cause this systematic difference, and it seems clear that, in the case of Barbados, the cultural identity component of their maritime dispute with Trinidad and Tobago is clearly an influential and legitimate part of the policy debate, if secondary to economic issues.

It is clear that islands like Barbados can develop special affinities with maritime resources, and these affinities may lead these states to behave differently than mainland states. Careful consideration of these issues will allow us to better understand state behavior over maritime issues, and perhaps more broadly, understand their international relations better as well.

## CONCLUSION

In Chapter 1 of this dissertation, I posited that variations along Del Sarto's (2006) seven state-level components of identity will affect state behavior over maritime space. I claimed that these identity components would affect the ways in which states viewed maritime waters, and the value that these waters thus had for states. I chose to focus on what I saw as the four elements with the most potential to affect maritime space: legal systems, historical past events and experiences, geography, and national narratives.

I began by considering the relevance of ancient maritime laws, which combine the elements of legal systems and historical experiences. Chapter 2 focused on the differences in maritime law formation between northern and southern Europe. Southern Europe has an uneasy history of coexisting Greco-Roman, Islamic, and modern traditions, whereas northern Europe has a similar heritage based on the conquests and trade routes of the Vikings. I posited that southern European states would be more likely to use violence to settle maritime claims, and that they would also be more likely to be involved in more severe conflict in which there was at least one fatality over the issue. My findings reflected these expectations, as indeed southern European states are more likely to be involved in militarized interstate disputes in any given year over maritime waters, and are also more likely to be involved in disputes where there is at least one death.

In Chapters 3 and 4, I focused on the roles of geography and national narratives. In these chapters, I consider whether island states behave differently with regards to maritime space than mainland states. Due to their special geographical circumstances, island states develop a different relationship with maritime space, considering the maritime space between them as an integral part of their state and identity. In Chapter 3, I theorize that islands' maritime identity will make these states more likely to make a settlement attempt over a maritime claim in a given year, as they will place a greater importance on maritime space and settling the issue. I find that when pairs of island states have maritime disputes, they are indeed more likely to attempt bilateral negotiations in a given year, and are often more likely to take a maritime case to an international

court as well.

I extend this analysis in Chapter 4 with a case study focusing on a maritime dispute between the Caribbean island states of Barbados and Trinidad and Tobago. I specifically consider the actions of Barbados, which has a strong identity connection with a particular resource in the maritime area under dispute, the flying fish. The flying fish is a cultural icon of Barbados. Its nickname is “The Land of the Flying Fish,” its national dish is Cou Cou and Flying Fish, and the fish is present on the back of their dollar coin. In this case study, I am able to determine what issues cause this systematic difference between island and non-island states by focusing on one example in depth to complement the analysis of Chapter 3. It seems clear that, in the case of Barbados, the cultural identity component of their maritime dispute with Trinidad and Tobago is clearly an influential and legitimate part of the policy debate, if secondary to economic issues.

These results indicate that identity is an important component in determining how states behave over maritime space. Del Sarto (2006: 42) suggested seven components of state identity: politics, legal systems, economics national narratives, religion, geography and history. The four of interest here, history, legal traditions, geography and national narratives are shown to be relevant for determining state propensity to settle maritime disputes, whether through the use of force or peaceful endeavors. But there is still much rich ground to cover in order to fully understand the relationship between state identity and behavior over maritime space. First, I would like to consider the roles of the other three identity components in affecting state behavior over maritime space. Mitchell and Prins (1999) consider the role of political institutions, by illustrating that democracies often fight over maritime fishery issues, but it would be interesting to consider this in conjunction with the other components. As I showed above, these factors of identity formation often work with each other and blend together, and exploring how this works for democracies and other political systems would be greatly informative. Likewise, there is interesting ground to cover with regard to religion and maritime space, as there have been many historical examples of sea deities, ranging from the Greco-Roman sea god Poseidon or Neptune to the Chinese sea goddess Lin Moniang (Deng 1999).

Another potential avenue for investigation would be to expand the analysis in Chapter 3 to more closely consider any expected differences between island and archipelago states. Above I consider the two types of states together, but some might suggest that there is an important difference between a single island state without near island neighbors and a chain of islands. In

this study, where most of the island states in question are part of a geographic collection of islands in the Caribbean, we might not expect to find differences, but expansion of the study to include more solitary islands such as Sri Lanka should encourage greater thought on this topic.

Along the same lines, I intend to see why island states are so much more likely to turn to third party mediation and, on occasion, bilateral negotiations. Why are island states so enamored of mediation? Who is volunteering to mediate, and why? Why are they systematically more likely to try bilateral negotiations to solve overlapping maritime claims than mainland states, but only regarding certain claims? The answer to these questions might help clarify the role of identity in how island states manage maritime claims – or point to another factor entirely.

Lastly, I also would like to continue the data collection project I began in Barbados in order to expand my examination beyond one dispute in one state. Island studies scholars have long been interested in conceptualizations of identity in island states, but this is to the best of my knowledge the first quantitative study attempting to systematically determine how this identity affects state behavior. As such, it is a good complement to and confirmation of the previous research on island identity. However, it is only the beginning. In the case study provided here, it is clear that Barbados had a strong cultural link with the maritime resource in question, but this may not always be the case. Will islands differentiate between more and less culturally relevant maritime resources? How will this distinction be made?

This dissertation illustrates clearly that identity is an important component in determining how states behave over maritime space. The four components of interest here, history, legal traditions, geography and national narratives are shown to be relevant for determining state propensity to use conflict to settle maritime disputes as well as impacting their routes for peaceful settlement. This is only the beginning, however; the work included here reflects but a few relevant dimensions of state identity and interests for the purposes of maritime space and maritime space behavior, and indicates still more ways in which we can consider these dimensions. It has also provided new insights into state behavior over maritime space that themselves are worthy of greater investigation. This work, in short, has proven to be fruitful, and indicates the validity of identity as a component of understanding state behavior over maritime space.

## APPENDIX A

### CODING GUIDELINES FOR *NATION* ARTICLES

**History of this project:** I collected this data from November 3-18, 2008, in Barbados using the digital archival system of the Barbados *Nation* newspaper. This archive is not available online, and contains all articles dating back to the late 1990s (there are articles before this in the archive, but years earlier than 1998 do not seem to have complete coverage).

**Variable List:** Below is a list of the variables I coded as part of this project, and the guidelines for determining their values.

*Year*

The year the article occurred.

*Month*

The month the article occurred.

*Day*

The day the article occurred.

*Economic*

Did the article mention or discuss economic issues? Any mention at all of the issue is coded as a “yes,” and no mention is coded as a “no.”

*Identity*

Did the article mention or discuss cultural or identity issues? Any mention at all of the issue is coded as a “yes,” and no mention is coded as a “no.”

*Caribbean Unity*

Did the article mention or discuss CARICOM, the CSME, or other Caribbean issues? Any mention at all of the issue is coded as a “yes,” and no mention is coded as a “no.”

*Page*

The page number where the article ran in the newspaper.

*Government*

Was a member of the government quoted? If a member of the party in power is directly quoted in the article, this is coded as “yes,” and if not, then it is coded as a “no.”

*Academic*

Was an academic quoted? If an academic is directly quoted in the article, this is coded as “yes,” and if not, then it is coded as a “no.”

*Barbadian Fisherfolk*

Was a fisherman or fisherfolk organization such as BARNUFO quoted? If a fisherfolk or representative is directly quoted in the article, this is coded as “yes,” and if not, then it is coded as a “no.”

*Community Group*

Was the member of a community group quoted? If a member of a relevant community group (Chamber of Commerce, etc) is directly quoted in the article, this is coded as “yes,” and if not, then it is coded as a “no.”

*Other Government*

Was a member of a foreign government quoted? If a member of a foreign government in power (Trinidad’s Prime Minister, for example) is directly quoted in the article, this is coded as “yes,” and if not, then it is coded as a “no.”

*Other Source*

Was an alternate source to those listed above quoted? If a source alternate to these (member of the opposition, retired politicians, etc) is directly quoted in the article, this is coded as “yes,” and if not, then it is coded as a “no.”

*Editorial*

Was the article an editorial? If the article was featured in the editorial section of the newspaper, including the official editorial, editorial columns, and letters to the editor, then this is coded as “yes,” and if not, then it is coded as a “no.”

*Call*

Did the article feature a call to action on the part of the government or other group? If the article specifically called upon the government or relevant actor or group to undertake a specific action, then this is coded as “yes,” and if not, then it is coded as a “no.”

*Nation*

Was the article in the Nation newspaper? If the article was featured in the Daily Nation, Weekend Nation, or Saturday or Sunday Sun, this is coded as “yes,” and if not, then it is coded as a “no.”



## APPENDIX B

### SUMMARY OF ALL NATION ARTICLES CODED IN THIS DATA, 1998-2008

#### **1-4-98: New Fish Talks with Trinidad (Sun, page 5)**

Agriculture Minister Rawle Eastmond announced that talks with Trinidad were to begin in 3 weeks. The negotiations would be led by Sir Harold St. John, former PM, and Nigel Barrow, ambassador to CARICOM. He said that Trinidad had sent clear signals that they wanted to talk.

#### **1-6-98: Fishing Talks in a Tangle (Nation, page 5)**

Agriculture Minister Rawle Eastmond said that Barbados would be sending Sir Harold St John to begin talks on January 22, but Trinidad's Foreign Minister Maraj said that they had decided not to start negotiations.

#### **1-11-98: Minister Hopeful of Renewed Fishing Talks (Sun, page 15)**

Agriculture Minister Rawle Eastmond is "hopeful" about renewed talks with Trinidad over a fishing agreement. He said last week that Sir Harold St. John would lead negotiations.

#### **1-18-98: Need for a Fishing Pact (Sun, page 6)**

Editorial claims that a fishing agreement between Trinidad and Barbados was vitally important. They need to delimit boundaries and negotiate agreements so fishermen are not arrested or shot at.

#### **1-24-98: Hooked in T&T's Waters (Sun, page 3)**

A Bajan fishing boat captain was fishing T&T\$10,000 for fishing illegally in Trinidad. They confiscated his catch and he was released.

#### **4-6-98: Laws of the Sea (Business Authority, page 5)**

Columnist Reginald Dumas, former Trinidad High Commissioner to Barbados, talks about the history of the conflict. Claims that the Trinidad PM at the time it first became an issue did not want to favor Bajans over Tobagonians, and that Tobago was concerned because the Bajan fishermen had better technology than they did. Calls for a reopening of the missions to restore continuity to the talks.

#### **4-12-98: Too Much Fish Talk, says Thompson (Sun, page 32)**

Opposition leader Thompson said that the government was just talking about a fishing agreement but could not actually produce one. He wondered why it was taking so long.

#### **9-19-98: Flying Fish Talks a Lot of Hot Air (Sun, page 6)**

Columnist discusses the 1990 agreement on fishing with Trinidad and how it laid the groundwork for a longer agreement, but that talks have now stalled.

**9-26-98: No Easy Catch (Sun, page 6)**

Columnist discusses Barbados continued demonstrations of goodwill toward Trinidad with respect to the fishing discussions. Provided excerpts of 1989 speech as evidence.

**9-27-98: ‘Solution’ to Fishing (Sun, page 32)**

Frank da Silva says that PMs Arthur and Panday need to sit down and talk about fishing. He offered his services in negotiating such an agreement. The president of the Barbados Cooperative Fishing Society Tony Mason agreed that a nonpartisan approach was needed.

**10-2-98: Butt Out, da Silva (Nation, page 10)**

Column by BLP condemns Frank da Silva for castigating PM Arthur for noninvolvement in fishing talks with Trinidad. Claims that his attempt at getting an agreement in 1990 resulted in an unfair and one-sided agreement, and that he clearly does not know what he is doing.

**2-13-99: Fish and More Fish (Sun, page 6)**

Boat owner and president of Barbados United Fisher Folk Association Henderson Jordan complained about the low selling price of flying fish. He called for development of deep freeze storage, complained about cheap imports from Tobago, and called on government to stop neglecting the fishing industry and get a fishing agreement, not just with Trinidad but with all of CARICOM.

**7-1-99: Fishing Group asks for \$5 Million (Nation, page 14)**

BARNUFO president Watson called for a \$5 million subvention from government to help the fishing industry. After that, she said, they could conduct business better. She also called for a Caribbean fishing agreement and wondered at whether Trinidadians were fishing in Barbados’s waters.

**8-29-99: New Chance at Trinidad Fishing Deal (Sun, page 13)**

Barbados Foreign Minister Billie Miller told the House that she and Trinidad Foreign Minister Ralph Maraj were planning to start talks over fishing and maritime delimitation. Trinidad Trade and Industry Minister Mervyn Assam confirmed this at a Chamber of Commerce luncheon in Barbados.

**9-13-99: Maritime Talks (Business Authority, page 12)**

Trinidad Foreign Affairs Minister Ralph Maraj announced that Trinidad and Barbados would begin talks on their maritime boundary. Once a boundary is agreed upon, they can discuss the “living and nonliving resources.”

**10-3-99: Let the Maritime Talks Begin (Sun, page 6)**

Editorial comments on the resumption of talks between Barbados and Trinidad. Says that the number one issue for Bajans was fishing, and that though one might think that shared membership to UNCLOS and CARICOM would help speed things up, it did not. Points to the

agreement Trinidad signed with Venezuela and its implications for Barbados. Says that no state should accept agreements that it was not a party to creating.

**10-18-99: Importance of Fishing Industry (Business Authority, page 15)**

Editorial talks about the importance of the fishing industry to economic terms.

**12-8-99: Trinis not giving us square deal (Nation, page 6)**

Editorial remarks on Trinidad's "obvious reluctance" to sign a fishing agreement with Barbados. Points to Bajan feelings that they have allowed so much Trinidad trade and industry in, they feel Trinidad should allow their fishermen in. Editorial states they need to stop taking advantage of Barbados.

**12-23-99: Arthur Warns Trinidad (Nation, page 48)**

PM Arthur warned Trinidad that it should open discussion on a fishing agreement. If it did not, it would suffer the consequences.

**1-3-00: Senator calls for change in VAT (Business Authority, page 27)**

Long interview with Clyde Mascoll, DLP Senator, in which he addresses many things, one of which is the fishing dispute. He claimed that CARICOM needed to address fishing, and that its failure to do so was a major weakness.

**5-3-00: Fishing Agreement still being pursued (Nation, page 30)**

Minister of Agriculture Wood claimed that they were still pursuing a fisheries agreement with Trinidad. He claimed things were in place at lower levels, but that at higher levels (political levels) it was still problematic. Claimed that there was still plenty of willingness on Barbados's part.

**12-9-00: Fishermen 'were warned' (Sun, page 23)**

BARNUFO president Watson claimed that fisherfolk must respect Trinidad's sovereignty and that they were warned about fishing in Trinidad's waters. She claimed that people have been trying to raise money to bail the captured fishermen out of jail, but that she was not a part of that because she didn't think that Trinidad should get anything for treating Bajans so badly. She called on government to pay attention to this mistreatment.

**12-17-01: Trinis on Edge (Nation, page 3)**

The president of Trinidad and Tobago Association of Barbados, Winifred Grant, claimed that the tit-for-tat situation is good for neither country. It made Trinidadians uncomfortable. She pointed out that they had no idea what the governments were doing behind closed doors to solve the fishing dispute.

**12-18-01: Watch the tit-for-tat approach (Nation, page 8)**

Editorial accuses both sides of foot-dragging when it comes to resolving the fishing dispute. It expresses skepticism that escalating the crisis by threatening trade was a wise move. Calls for cooler heads to prevail and more priority given on both sides to a resolution.

**1-9-01: Rough Sail Home for Fishermen (Nation, page 5)**

Two fishermen arrested on November 17, 2000 returned to Barbados having served their time in Trinidad jail. They were greeted enthusiastically by fishermen at the Fishing Complex.

**1-5-01: Fish Treaty caught in ‘Red Tape’ (Nation, page 17)**

Fisherfolk express their dissatisfaction over the inability of Barbados to get a fishing agreement with Trinidad. One fisherman said that it was a government problem, and that fishers of both countries get along. An engineer said that fisherfolk needed to band together. Member of Fisheries/Agricultural Committee said government needed to do something.

**2-15-01: Arthur, Panday agree to move on fishing agreement (page 3)**

Barbados PM Arthur and Trinidad PM Panday agreed to reopen negotiations for a fishing agreement between the two countries. Arthur announced the establishment of a joint commission to solve the fishing dispute and discuss other problems.

**3-5-01: Barbados just keeps on talking (Nation, page 8)**

Editorial complains that Barbados is being taken advantage of by CARICOM partners. Barbados is always willing to accept their assurances that something can be worked out, but it never is and Barbados suffers. Points to fishing dispute with Trinidad as an example, how every time a Bajan fisherman is arrested, there is an outcry over a lack of an understanding and talk about talking, but nothing ever gets resolved.

**3-15-01: Kellman-Fishermen need better break (Nation, page 19)**

Opposition MP Kellman suggested Barbados set aside the money used to buy fish from outside the region and use it to pay Trinidad for fishing rights. He said the country could not wait on Trinidad to come to an agreement and something had to be done to help Bajan fishermen, who served Barbados well and formed an important sector in their economy.

**3-17-01: Sir Henry believes agriculture key to progress (Sun, page 16)**

MP Sir Henry Forde spoke to the House of Assembly about several things, one of which was the fishing dispute. He claimed that the relationship between Barbados and Trinidad was more complicated than a fishing agreement and they needed to understand the Trinidad point of view. He further called on the country to get its best college graduates into marine industries.

**3-21-01: McClean: Ministry not Buying Local (Nation, page 5)**

Opposition Senator McClean brought before the government several issues he thought were not being handled well. One such area was the fishing dispute with Trinidad. He said that the PM’s inability to get an agreement contrasted sharply with his status as “champion of small island states.” He pointed out that, despite government’s words, Bajan fishermen could still not get to Trinidad.

**2001: McClean: Lack of Fishing Agreement a Disgrace (Nation, page 4)**

Opposition Senator Leroy McClean decried the lack of a fishing agreement between Barbados and Trinidad. He said Barbados should look to stop using Trinidad-owned airline BWIA. He criticized Trinidad for excluding Caribbean fishers from their waters but allowing the Japanese. He further suggested that the government’s inaction was because of the low income status of fisherfolk and suggested this lack of prosperity was deliberate.

**11-28-01: Fish Cry (Nation, page 56)**

Opposition leader Thompson called on government to prioritize the resolution of a fishing agreement between Trinidad and Barbados. He criticized the inaction 8 years after the appointment of a special envoy, and called on government to settle the dispute.

**12-14-01: Fisherfolk serious (Nation, page 5)**

BARNUFO president Watson announced their application for a permit to march from the Bridgetown Fisheries Complex to Parliament. This protest was planned, she said, due to the inaction of the government on behalf of the fisherfolk. They want an agreement over the fishing dispute and not to be arrested by Trinidad.

**12-16-01: TIT-FOR-TAT! (Sun, page 1)**

PM Arthur, in light of the recent arrest of Bajan fishermen by Trinidad, announced the following retaliatory actions: illegal Trinidad aliens were to be deported, the amount of Trinidad goods sold in Barbados will be reviewed, the general economic relationship would be reviewed, and the fishing dispute would be taken to CARICOM.

**12-17-01: Barbados gets tough with T&T (Business Authority, page 2)**

PM Arthur announced that, in light of the recent Trinidad arrests of Bajan fishermen, the government was going to have a general review of its economic relationship with Trinidad. He also accused Trinidad of allowed non-CARICOM vessels (Taiwanese) into Trinidad's waters. He also threatened the illegal Trinidad aliens in Barbados.

**12-17-01: 'OLD TALK' (Nation, page 48)**

Opposition leader David Thompson claimed PM Arthur's threats against Trinidad were empty words meant to prevent a protest rally by fisherfolk. He criticized the Arthur government's inability to solve the crisis, and said the two PMs should sit down and discuss the matter.

**12-18-01: Arthur Toughening Up (Nation, page 28)**

Barbados is taking a tougher stance toward Trinidad in the wake of the fishing dispute between the two. Barbados has threatened to deport illegal Trinidadians in Barbados, and to look to potential trade curbs, according to PM Arthur. Details history of dispute.

**12-18-01: March off (Nation, page 1)**

Fisherfolk were denied permission to picket Parliament. BARNUFO president Watson said that it would not end there. Earlier fisherfolk met with Minister of Agriculture Anthony Wood.

**12-18-01: Trinidad Takes the Blame (Nation, page 1)**

Trinidad's ambassador to CARICOM, Kamaluddin Mohammed, apologized over the lack of a fishing agreement. He claimed the matter would be resolved soon and Arthur would not have to follow through with his threats.

**12-19-01: The Goblet of Fire (Nation, page 10)**

Column by opposition member David Thompson that describes his encounter with an irate lady in a supermarket. She was angry about the government not solving the fishing dispute, among

other things. Thompson claims to support the fisherfolk and describes the lack of agreement as incompetence on the part of the BLP government. She goes on to say that now everyone is interested in oil and thus the fisherfolk weren't important and now the talk was about boundaries.

**12-19-01: 'Bajans Deserve an Apology' (Nation, page 6)**

Reprint of a Trinidad Express editorial that admits Trinidad took some blame in not reaching a fisheries agreement. Says that things should not have come to this, with such bad relations, and that an "apology would not be out of place."

**12-19-01: Sea Rage (Nation, page 1)**

Fisherfolk took to the sea to protest the lack of an agreement to allow them to safely fish in Trinidad's waters. They were denied a permit to protest in front of Parliament so took to boats instead.

**12-19-01: Fisherman's Arrest the Last Straw (Nation, page 4)**

Fisherman McAllister Ward led a procession of 11 boats to protest the arrest of Bajan fishermen by Trinidad. Ward was imprisoned December 10 by Trinidad for being in their waters, but Ward denies that he was. He expresses confusion over the fact that Trinidadians fish in Bajan waters but Bajans can't fish in Trinidad's waters.

**12-19-01: Officials Meeting to Discuss Fishing Dispute (Nation, page 6)**

Officials of the Trinidad Ministry of Foreign Affairs met to discuss their escalating dispute with Barbados. Meeting included Foreign Minister (outgoing) Mervyn Assam and CARICOM diplomat Kamaluddin Mohammed. Mohammed reportedly apologized and was rebuked by a former diplomat, Reginald Dumas.

**12-20-01: No Apology (Nation, page 56)**

Trinidad Foreign Minister Assam claimed that Trinidad would not apologize for delays in a fishing agreement, and instead blamed Barbados for those delays. Claims Bajan PM Arthur was misinterpreting Treaty of Chaguaramas.

**12-21-01: Laugh, if you t'ink it easy (Nation, page 9)**

Columnist decries the fact that Bajan fisherfolk had to take their protest to the sea after being refused permission to march in front of Parliament. Expresses frustration with both Barbados government and Trinidad government.

**12-21-01: Misleading! (Nation, page 3)**

Barbados refutes Trinidad Foreign Minister Assam's claim that they were delaying a fishing agreement. Barbados claimed that Trinidad had not given them a draft agreement. Barbados said that it would not sit idly by and watch Trinidad profit while doing nothing itself.

**12-21-01: Backgrounder (Nation, page 3)**

Article spells out background to fishing dispute, starting with the 1990 agreement.

**12-22-01: Muzzle Assam! (Sun, page 32)**

Outgoing Trinidad Foreign Minister Assam is creating difficulties for Trinidad, PNM leader Manning claimed. He said Assam was creating hostility between Barbados and Trinidad in the wake of their failure to come to a fishing agreement.

**12-23-01: Fisherfolk: We're Happy (Sun, page 2)**

BARNUFO president Watson said that fisherfolk were pleased with the outcome of their protest. They sailed 11 boats with about 100 fisherfolk with placards to protest the arrest of fishermen in Trinidad.

**12-23-01: Time for Compromise is Now (Sun, page 6)**

Editorial refutes Trinidad claim that Barbados is to blame for the delay in fishing agreement. Instead, they blame Trinidad and call for the Trinidadians to stop making accusations and instead solve the problem.

**12-24-01: Threat to Regional Integration (Nation, page 9)**

Columnist deplors the leadership of Trinidad PM Panday. Suggests a common EEZ for the Caribbean is called for but claims Panday and Trinidad are not true to the ideas of Caribbean unity and force PM Arthur to be tough in the face of their hostility.

**12-24-01: Dey Playing de Mass (Nation, page 8)**

Columnist claims Caribbean politicians are preventing Caribbean unity. Claims the Barbados-Trinidad fishing dispute was an example of this, for two states with so much in common should be working together to create a common fishing industry for the Caribbean. The Caribbean needs a leader.

**12-25-01: Big Business not giving anything to poor (Nation, page 11)**

Letter to the editor says that big business claim to care about the poor but don't. Fisherfolk are poor but only the government, not business, has done anything to help. The PM has been looking after the poor, and has done great things for fisherfolk.

**12-28-01: Back up Talk with Action (Nation, page 11)**

Letter to the editor praises PM Arthur for his strong stance against Trinidad after the arrest of Bajan fishermen fishing in Trinidad's waters. Calls for him to back up his talk with action.

**1-5-02: Fish Talks (Sun, page 3)**

Barbados and Trinidad agreed to renew talks for a fishing agreement, according to Trinidad's Foreign Minister Gift. He said that PM Arthur was open to discussing the dispute and that progress had been made in easing tension between Barbados and Trinidad.

**1-7-02: Where Do We Go From Here? (Nation, page 10)**

Letter to the editor says that Barbados and Trinidad should be working closer together for CARICOM, not fighting over fishing rights. Claims that it is natural for countries to protect their waters. Points out that the boundary between Barbados and Trinidad has never been demarcated, and suggests that this may be a problem. Calls for the two, and the Caribbean in general, to work together to stop pollution, etc.

**1-10-02: Best to Stay Out of Trinidad's Waters (Nation, page 11)**

Letter to the editor examines the Bajan sense of entitlement to fish in Trinidad's waters. Wonders if Bajans would feel they could fish Venezuelan waters if the fish migrated there. Thinks Bajans should stay out of Trinidad's waters until there is an agreement.

**1-17-02: Region must get its act together (Nation, page 11)**

Letter to the editor hopes that Manning's return to PM of Trinidad will bring about a fishing agreement. Claims the fishing dispute should never have come up and that the Caribbean needs to move beyond these issues.

**1-21-02: Owen Arthur's no Errol Barrow, says da Silva (Nation, page 17)**

Frank da Silva said that the government was not serious about getting a fishing agreement. Called for lead negotiator St. John to resign.

**1-24-02: BLP should deal with real issues (Nation, page 10)**

Letter to the editor complains about BLP governance. Author tells the PM to send the Minister of Trade to Trinidad and get an agreement. Further claims there is no need to create hostility between Barbados and Trinidad.

**1-26-02: Fish Catches Take a Plunge (Sun, page 3)**

BARNUFO president Watson said that Bajan fishermen were catching less fish over the past 2 months because they were afraid of entering Trinidad's waters. This was a problem, she said, because the fish migrated further south this time of year. She said that the industry was important but neglected.

**1-30-02: WI leaders 'not talking to people' (Nation, page 7)**

Opposition leader Thompson claimed that Caribbean leaders were not informing people about the CSME. He claimed the Trinidad-Barbados fishing issue was a local one and there was a wider issue to be discussed. Said the big issue was whether they were going to open up the region to everyone to exploit the resources.

**1-30-02: Kellman-How will UWI repay \$20 million loan? (Nation, page 6)**

MP Kellman urged government to tie their support for UWI to a fishing agreement with Trinidad, claiming that Barbados should not share the university with states that would not share their waters. The Minister of Education Rudolph Greenidge said they were two separate agreements.

**2-4-02: 'Fisherfolk Must Have a Voice' (Nation, page 2)**

Frank da Silva claims fisherfolk must be involved in the negotiations for a fishing agreement. He praised the fisherfolk for keeping the dispute in the public eye and reminded his audience that Tobago used to be governed by Barbados (1890-1900). Called the 6600 fisherfolk "a bastion of black enterprise in Barbados."

**2-6-02: Tobago Come-by (Nation, page 6)**



Tobago's chief secretary Orville London was invited to visit Barbados later in the month to discuss tourism and the fishing dispute. London claimed both sides had to be satisfied, Tobagonians and Barbadians alike.

**8-26-02: Watson-No Party Agenda in BARNUFO (Nation, page 11)**

BARNUFO president Watson claimed that the group only promoted the interests of its members, not that of a political party. She said that the DLP had been more cooperative and reiterated her plea that Bajan fishermen be allowed on the negotiating team.

**9-6-02: Call for Reviews of Trinidad Relations (Nation, page 11)**

Letter to the editor claims that Trinidadians think that PM Arthur is weak and that they can do what they please. Author points to the fact that after 8 years in office Arthur has been unable to get a fishing agreement. Calls on the Port Authority to slow Trinidad goods from entering port until Trinidad plays fair.

**1-19-03: McClean wants answers on fishing deal (Sun, page 32)**

Opposition senator Leroy McClean called on the government to explain to Barbadians why there was no fishing deal. He claimed the government had to let fishermen know where they could fish to avoid having Bajans get arrested.

**1-20-03: Costly Catch in Waters off Tobago**

Editorial expressed the belief that the arrest of fishermen shows the dispute will not just go away until both sides are seriously ready to solve it. Expresses confusion of why, with such historically good relations, Barbados and Trinidad cannot work something out. Also points out that good relations do not prevent Trinidad from heavily fining Bajan fishermen.

**1-22-03: 'No Helping Hand' (Nation, page 3)**

Barbados Minister of Agriculture Anthony Wood claimed that the Barbados government would not bail out fishermen arrested by Trinidad. He hinted that Trinidad was dragging its feet and that he hoped to get a moratorium on arrests during negotiations.

**1-23-03: Fishing for a Solution (Nation, page 4)**

Boat owner Henderson Jordan called for the establishment of a marginal line followed by a joint CARICOM zone between several countries. This, he said, would be more fair.

**1-25-03: A Nibble (Sun, page 1)**

PMs Arthur and Manning claimed things were on track to resume talks. They said negotiation teams were in place and they would both consider a joint technical group. Arthur urged fisherfolk to be patient and not violate Trinidad's rights in the meantime.

**1-28-03: Fish Team 'Not on Ball' (Nation, page 3)**

BARNUFO president Waltson says she is not impressed with the government's attempts to reach a fishing agreement. She said that Bajan fishermen should be on the negotiation team.

**2-16-08: Barbados 'casts' net (Sun, page 25)**

Barbados came up with a draft proposal for a regional fisheries policy. Lists 10 recommendations.

**2-18-03: Barbados' Fisheries Initiative (Nation, page 8)**

Editorial praises Barbados initiative to get CARICOME in line with a regional fishing policy.

**2-18-03: Fish Talks Soon (Nation, page 4)**

Sir Harold St John said that there will be a resumption in fishing talks in March. He claimed the problem was with the EEZ.

**3-18-03: PM-Trinidad Biting (Nation, page 5)**

PM Arthur claimed a deal was near at hand over the fishing dispute, before a new technical report describing the migration of the fish could be used as the basis of agreement.

**3-21-03: Sir Harold gives Fishing Update (Nation, page 23)**

Sir Harold St. John, Barbados's chief negotiator, gave an update on talks with Trinidad. He said they would meet next week and warned that there was negotiating room when domestic politics tie hands.

**3-27-03: Fish talks into new round (Nation, page 6)**

Over the past two days a new round of talks were held.

**5-13-03: Catching Hell! (Nation, page 20)**

DLP candidate John Boyce said that BLP had done fisherfolk a disservice, allowing the industry to lapse and dragging their feet on a fishing agreement.

**5-16-03: Mascoll-I stand by my word (Nation, page 23)**

DLP president Mascoll claimed fishing dispute had to be resolved at the CARICOM level, as the Caribbean Sea was the greatest resource of the Caribbean states.

**5-18-03: Tobago fishers backing Bajans (Sun, page 5)**

Article describes results of trip taken by BARNUFO's Watson and da Silva to meet with Tobago fisherfolk. The Tobagonians agreed to boycott the fishery negotiations if the Bajan fishers had to pay their own way. They discussed potential partnerships between the two groups.

**5-18-03: Fishing Deal in 'Rough Seas' (Sun, page 19)**

PM Arthur claimed that BARNUFO was sabotaging negotiations because Watson went with DLP member Frank da Silva to negotiate. Arthur says that Caribbean people should have the right to fish in the Caribbean Sea.

**6-2-03: Whither Agriculture in the Caribbean? (Business Authority, page 8)**

Interview with St. Lucia's Minister of Agriculture Calixte George. He said that Bajan fishermen should be allowed in Tobago's waters.

**6-15-03: Fish offer Stinks! (Sun, page 1)**

Trinidad's new offer in talks was deemed unacceptable by Barbados. It would allow fewer boats in at a higher price for a shorter time.

**6-16-03: Fishermen Eye Trinidad Waters (Business Authority, page 9)**

St. Lucia Minister of Agriculture Calixte George claimed that Bajan fishermen should be allowed to go into Tobago's waters. He said this was traditional and that all the talk about freedom and integration should apply to fisherfolk as well.

**6-25-03: Watson-Need to Agree Vital (Nation, page 36)**

BARNUFO president Watson claimed that officials needed to actually negotiate rather than just stick to their positions in the face of opposition.

**6-27-03: Fisherfolk should be Unionized (Nation, page 11)**

Letter to the editor said that both governments did not listen to their fishing industry and that it should unionize to put political pressure on the government. This would then result in an agreement.

**6-29-03: A Fisherman's Tale (Sun, page 8)**

Columnist discusses the fishing dispute and its effects on the CSME. Claims that, under international law, states have rights to waters, and anyone caught infringing on those rights would be punished. The Barbados government cannot make Trinidad negotiate, and so perhaps private sector action is the solution. Best would be to designate a communal sea, but that did not happen.

**6-29-03: Time to show some Flying Fish Sense (Sun, page 7)**

Letter to the editor claims that Bajan fishermen should not have to wait for the government to negotiate an agreement, that they should instead look to find ways around the issue that would be acceptable.

**7-5-03: Fishing Headway (Sun, page 32)**

PMs Arthur and Manning have held talks on a fishing agreement.

**7-22-03: Fear Stalls Progress (Nation, page 10)**

Letter to the editor claims Barbados cannot pressure Trinidad into a fishing agreement, they must negotiate. In these negotiations, they cannot allow fear to paralyze them.

**8-13-03: Fishing Pact first matter for CCJ (Nation, page 26)**

Article states the fishing dispute may be the first issue to appear before a proposed Caribbean Court of Justice. If such a mechanism had existed before, the article speculates, it may have already been resolved.

**11-22-03: Fishing Deal Nearer (Sun, page 32)**

Barbados and Trinidad getting closer to agreement. Source: Trinidad delegation (anonymous). Talks at Manor Lodge, Green Hill, St. Michael.

**11-23-03: 3 Days and Still No Catch (Sun, page 5)**

After 3 days of talks, no agreement. Discussion concluded at midnight. Trinidadians led by HE Philip Seally, Barbados by Sir Harold St. John. Talks were closed door, proposal has been ongoing for 12 years.

**11-28-03: Miller Urges Local Fishermen to be Patient (Nation, page 7)**

Minister of Foreign Affairs urges fishermen to be patient. Trinidad has no agreements with anyone, and so this is not unusual.

**11-28-03: Bajan vessel Held Off of Tobago (Nation, page 7)**

Trinidad officials seized a Bajan fishing boat 24 miles north of Tobago. The captain was fined TT\$5000.

**11-29-03: Four Bones of Contention (Sun, page 3)**

Knowlton Gift, Trinidad's Minister of Foreign Affairs, says there is difficulty in the following: determining fishing area, the number of fishing vessels, the size of the boats and the duration of the season. Gift says Barbados taking Trinidad to court is unlikely. Barbados's St. John said that a change in attitude was needed.

**12-15-03: Hardly Hope for Fishing Deal (Nation, page 10)**

Letter to the editor implies that Barbados is being taken advantage of.

**1-31-04: Fisherfolk Chief Surprised by Move (Sun, page 32)**

BARNUFO President Angela Watson was surprised at reports that Trinidad wanted to refer the dispute to CARICOM. She claimed that the November 2003 talks had been productive.

**1-31-04: Manning to Refer Fishing Dispute to CARICOM (Sun, page 32)**

Trinidad Prime Minister Patrick Manning announced that the fishing dispute would be referred to CARICOM. He said the November 2003 talks were "very contentious" and produced "no agreement."

**2-1-04: Standing Tall on the High Sea (Sun, page 12A)**

Story about a disabled fisherman. He talks about how Trinidadian waters are dangerous because of their Coast Guard and pirates. He claims an agreement will never happen.

**2-2-04: Threat to CSME (Nation, page 9)**

Story claims fishing dispute is threatening talks about Caribbean unity and the single market economy. Barbados PM Arthur claimed that Barbados would not proceed with other talks until the fishing dispute was settled. Trinidad PM Manning still plans to go to CARICOM. This action falls within UNCLOS, but it is unclear what the next move should be under UNCLOS should CARICOM fail.

**2-6-04: Singing for the Fisher's Supper (Groove, page 4)**

Entertainment columnist calls for Bajan entertainers to boycott Trinidad's Carnival. He claims that things will not work themselves out. He further draws a link between fishing and culture by citing Gabby's "Bajan Fishermen" and "Flying Fish Diplomacy."

**2-8-04: Two Held (Sun, page 1A)**

Crew of two more Barbados fishing boats have been arrested in Trinidad, and their families are calling on both PMs to resolve the situation. Captains claim they were not in Trinidadian waters and that the Trinidad Coast Guard targets Bajans. BARNUFO echoed calls for agreement. Barbados also denied referral of the dispute to CARICOM.

**2-8-04: A Unilateral Meeting (Sun, page 6)**

Columnist cites Barbados press release about how the Bajan PM did not meet with the Trinidad PM to discuss referral of the dispute to CARICOM. Columnist is disgusted by the pettiness.

**2-10-04: Points from Arthur's Speech (Nation, page 4)**

Barbados PM Arthur outlined the history of the dispute. In 1990 Trinidad and Barbados signed a 1-year fishing agreement. It has never been renewed or extended despite Barbados's efforts. The agreement, moreover, has been hurt by the Trinidad-Venezuela agreement of 1990. Barbados has requested another round of talks in February.

**2-10-04: Tough Talk (Nation, page 1)**

Barbados PM Arthur announced that Barbados was going to treat goods from Trinidad in the same way that Trinidad treated Barbados fishermen.

**2-10-08: Frustration Made PM Do It (Nation, page 5)**

CEO Edghill, who was present at the Barbados Chamber of Commerce meeting for Arthur's speech, claimed that the speech was an attempt to get Trinidad manufacturers to pressure the Trinidad government.

**2-11-04: It's Against Treaty (Nation, page 3)**

Trinidad says Arthur's plan to restrict Trinidad goods is against CARICOM rules.

**2-12-04: Flying Fish Causing a Stink (Nation, page 8)**

Editorial is critical of Arthur's plan, though sympathetic to his frustrations. Claims it is under international law and the Barbados has no right to fish in Trinidad's waters.

**2-12-04: You're Out of Your Depth, Moutett (Nation, page 3)**

Barbados government dismissed the claims of Trinidad businessmen Frank Moutett that flying fish stocks are being depleted by Bajan fishermen. Barbados claims that there is no scientific evidence to the decline of the fish stock.

**2-12-04: Growing Support for Trinidad Move (Nation, page 4)**

Barbados Consumer Research Organisation called on Bajans to boycott Trinidad goods.

**2-12-04: One Love – We Need Each Other, ent? (Nation, page 9)**

Editorial calls for everyone to get along in the name of Caribbean unity.

**2-12-04: Let's Avoid a Trade War (Nation, page 4)**

President of the Caribbean Association of Industry and Commerce told both sides to settle their differences. CAIC offered to help.

**2-12-04: Ready to Help (Nation, page 3)**

CARICOM Secretary-General claimed they were ready to help diffuse the fishing dispute, if requested. They would not intervene unless requested.

**2-12-04: Arthur ‘Not On Good Ground’ (Nation, page 5)**

Trinidadians are angry over PM Arthur’s plan. The All Tobago Fisherfolk Association claimed that trespassing Bajans should feel the weight of the law.

**2-12-04: ‘Fishing Zone Could End Dispute’ (Nation, page 3)**

Henderson Jordan, retired seaman and owner of 4 boats, claimed that a “CARICOM fishing zone” between Barbados, Grenada, St. Vincent, St. Lucia and Trinidad would solve the fishing issue.

**2-13-04: Mascoll: Solution With CARICOM (Nation, page 18)**

Barbados Opposition Leader Clyde Mascoll claimed that the answer to the dispute was not bilateral talks, but a CARICOM fishing protocol to cover the whole region.

**2-13-04: Forgetting What Was Said Not Impossible (Nation, page 8)**

Editorial calls for more diplomacy, says that Trinidadians have never been in a hurry to settle the dispute, and doubts that Barbados can pull off Arthur’s plan.

**2-13-04: 14 Years On, Still No Catch (Nation, page 20)**

Gives an outline of the history of the fishing conflict. Fishermen were arrested as far back as the 1980s.

**2-13-04: Troubled Waters (Nation, page 22)**

Interviews with fishermen over the dispute. One said that fishermen themselves should work out the issue, another that fishermen should be able to fish wherever they pleased. A third claimed that not all Bajans wanted to fish in Trinidad waters, but that those that did should not be arrested.

**2-13-04: Quiet Approach (Nation, page 3)**

Trinidad PM Manning said that now was a time for “quiet diplomacy.” The Trinidad and Tobago Manufacturing Association worried about the Arthur plan.

**2-13-04: Mascoll-Bad Move (Nation, page 7)**

Barbados Opposition Leader Mascoll was against the Arthur plan, claiming it hurts the cause of a unified Caribbean market. He claimed that he’d once called for a CARICOM fishing protocol.

**2-13-04: Trinis ‘diss’ Bajan Push (Nation, page 19)**

Story details three letters sent by Barbados to Trinidad from January to June 2003 that were ignored by Trinidad. One involved the arrest of three Bajan vessels, one called for Trinidad to mandate its delegation to come to an agreement, and one said that Barbados had authorized its delegation to negotiate but was uncertain as to Trinidad’s commitment.

**2-13-04: We'll Fish, You Come and Buy! (Nation, page 7)**

Tobagonian fishermen do not want Bajans fishing in their waters. They only want the Bajans to come and buy flying fish from them. This was expressed by individual fishermen, and by Danny Melville, the head of Tobago's South West Fisherman's Association. The Trinidad opposition suggested that Bajans only wanted in because they overfished their own waters.

**2-14-04: Fishing Round in Circles (Sun, page 11)**

Columnist claims Trinidad should not be imprisoning Bajan fishermen because Barbados doesn't do that to Trinidadians. The water's resources are for everyone. Claims that it is time for Bajans to fight back.

**2-14-04: Parable of the Fishes (Sun, page 8)**

Columnist tells story from flying fish point of view to highlight the point that Caribbean unity was important.

**2-15-04: We have been provoked (Sun, page 6)**

Editorial decries Trinidad's inflammatory actions by calling for CARICOM intervention when talks were starting to progress and by arresting Bajan fishermen. It should not be surprising that PM Arthur and others were upset. BARNUFO claims the government was too allowing; but with the CSME, it is not sensible to push.

**2-15-04: Arthur's Letters (Sun, page 9)**

Print of Barbados PM Arthur's three letters to Trinidad PM Manning.

**2-15-04: Venezuelan Treaty at Root of it All (Sun, page 11)**

Trinidad admits that the Venezuelan treaty and the Barbados fishing dispute are linked. Arthur claimed that the Venezuelan treaty is contrary to international law and that Venezuela is trying to claim "maritime territory of the Caribbean countries." Arthur felt that Barbados and Trinidad had to demarcate their border (currently only the 12 mile nautical sea is demarcated).

**2-15-04: Tobago Crucial to Any Accord (Sun, page 10)**

First person explanation by Frank da Silva, who helped negotiate the 1990 agreement. He claimed that Tobago and Barbados had much in common, but the new Law of the Sea changed things. The Barbados government, he said, has only been committed to the issue since the protest in December 2001. Any agreement should have the support of Tobago.

**2-15-04: Economy in Peril, says Mascoll (Sun, page 24)**

Barbados Opposition Leader Mascoll says that Arthur is trying to use the fishing dispute to divert from economic troubles.

**2-16-04: Fishing Pact Test for CSME (Business Authority, page 2)**

Fishing dispute is threatening Caribbean market integration.

**2-16-04: Truce Time (Business Authority, page 1)**

Barbados businessman Joseph Goddard called for a resolution to the fishing dispute and looks to CARICOM.

2-16-04: Trinidad Still 'Keeping It Quiet' (Nation, page 3)

Trinidad chairman of PNM said they were going to follow Manning's policy of quiet diplomacy.

**2-16-04: Fishing 'Not A Priority' in Trinidad (Nation, page 4)**

**Two UWI political scientists claimed that Trinidad was simply not interested in fishing issues because that was not in their national interest. Belle noted cultural implications.**

**2-17-04: Fishing Row Too Close to Home (Nation, page 4)**

Column by Trinidad Express news editor expresses the wish that everyone should just get along. What did Trinidad care about fish when it had oil? Arthur, as Barbados's PM, had to protect his people if he thought they were being taken advantage of.

**2-17-04: Fishing For Solutions (Nation, page 8)**

Column discusses the complexity of the issue.

"The claim that flying fish are not a delicacy in Trinidad and Tobago as they are in Barbados does not mean that the people there are going to 'give them away.' So we have to come to some agreement as to how those involved in Trinidad and Tobago in this fishing business will see themselves benefiting from allowing our fishermen to take fish from their waters." (Columnist Robert Best, 2-17-04, "Fishing for Solutions")

**2-17-04: Over to UN Law of the Sea (Nation, page 3)**

Trinidad PM Manning and others held an unannounced meeting with Barbados PM Arthur yesterday. Today Arthur announced that Barbados would begin "binding dispute settlement procedures" under UNCLOS. Barbados has appointed Vaughan Lowe, law professor at Oxford, as its arbitrator.

**2-17-04: PM Goes to Court (Nation, page 1)**

Arthur announced that Barbados was taking its fishing dispute to court for settlement.

**2-17-04: Stuart – BLP Found Wanting (Nation, page 5)**

Opposition Senator Stuart claimed that the BLP criticized the DLP for not forming and agreement but did not make it a priority themselves.

**2-18-04: In the Meantime...(Nation, page 3)**

Barbados Minister of Foreign Affairs claimed that Barbados would be looking to make a provisional agreement with Trinidad in time for next fishing season. He also again noted that Barbados does not recognize Venezuela's claims as codified in their treaty with Trinidad.

**2-18-04: Politics and the People (Nation, page 8)**

Editorial talks about the long term issues – a scientific assessment of fish stocks, which Tobago wants, would take 5 years. Wants to know why these problems are problems now, if they've always been around. Calls for politicians to consult with academics and solve the hard problems.

**2-18-04: Pat on the Back (Nation, page 56)**



Trinidad Cabinet backs PM Manning on his handling of the dispute, and blamed Barbados PM Arthur for escalating tensions. Want to settle. Article lifted from the Trinidad Express.

**2-19-04: Go fish! (Nation, page 1)**

Barbados government told fishermen to go fish in the disputed area. Attorney General Mottley warned Trinidad against arresting anyone while the matter was at arbitration. Mottley claimed that the Barbadian Coast Guard would play a role in keeping in contact with fishing vessels.

**2-19-04: It's More Than Just Fish (Nation, page 4)**

AG Mottley said that the dispute “goes to the very heart for Barbados’s economic, financial and strategic interests.”

**2-19-04: Mixup in Date for Talks (Nation, page 4)**

Talks between Barbados and Trinidad were postponed. Both sides stated such.

**2-20-04: ‘We’ll Arrest Them’ (Nation, page 3)**

Trinidad PM Manning said that his country would continue to enforce its territorial boundaries and arrest Bajan fishermen in their waters.

**2-20-04: No Time for Trini Bashing (Nation, page 10)**

Opposition party DLP wrote a column blaming Arthur and the BLP for the problems and calling attention to the escalation of the dispute from fish to maritime boundaries, and the escalation in tensions.

**2-20-04: Cooling Dispute Tension (Nation, page 8)**

Trinidadians hope that PM Arthur’s visit will cool tensions.

**2-20-04: What’s in the 1990 Treaty? (Nation, page 14)**

Discussed the problematic (for Barbados) 1990 treaty between Trinidad and Venezuela.

**2-20-04: Mixed Views on Display (Nation, page 27)**

Interviewed Trinidadians and Barbadians in New York. Some indication that oil was not a part of the dispute.

**2-20-04: Mottley-We’re Not Saying ‘Go Fish’ (Nation, page 3)**

AG Mottley feels as though her words may have been misinterpreted. She was telling Bajans they could fish in the disputed area, not that they could go into Trinidad’s waters. She claimed Bajans had been fishing in the disputed area for 40 years legally.

**2-20-04: Manning Names Dispute Team (Nation, page 4)**

Trinidad PM Manning named his dispute team. He said the Cabinet was “resolute in its determination to protect the country’s natural resources, whether it be oil, gas, or fish.”

**2-21-04: Mottley ‘Never About Fishing’ (Sun, page 7)**

AG Mottley claimed that reaching agreement on a boundary had always been at the heart of the fishing dispute.

**2-21-04: Business as Usual at Fishing Complex (Sun, page 7)**

Fishermen admit to confusion over the heated dispute with Trinidad, saying the issue had gone past fish to demarcation. Another said they were sticking near Barbados because the governments had such different positions. Yet another said that he would continue fishing off the coast of Trinidad, because there were not enough fish in Bajan waters to support his family.

**2-21-04: Feedback...Feedback...Feedback... (Sun, page 5)**

Interviews several Trinidadians about the dispute. Most feel as though Barbados and Trinidad have historically close ties and that the politicians should solve the problem.

**2-21-04: Oil Slip (Sun, page 40)**

Trinidad has started taking bids for oil exploration in the maritime area under dispute. Attorney General Mottley called on Trinidad to protect Barbadian rights in those waters.

**2-21-04: Mottley – We Did Not Intervene (Sun, page 6)**

Attorney General Mottley denied claims that the Barbados government did anything to get the case against the fishermen arrested in Trinidad dismissed. She claimed that these arrests were being made to support the “illegal treaty of Trinidad and Venezuela.”

**2-22-04: Selling our Heritage (Sun, page 7)**

Letter to the editor decries the selling of Bajan industries to Trinidad. Author worries that they will go on to claim Barbados as theirs, just as they now claim the flying fish. Claims that due to Trinidad’s involvement, Barbados cannot stop them from taking the flying fish. Calls for Barbados to be for Barbadians first.

**2-22-04: CDB Head Wants Dispute Resolved (Sun, page 11)**

Compton Bourne, the president of the Caribbean Development Bank, wants a speedy resolution over fishing but admits that the maritime boundary issues could take longer.

**2-22-04: Oil and Troubled Waters (Sun, page 8)**

Article by former diplomat Orlando Manville claims the real issue is the maritime boundary and not fish. Points out that each country having a 200 mile EEZ is impossible due to proximity. Rejects the Trinidad-Venezuela treaty, claims they did it to gain natural gas resources.

**2-22-04: Arbitration: What It Is (Sun, page 12)**

Talks about the difference between arbitration and the UN Tribunal on the Law of the Sea. Arbitration is more expensive.

**2-22-04: Language Barrier? (Sun, page 6)**

Article details the transformation of the fishing dispute.

**2-22-04: Students Feeling Fallout (Sun, page 11)**

Interview with the president of the Trinidad and Tobagonian Students Association Safiya Berkley, a second year economics and law student.

**2-22-04: Of Love and Flying Fish (Sun, page 8)**

Columnist recounts colonial episode where Francis, Lord Willoughby, governor of Barbados, conquered Tobago. Calls for the PMs of both countries to meet at Oistens over a flying fish fry and make up.

**2-23-04: Fisherfolk Support PM (Nation, page 4)**

Watson of BARNUFO claimed that they supported the government in the dispute, and called for everyone else to do so as well. “We now understand what the problem has been over the last two years,” said Watson.

**2-23-04: Week of Tension in CARICOM relations (Nation, page 9)**

Talked about how the sudden deterioration in relations between Barbados and Trinidad was affecting CARICOM.

**2-23-04: More to Debate Than Just Fish (Nation, page 10)**

Letter to the editor says that the dispute is really about each country’s right to determine what courtesies to extend to others. Claims that it should be based on reciprocity.

**2-23-04: Thompson – What Will Happen to CARICOM relations? (Nation, page 4)**

Former opposition leader David Thompson asked Mia Mottley what will happen with Caribbean relations now that the issue has escalated. He called for her to try and cool things down.

**2-25-04: Bassa Bassa! (Nation, page 8)**

Political scientist Peter Wickham writes about the fishing dispute. He traces the roots of the dispute to the failure to renew the 1990 treaty, and calls attention to the fact that as more issues emerged, the harder it became to settle.

**2-25-04: Truly Team for the Times (Nation, page 10)**

Letter to the editor blames the DLP for inaction and not understanding the true nature of the dispute.

**2-25-04: Strained Ties ‘Since Grenada Invasion’ (Nation, page 3)**

Dr. Neville Duncan, political scientist at UWI Mona, said that the fishing dispute was symptomatic of bad relations between the two states dating back to the US invasion of Grenada in 1983.

**2-26-04: How Can DLP Seal Fish Deal? (Nation, page 10)**

Letter to the editor condemns the DLP for claiming not to know about the 1990 Trinidad and Venezuela treaty, and wonders if the cash-strapped DLP government didn’t strike a deal with Trinidad and/or Venezuela.

**2-27-04: Trade Ministers to Discuss Fishing Now (Nation, page 7)**

CARICOM trade ministers will get their first look at the problems between Barbados and Trinidad at next week’s meeting in Belize. Nothing will probably happen due to the dispute’s referral to arbitration, but they will want to hear the Secretary-General’s point of view on the issue.

**2-27-04: Come Clean On Issue (Nation, page 10)**

DLP column blames dispute debacle on Arthur government, claims that the entire country is in decay.

**2-28-04: Friends Despite Dispute (Sun, page 8)**

Editorial claims that the fishing dispute has not upset good relations between the two states, especially for tourism. Claims that it is better to air out the dispute and get it resolved than to let it linger and create suspicion.

**2-29-04: Minister – Referral to UN Took us by Surprise (Sun, page 10)**

Trinidad Minister of Foreign Affairs Knowlton Gift claimed to have been surprised by the decision to take the case to the UN.

**3-1-04: Dispute Must Be Swiftly Resolved (Business Authority, page 2)**

Editorial calls for a settlement to the maritime issue or risk upsetting the economics of the region.

**3-1-04: Even More Questions (Nation, page 8)**

Columnist and former politician blames both DLP and BLP for not figuring out and settling the dispute sooner. Also points to the underdevelopment of CARICOM.

**3-3-04: Bassa Bassa II (Nation, page 8)**

Political scientist Peter Wickham calls attention to the dangerous “zero sum” language used by Barbados about the area under dispute. He also points out that no matter if Barbados gets all of the area under dispute, the flying fish will still enter Trinidad waters and thus a separate agreement will be needed.

**3-4-04: Meetings Key to Treaty (Nation, page 10)**

Letter to the editor says that it was good for Barbados to submit its claim under international law, and now it needs to stop name-calling and let the process work.

**3-4-04: Time for Good Faith Negotiations (Nation, page 8)**

Editorial praises settlement with Guyana and hopes that Guyana will then be a party to the case, as its border is also affected with the 1990 treaty between Trinidad and Venezuela. Worries about this effect on CARICOM and the CSME, claims that Barbados has a right under UNCLOS to fish the waters. Says that Bajans need to cool down.

**3-7-04: Be Warned! (Sun, page 40)**

Prime Minister rebukes Barbados businessmen who were planning on an unofficial meeting with their Trinidadian counterparts. Claimed that the private sector could do nothing to solve the issue, and they had to let the government do the work.

**3-8-04: What is the Opposition’s Stance on Fishing Dispute? (Nation, page 10)**

Letter to the editor points out contradictory statements from the opposition, and wants to know their true position.

**3-8-04: Pay it Safe! (Nation, page 1)**

Article claims that Barbados needs to purchase bigger boats for its Coast Guard if it is “serious about offshore oil and gas exploration.”

**3-10-04: da Silva will ‘Cut Fish Deal in 90 Days’ (Nation, page 5)**

Frank da Silva, former High Commissioner to Trinidad, says he will try to negotiate an agreement, and will do so within 90 days. Claims that PM Arthur was wrong to sanction business leaders from talking, and claims that he reported the 1990 treaty between Venezuela and Trinidad.

**3-10-04: Proof of Fishing Life (Nation, page 8)**

Columnist details history of Barbadian fishermen fishing off the coast of Tobago. Points to a November 16, 1724 letter by Governor Henry Worsley on the issue. Claims that this shows how long Bajans have been fishing there.

**3-10-04: Unity on Fishing a Plus for Us (Nation, page 10)**

Letter to the editor by a Trinidadian claims that the actions by Barbados AG Mottley have united Trinidad. Trinidad has acted with regards to international law and Barbados will learn that.

**3-14-04: Bajans the only flying fish eaters (Sun, page 9)**

Columnist said that Bajans have been taking the flying fish for granted, all the way back to 1627. Only Bajans eat flying fish, but they see how they do not own the patent on flying fish. Maybe in the future Barbados and Trinidad will cooperate together and go after the Californian flying fish in the Pacific.

**3-18-04: Boundaries could ‘Divide Island Relations’ (Nation, page 17)**

Minister of State Kerrie Symmonds claimed that it was necessary to know where the boundaries were. Opposition MP Kellman claimed the hoopla over fishing was a “red herring.”

**3-22-04: More than Enough Sea Between Them (Nation, page 9)**

Columnist details the relevant sections of the UN Convention. Points out the difference between territorial sea and EEZ, and claims that since there is less than 200 miles between Barbados and Trinidad, both states had rights to fish where they wanted until a boundary was drawn.

**3-29-04: New Facts Unfold Since Fishing Dispute (Nation, page 10)**

Letter to the editor blames foreign trawlers from Japan and Taiwan who fish just outside the Caribbean for being part of the problem.

**3-31-04: BLP Blamed for Fishing Dilemma (Nation, page 4)**

Opposition member Freundal Stuart claimed that Barbados’s maritime boundaries had already been set. He cited 3 pieces of legislation: the Barbados Territorial Act, the Marine Boundaries and Jurisdiction Act, and the Barbados Defence Act, all of 1979.

**4-16-04: Mending of Bajan-Trini Relations (Nation, page 30)**

Speaks to attempts to mend bilateral relations between Barbados and Trinidad. Claims it will take time to mend due to this hostility over the fishing dispute, but that initiatives are under way.

**4-21-04: Politicians Egging on Fishing Divide (Nation, page 9)**

Trinidadian columnist laments the falling out between Barbados and Trinidad over the fishing dispute. Says that they are all West Indians and wants to see everyone get along, with Bajans fishing off Tobago, etc. Calls for everyone to pray so the politicians will govern more wisely.

**8-25-04: Headway (Nation, page 56)**

At an arbitral tribunal hearing in London, Barbados called for the oral pleadings to be held in the CARICOM region. Failing Trinidad's agreement, they will be held in London.

**8-27-04: Sept 6 Deadline (Nation, page 4)**

The Barbados government has until September 6 to provide information and a map to Trinidad for the dispute under arbitration. The tribunal is only deciding the maritime boundary, not fishing rights. The venue is likely to be London.

**12-19-04: It's a Ghost Town! (Sun, page 36)**

Article describes foreign coverage of the dispute in less than complimentary terms.

**4-18-05: Use CSME to Solve Disputes (Nation, page 10)**

Letter to the editor mentions fishing disputes between Trinidad and Barbados and the Grenadines and Barbados. Claims that now with the CSME, CARICOM will have to do something about fishing rights and marine resources.

**5-2-05: Panday-Don't Fish in Our Waters (Nation, page 11)**

Trinidad opposition leader Basdeo Panday said that Bajan fishermen should not take Trinidad's flying fish.

"My fish belongs to me, and your fish belongs to you." (Basdeo Panday, Trinidad Opposition Leader, 5-2-05, "Panday-Don't Fish in Our Waters")

**8-18-05: Court Date (Nation, page 56)**

A court date has been set. The boundary delimitation issue is set to go before the International Court of Arbitration from October 17-28. AG Mottley claimed that over 6000 people's livelihoods depended on the fishing industry. She asked for \$4.4 million to cover costs of arbitration.

**10-17-05: Barbados-Trinidad Arbitration enters Hearing Phase (Business Authority, page 23)**

Hearings begin in the arbitration. Explains Venezuelan role in the boundary dispute, centering around Bird Island or Isla de Aves.

**10-30-05: AG at Ease (Sun, page 36)**

Interview with AG Mottley after her return from hearings in London. Claimed she felt "comfortable" after hearings but could not predict the outcome. Also talked to Sir Henry Forde, Angela Watson.

**4-12-06: Dividing the Waters (Nation, page 32)**

Agreement reached! Details history of dispute. Agreement called for the marking of an equidistant line, and for Trinidad to negotiate an agreement with Barbados to allow local fishermen to access fisheries.

**4-12-06: Sea Divide (Nation, page 1)**

Both sides claimed victory with the agreement. Barbados claimed that it limited expansion by Trinidad, and Trinidad claimed it rejected Bajan claims to fishing grounds.

**4-12-06: Winners All (Nation, page 3)**

Trinidad AG John Jeremie claimed that Trinidad had won, but granted that they “have both won something.”

**4-12-06: At a Glance (Nation, page 1)**

Summarized the findings of the Tribunal.

**4-13-06: Willing to Go Back, If Only... (Nation, page 16)**

Interview with fishermen arrested by Trinidad in February 2004. They claimed it was a good plan, economically, to fish off of Tobago, but that they didn't want to get arrested again. Expressed the belief that a proper fishing agreement would take time.

**4-13-06: Challenges of Border Disputes (Nation, page 7)**

Article points out that, despite the new agreement between Barbados and Trinidad, many such disagreements were still ongoing in the CARICOM region. Called for CARICOM to develop a regional policy.

**4-13-06: Victory of Our Fisherfolk (Nation, page 10)**

BLP column celebrating the arbitration agreement. Claimed it limited Trinidad's extensive unilateral claims, set clearly Barbados's rights to maritime space and continental shelf.

**4-13-06: Fishing Disputes 'Shameful' (Nation, page 4)**

Acting Minister of Foreign Affairs Symmonds claimed that Caribbean needed more fishing agreements. At this CARICOME meeting, Barbados tabled a draft proposal for the development of a regional fisheries policy.

**4-16-06: Sir Roy calling for Speedy Agreement (Sun, page 11)**

President of Congress of Trade Unions and Staff Association Sir Roy Trotman called for a quick fishing agreement between Barbados and Trinidad, for the good of the CSME and Caribbean unity. Permanent Secretary of Foreign Affairs Teresa Marshall said the ministry would soon be in contact with their Trinidadian counterparts.

**4-16-06: Enlightened Leadership (Sun, page 8)**

Article by Cabinet Minister Clyde Griffith explains how Barbados is better off because of this ruling. It will allow fishermen to fish without fear, Barbados to develop hydrocarbon resources and gain economically.

**4-16-06: Clearing Up Murky Seas (Sun, page 10)**

Article details Trinidadian and Barbadian positions in bilateral negotiations, in arbitration, and the results of the arbitration.

**4-17-06: ‘Still No Deal’ for Bajan Fisherfolk (Nation, page 5)**

Interview with a boat owner, Henderson Jordan. He claimed Bajan fishermen had won nothing and that they needed to know where the demarcation line was more than they needed a fishing agreement.

**4-17-06: Barbados, T&T win in Maritime Dispute, says Adviser (Nation, page 5)**

Member of Barbados’s negotiation team and law lecturer at UWI claimed that both states won. They could both exploit their maritime resources now. He also claimed a fishing agreement should be quickly forthcoming.

**4-18-06: Penalty for Delaying Fish Talks (Nation, page 9)**

The international tribunal noted that talks for fishing agreement should start quickly and run smoothly, or else sanctions could be applied. The Permanent Secretary, Teresa Marshall, said she hoped to have an agreement in time for next season (November). Trinidad AG Jeffries said individuals would get to apply to get fishing licenses and would be considered on their merits.

**4-18-06: Flying Fish in Brine or Oil (Business Authority, page 6)**

Column describes café patrons discussing who won the court case.

**4-21-06: Sea Boundary – too small, too close for now (Nation, page 7)**

Columnist claims both sides are coming to embrace “a more mature approach.” He cites UWI lecturer Berry, former AG Forde, former AG of Guyana Ramphal. Claims it is a victory of international law and that CARICOM must work towards a regional policy.

**4-21-06: ‘Faux Pas of the Century’ (Nation, page 10)**

Article by Stephen Kangal, former Trinidad diplomat, explains all the reasons why Trinidad should be upset by the ruling of the Tribunal. It can hurt relations with Venezuela, it locks them into a 200 mile boundary to the north and south, preventing it from having an exit to the Atlantic, and reduces Trinidad’s ability to extend its rights to the continental shelf beyond 200 nm. Barbados will get areas north of the 1990 boundary.

**4-22-06: Oil Central to Clash (Sun, page 19)**

Second part of Kangal article. Goes on to note that Trinidad lost 30,000 square nm. Claims Trinidad should have used the International Tribunal for the Law of the Sea. Called for Trinidad to enter into negotiations with Venezuela to ensure continued good relations.

**4-23-06: Oil and Gas fish trumping (Sun, page 30)**

Claims that the big victory was the maritime boundary that allowed Barbados to begin oil and gas exploration. Dismissed the fishing and identity claims.

“Barbados, I think, knew full well, it hadn’t a leg to stand on with the ‘fishing’ thing.” (Albert Brandford, “Oil and Gas fish trumping,” 4-23-06)

**4-24-06: ISSUE-LEFT Ansil Morris (Business Authority, page 16)**



Article explains the implication of the arbitration with regard to natural gas exploitation. The new area granted to Barbados may have significant gas reserves.

**4-30-06: Hook, Line, Sinker (Sun, page 18)**

Interview with AG Mottley explains why the difference between what Barbados asked for and what they received is unimportant. She claimed that they asked for more than they wanted and got what they wanted in the end.

**5-1-06: Award Gives Green Light to License (Business Authority, page 17)**

Article by Sir Henry Forde describes the findings of the tribunal. He explains that Barbados can explore the resources of these areas and potentially the resources of the continental shelf up to 150 nm further. Barbados can begin licensing exploration of oil and gas blocks in its maritime areas.

**6-5-06: T&T's Claim of Maritime Victory Hollow (Nation, page 10)**

Letter to the editor claims that in light of what Trinidad claimed versus what the tribunal gave it, that Trinidad clearly lost.

**6-29-06: Fish Talks (Nation, page 1)**

Barbados and Trinidad to try again for a fishing agreement. Prime Minister Arthur said he and Trinidad Prime Minister Manning agreed to negotiations.

**11-12-06: Out to Sea (Sun, page 1)**

At the start of the fishing season, still no fishing agreement. Fishermen claimed to not want to go to Tobago for fear of arrest. BARNUFO past president Watson complained about the lack of agreement. Minister of State Symmonds said the two states had had recent discussions.

**11-12-06: Background to Dispute (Sun, page 3)**

Brief summary of the history of the dispute.

**11-21-06: Fishermen 'Still Out to Sea' (Nation, page 20)**

DLP candidate Inniss said that Barbadian fishermen had not profited from the expensive arbitration. They were "being treated like dirt in Barbados."

**1-2-07: Keep Out! (Nation, page 1)**

BARNUFO president Oliver Grant told fishermen not to go fish off Tobago. Some Barbadian fishermen, dismayed at how long it was taking for an agreement, had been thinking of testing the waters. Watson, former BARNUFO president, made no suggestions but thought the fishermen's stance was interesting. Grant expressed confusion as to why it was taking so long. Minister of Agriculture Griffith said the two states had been discussing the situation.

**3-11-07: Welcome Back, Flying Fish (Sun, page 9)**

Columnist describes his childhood on a fishing boat and the past ubiquity of the flying fish in Barbados. He was happy to welcome the fish back to Bajan waters.

**6-22-07: 'Grave Mistake' (Nation, page 15)**

Opposition candidate (that is, DLP) John Boyce slammed the government for making plans for a gas pipeline with Trinidad before the fishing agreement was concluded.

**7-7-07: Fishing Pact in the Works (Sun, page 14)**

PM Arthur said at a press conference at a CARICOM meeting that work has been ongoing to create a draft fishing agreement. The agreement insists Bajan fishermen can access the stocks in Trinidad waters, and includes input from the Tobagonians.

**8-13-07: Mottley-Fishing Agreement Coming (Nation, page 20)**

Deputy PM and Minister of Economic Affairs Mottley assured the House of Assembly that a fishing agreement was coming. She claimed Sir Henry Forde had led a delegation with members of BARNUFO to Tobago, where they spoke with the Trinidad Secretary of Agriculture.

**8-31-07: The Politics of Fish (Nation, page 10)**

Columnist questions whether Trinidad is really interested in an agreement. Trinidad claims they only have to allow foreign fishermen if there is a surplus of fish. Notes that political ramifications for Arthur should no agreement be forthcoming.

**1-31-08: Kellman get a pic' boy (Nation, page 3)**

New PM David Thompson asked MP Denis Kellman to lead and assist in negotiations with Trinidad over fishing rights.

**2-3-08: Bees – we'll help in fishing talks (Sun, page 5)**

Opposition leader Mottley pledged to help the new DLP government with the fishing dispute with Trinidad.

**2-19-08: Prime Ministers Meet Tomorrow (Nation, page 4)**

Barbados PM Thompson and Trinidad PM Manning are meeting tomorrow to discuss fishing rights, among other issues. Accompanying PM Thompson is MP Kellman, lead negotiator.

**2-20-08: The Manning Meeting (Nation, page 8)**

Columnist calls for PM Thompson to create an agreement with Trinidad for a scientific investigation of fish stocks. Both sides, he claimed, would be better able to negotiate if they understood the conditions of the fish stocks.

**2-21-08: Deal in a Year (Nation, page 1)**

Trinidad PM Manning said that it was not unreasonable to expect an agreement by next year. Barbados PM Thompson said the agreement was a priority.

**2-22-08: BARNUFO Head confident of agreement (Nation, page 4)**

Former BARNUFO president and member of Barbados negotiating team Watson was confident that there would be an agreement and that a year was not a long time. They have been working with the FAO to assess flying fish stocks (some tagged in Barbados were found off of Brazil).

**3-2-08: Bigger Role for Fishing to Play (Sun, page 3)**

Talks about the importance of fish to Barbados: its inclusion in Bajan diets, the national dish “cou cou and flying fish” and Lent. However, amid rising price concerns, suggests that other fish should be considered besides the traditional flying fish: barracuda, dolphin and kingfish.

**4-14-08: Talks on Hold (Nation, page 3)**

Negotiations between Trinidad and Barbados were put on hold pending FAO study, claimed MP Kellman. The FAO study would determine why the fish left Bajan waters and would get up the groundwork to make fishing a year long rather than a seasonal industry.

**5-16-08: Testing Sea Space (Nation, page 3)**

Barbados made an official claim to its continental shelf, adding about 150 nm to their 200 nm EEZ. It will be considered at the 22nd session of the UN’s Commission on the Limits of the Continental Shelf (August 11-September 12).

**6-4-08: Fisheries talks update next month (Nation, page 5)**

Barbados and Trinidad are likely to report progress on fishery talks next month, says Minister of State Donville Inniss. This is because next month there is a scheduled FAO meeting to discuss the results of a study on flying fish resources.

**6-5-08: Tradeoff (Nation, page 1)**

MP Kellman expects that an agreement with Trinidad over fisheries would result in no boat limits, no fees, and more trade. He claims it would allow Bajan fishers into Tobago’s waters, and Tobago fishers into Barbados’s waters. He reiterated the desire to make fishing a year round industry.

**6-6-08: Vision versus myopia (Nation, page 12)**

BLP column praises DLP government for continuing the BLP government’s plan to utilize Bajan maritime resources. Highlights the return on the \$12 million arbitration investment with a \$70 million revenue from oil industry as a consequence.

**6-27-08: Kellman to fishermen – think safety (Nation, page 7)**

Kellman says that fishermen should not be allowed into Tobago’s waters without Trinidad’s knowledge. This is a safety issue, as not all boats there would be fishing boats, and some may be “enemy boats.”

**7-7-08: Call for Unity among Fisherfolk (Nation, page 4)**

Kellman claimed that there was no need for disagreements between fishermen and the fish hawkers they sold their catch to. The two share much in common and help each other.

**8-11-08: Kellman wants a regional fishing plan (Nation, page 23)**

Kellman called for a regional fishing plan to allow fishermen freedom of movement within the region. The opposition, led by Arthur and Mottley, claimed their proposed regional fishing agreement would be even better for Bajan fishermen than the Trinidad agreement.

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## **BIOGRAPHICAL SKETCH**

Elizabeth Ann Nyman was born and raised in Jacksonville, FL. She attended the College of William and Mary, where she received a BA in International Relations in the spring of 2005. She enrolled in Florida State University that same year and received an MS in Political Science in 2006. Her research and teaching interests revolve around the interdisciplinary fields of ocean policy, island studies, and the law of the sea.