

**CARIBBEAN PERSPECTIVES ON INTERNATIONAL LAW AND ORGANIZATIONS.**  
**B.G. Ramcharan and L.B. Francis, eds. Dordrecht, Boston & London:**  
**Martinus Nijhoff Publishers. 1989. Pp. viii, 468. \$125.00.**

Reviewed by Daniel C. Turack\*

My interest in this book was piqued by the stimulating title, *Caribbean Perspectives on International Law and Organizations*, as it conjured up what I thought would be the Caribbean counterpart to *Canadian Perspectives on International Law and Organization*.<sup>1</sup> *Canadian Perspectives* is in a sense a Canadian digest of international law which can be described as a Canadian similitude to Parry's *British Digest of International Law*<sup>2</sup> or Whiteman's *[American] Digest of International Law*,<sup>3</sup> or other compilations of State practice in these fields. However, in fairness, each of the aforementioned works relate to a specific country and not to countries in a geographical region.

The Caribbean region may be said to be comprised of small and micro-States or countries. This book concerns two intergovernmental international organizations prevalent in this area: the Caribbean Community ("CARICOM"), and the Organization of Eastern Caribbean States ("OECS"), which flourish and contribute to the well-being of their own membership and to the international community as a whole through international cooperation. *Caribbean Perspectives on International Law and Organizations* is an anthology of essays written by international legal scholars, former and present international civil servants, consultants on various international law and international organizational topics, a jurist, and those engaged in interdisciplinary endeavors. The writers have tried to articulate, evaluate and criticize contributions by the CARICOM and the OECS on a series of topics, and also tried to focus on how certain areas of international law have been received and constructively applied in this region.

The book contains eighteen essays. Dr. Ramcharan initiates the reader through a wide-ranging exposure to a multitude of subjects brought together under four distinctive themes: (1) world order perspectives; (2) super-power rivalry; (3) hemispheric relations and geopolitical imperatives; and (4) residual regional questions. I found that he was altogether too brief, although very much to the point. Professor A.R. Carnegie examines how small States fit into the international legal system, and how they are affected by some of the substantive rules of international law. He identifies contentious issues and rules of State

---

\* Professor of Law, Capital University School of Law. B.A., Toronto, 1957; LL.B., Osgoode Hall, 1960; LL.M., Michigan, 1961; S.J.D., Michigan, 1969.

1. CANADIAN PERSPECTIVES ON INTERNATIONAL LAW AND ORGANIZATION (R. St. J. Macdonald, G.L. Morris & D.M. Johnston, eds. 1974).

2. BRITISH DIGEST OF INTERNATIONAL LAW (C. Parry ed. 1967).

3. DIGEST OF INTERNATIONAL LAW (M. Whiteman ed. 1963).

responsibility, diplomatic protection, permanent sovereignty over natural resources, expropriation of property, the territorial sea, continental shelf, and flags of convenience as tending to act as disincentives to small States. Lloyd Searwar contributes two essays. In the first, he outlines how the CARICOM States have enhanced their internal and collective security. He considers how they have diminished their vulnerabilities from environmental threats, pressures within the international economic system, international threats, coordination of foreign policies (e.g., marine boundaries), and susceptibility to natural disasters. In the second essay, Mr. Searwar looks at whether non-alignment practices can be made operational as an instrument for promoting regional cooperation. He specifically looks at Guyana's options concerning non-alignment. Examples embody preoccupation with global political issues and the few tentative steps that have been taken towards regional cooperation at the foreign policy and economic levels. Three appendices contain not easily found relevant resolutions of the non-aligned movement: the zone of peace, economic security and collective action, and guidelines on the reinforcement of collective self-reliance between developing countries.

The co-editor, L.B. Francis, provides an excellent retrospective on the Commonwealth Caribbean States' process of decolonization from the United Kingdom with respect to succession to treaties and the influence that these Caribbean forerunners are likely to have when other Caribbean territories seek independence. Patrick L. Robinson's essay deals with the United Nations Convention on the Law of the Sea, specifically addressing the question of common ownership of the extraterritorial resources of the sea. His approach is both historical and critical. In tracing the negotiations, he argues that the areas outside national jurisdiction were based on ideological and developmental lines, while those areas within national jurisdiction were free of such factors.

Carl W. Dundas provides two comprehensive essays to this volume. In the first, there is an excellent in-depth presentation on the maritime boundary delimitation problems that exist in the Caribbean Sea. Mr. Dundas' discourse takes into account the factors of archipelagic status, proximity of littoral States, the presence of small islands, islets, rocks, cays, sandbanks and other geographic features, the presence of dependent territories, and natural resources potential. His review of a number of bilateral boundary agreements culminates in a series of proposals and strategies for negotiating further agreements. Under the title "The Law of the Caribbean Community," Mr. Dundas presents an insider's detailed analysis of the CARICOM Treaty, the juridical nature of the organization from an international viewpoint, its law-making capacity, organs, institutions, functions, powers, and contribution to the integration movement. His thorough coverage provides confidence in the way that the Community's legal machinery actually works.

I place three essays into the category of tangential interest to the main intentions of the editors. Desmond Peart writes on the "Caribbean Community States and the GATT," in which he explains how GATT operates, its impact on developing countries, and their shortcomings in fully exploiting participation in the GATT system. Professor Cecil R. Dipchand addresses some of the problems

of the "Caribbean States and the International Financial System" via the barometer of whether the welfare of the people in each State improved since independence. In nine pages of text, I found the discussion to be cursory at most. Finally, B.T.I. Pollard effectively elucidates the issues central to "Copyright Protection in the Caribbean Community." His insightful essay reviews copyright legislation in CARICOM States and prescribes that the governments need to support establishment of organizations that will be responsible for the collective administration of copyright, thus requiring the services of persons with special qualifications.

A significant contribution is made by Professor Nicholas Liverpool in his appraisal of "Law as a Harmonizing Instrument in the Integration Process in the Caribbean Community." Coverage in this essay is much wider than the title suggests. Success has been achieved only in relation to company law so that the process has faltered. If the harmonization process is to bring further results, his plausible suggestions should command serious attention in the institutional framework of CARICOM. There is the absence of an independent supranational decision-making body and the absence of a court of justice with competence to settle disputes concerning the Community Treaty, its application, and its interpretation. His agenda for further developments is appropriate.

Judge S.Y. Mohamed's pinched sketch of "The Nature of Fundamental Rights and Freedoms in the Caribbean Community" is too condensed to be meaningful. By contrast, in a carefully conceived, well-researched analysis of constitutional protection, statutes and case law, Dr. Francis Alexis presents a scholarly insight into "Human Rights Adjudication in the Caribbean Community." Given the political crises that have arisen in some Caribbean States in recent years, his reflection on situations in which the executive may or may not invoke emergency measures at the expense of personal liberty demonstrates the complex balance between protection of human rights and executive necessity.

Five of the essays really fit into their own related niche. Dr. Kenneth O. Hall and Dr. Yvonne P. Hall effectively collaborate in a concise but discerning reflection on the absence of management in CARICOM's external economic relations. Their essay discusses the rationale for management, the CARICOM record of activity, and suggests recommendations for improving upon the current impasse. The subject of the OECS is looked at from an economic-sociological perspective by Professor Patrick A.M. Emmanuel and from a legal position by Professor P.K. Menon in separate essays. The thrust of the economic-sociologic perspective explores the degrees of "community" operations amongst the Member States of the OECS and assesses the extent of sub-regional integration that is feasible. On the other hand, the legal perspective reviews the organizational structure, purposes, functions, institutions, privileges and immunities, and procedure for settlement of disputes of the OECS. Traditional adherence of these Caribbean countries to the rule of law is an asset when considering the degree of this community's potential. Coherence of sub-regionalism hinges on the cohesion of its individual societies. Continued political and economic integration is shown to be dependent on the goodwill of the participating States. In a brief sketch of historical developments since 1940, Val T. McComie outlines

the "Legal Contribution of the Caribbean to the Inter-American System." Here, one finds the impact of respect for the law, human rights, democratic principles, and equality of States. The final essay by Lloyd Searwar on non-alignment, already referred to, complements this group of essays.

The quality of these essays is variable. Some reflect detailed research and critical in-depth analysis, while others are written to merely impart information with slim effort at inquiry. In my view, the editors could have been more adept at their editorial task. Footnotes appear at the bottom of the page in some essays and as endnotes in other essays. Occasionally, there are only major references at the end of the essay which leaves the impression that they were added as an afterthought. (Infrequently, words are missing from sentences or other typographical errors appear, *e.g.*, pp. 75, 214, 402.) There is an index and select bibliography.

Although a few of the essays have been published elsewhere, in the main, their availability is limited. There is generally a paucity of legal literature on international law as it pertains to CARICOM and OECS. Anyone who engages in research in these areas knows of the difficulty in gathering primary source materials. Despite my few reservations, this volume is a valuable addition to the international lawyer's understanding of the Caribbean world of international law.