Drugs in the Caribbean:
The ‘Shiprider’ Controversy and the Question of Sovereignty

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Still less, let it be proposed, that our properties, within our own territories, shall be taxed or regulated by any power on earth, but our own.
(Thomas Jefferson's demand to the British Crown, August 1774)

Introduction

In the latter half of 1996 U.S.-Caribbean relations deteriorated notably over the issue of international cooperation in the field of drug interdiction in the national waters of Caribbean islands.1 The United States, long concerned about the Caribbean's role as a conduit for South American drugs traffickers, strongly urged several countries of the region to enter an interdiction agreement allowing the presence of and searches by the U.S. Coast Guard within the territorial waters of these nations. The ensuing controversy over this request brings into a sharp focus questions about the conduct of U.S. policy in the region, the process of regional integration, as well as the persistent economic vulnerability of the Caribbean despite the institutionalization of the GATT principles of fair trade and codes of conduct in the World Trade Organization. It was chosen, therefore, as a barometer of the state of U.S.-Caribbean affairs.

At a yet deeper level, the so-called 'shiprider' controversy revealed the clash of two rather different views about the scope of national sovereignty of these nations which raises questions about the concept of the state in the age of globalism.2 This article argues that the shiprider controversy was to a large extent a result of the adherence by both negotiating sides to two contending interpretations of national sovereignty. As a consequence, the actual negotiations of these counter-drug agreements resembled in several instances more a dialogue of the deaf than ideal diplomacy, namely the pursuit of national interest through negotiations and compromise between (at least formally) equal partners. Because of this mutual lack of understanding, the bargaining positions of both sides were primarily a function of priorities on their respective domestic agendas and geographical location.3

To U.S. perception, Jamaica's and Barbados' recalcitrance, in particular, to sign the agreement signalled a lack of appreciation of the drug problem even

* The author would like to thank Gary Hytrek, Stephen Vasciannie, Hilbourne Watson and Ivelaw L. Griffith as well as an anonymous reviewer for their useful comments on an earlier draft of this article. Responsibility for possible remaining errors of fact or interpretation remain solely with the author.
for their own countries. At the same time, however, the shiprider controversy is also indicative of the fact that the political leadership and the intellectual community of several Caribbean countries find it difficult to reconcile the globalization of their economies with the apparent changes which this process implies for more traditional conceptions of the state. There can be little doubt, however, that the increasing amounts of drug-trafficking in the region, as well as the fact that this phenomenon appears to have a direct relationship to the levels of poverty, increased mobility of the informal economic sectors, the existing relations between the territories and their emigrant communities in the United States, and – last not least – the booming levels of addiction on hard drugs and drug-related crime experienced throughout the region, pose a serious threat to the Caribbean’s economic and political future.

Addressing the position of both sides in this conflict, the following essay attempts to explore in greater detail some of these issues in the following three sections. The first section will discuss the obvious erosion of the notion of ‘national sovereignty’ in the post-Cold War era. While national sovereignty was a guiding principle until and during the Cold War, in recent years this postulate is increasingly being questioned by both practitioners and theorists of international relations. Consequently, we will chart here some of the parameters of this theoretical controversy. As this section will argue, issues like the shiprider controversy do not simply involve conflicting legal views about diplomatic and political sovereignty, which can supposedly be resolved through negotiations, but reveal a lack of understanding in American foreign policy of its Caribbean partners. U.S. diplomacy does not seem to comprehend that issues of ‘sovereignty’ and ‘independence’ touch on basic, ontological issues of self and community. This lack of understanding of how supposedly ‘universal’ concepts of space and nation, independence and self-consciousness, democracy and personal integrity interact in their specific ways in the Caribbean region to give meaning to a multifaceted concept like ‘national sovereignty’ played a major role in this controversy. The second section aims to discuss the different theoretical positions which delineate underlying political sentiments of the parties (i.e., the U.S. and Caribbean nations) involved in this diplomatic tussle. Keeping in mind that they do not only raise questions about integrity of territory and jurisdiction, the third section shall review the different negotiation positions and some of the features of the shiprider agreements.

Post-Colonial Sovereignty and the State in the Age of Globalization

Any discussion of the concept of sovereignty in international law has to be prefaced by the observation that there exists more or less a consensus in international law that both internal (i.e., domestic) and external (i.e., pertaining to foreign relations) sovereignty are not absolute. In the words of one observer ‘every state has yielded some measure of its internal and external independence because of the existence of international law and because of treaties entered into with other states, insofar as those agreements “invade” the absolute freedom of the state concerned’ (Glahn 1970, 127). However, the question where the intersection between internal and external sovereignty precisely lies, remains contested. Both spheres are probably not entirely separable and
certainly will continue to remain subject of international conflicts and theoretical debates among international law specialists. It is for this very reason that Weber (1995, 2-3) exhorted international relations theorists not to assume that state sovereignty is a settled question and admonished them to continuously investigate how it is fixed in theory and practice. The controversy which ensued over the scope of the shiprider agreements drives home the point that, in practice, state sovereignty remains to be subjected to the political epistemologies and ontologies of different societies and their leaders and is likely to be renegotiated in each case.

In order to fully grasp the significance that the moment of independence had for the peoples of the region, one has to recall that, unlike for many other states, independence in most Caribbean countries was preceded by the collective experience of several hundred years of slavery. The memory of this painful and dislocating experience was not deleted by the occurrence of either the so-called Emancipation (i.e., the formal abolition of slavery), which was followed by the quasi-slavery arrangements of the ‘apprenticeship’ period, or formal Independence, which was followed by a palpable continuance of several dependent relationships in the fields of economics, culture and international relations.

In both instances, the newly won sense of independence in the Caribbean transcended the realms of the juridical and political, touching the lives of the region’s peoples at their very existential roots. Apart from obvious economic and political expectations it embraced collective notions of justice, equality and freedom, such as freedom of movement, rejection of racial oppression, consolidation of family, the right to own property, just and equitable wages, and the right to choose one’s own preferred form of labor arrangements. In sum, it reflected the expectation that independence would bestow Caribbean people with the opportunity – in the words of one former slave – to ‘be wise to many more tings’ (Marshall 1993, 12). Consequently, in addition to the common and obvious political qualities inherent in it, both Emancipation and Independence attained a distinct ontological significance in the Caribbean.

While most of such aspirations and hopes were suppressed in the post-Emancipation period, they erupted anew to the political surface during the region-wide labor unrest of the 1930s which eventually led to formal Independence. With the end of colonialism in sight, many expectations which had been disappointed generations before were now being formulated even more eloquently and self-confidently. However, it has been argued that, e.g., in the case of Jamaica, the quest for constitutional autochthony was not fully achieved and indeed in many instances this lack can be identified as one of the causes for persistent political instabilities and under-performance in the economic sphere (Cf. Munroe 1972, 175-178). Caribbean Independence in many regards ended therefore as – to use Fanon’s terminology – a form of ‘false decolonization.’

Despite, or better, because of these failures, great significance and expectations remained attached to the moment of political sovereignty. Most obviously, with the status of formally independent and sovereign nation, both the former colonizer and the international community implicitly appeared to acknowledge the personhood and peoplehood (or, at a minimum, the right to reclaim these) of the historically subdued inhabitants of these formerly colonized territories. As a corollary of this, a strong belief in the (now) free choice
of political allegiances was cultivated which eventually fed into the sphere of international affairs. The ruling elites in the region initially remained cautious about testing the depth and scope of this new freedom, but as younger generations of political leaders ascended, Independence became a notion immediately relevant to foreign policy. The ethnic and racial composition of their population implicitly demanded a greater identification with Africa, India and parts of Asia. As the other side of this coin, a greater sensibility for just and equal treatment were played out against nations which were perceived as culturally more distant or, at least, as more difficult points of origin. Thus, in the minds of the general population and its leadership, territorial integrity and sovereignty eventually became intricately entwined with the existential notion of freedom of choice and the quest for self-respect (Cf. Nettleford 1993, 80-90).

Consequently, while international law in recent times has become sharply divided over the interpretation of sovereignty and the limits to foreign intervention, for historical reasons the Caribbean pursued a course which suggested a very strict interpretation of this sovereignty. Tesón (1996, 42) suggested that two schools are to be distinguished, an essentialist and a legalist view of domestic jurisdiction. Whereas the former contends that regardless of the state of debate in international law there are certain inalienable domains of domestic jurisdiction, the latter holds that these domains are circumscribed by international law as it develops through history. In particular, human rights are generally no longer considered to be an issue of exclusive domestic jurisdiction, as they were before 1945. While there are a number of different positions possible along the continuum defined by this bipolarity, it is safe to say that for the above reasons the sentiments of many, if not most Caribbean state elites are biased toward an essentialist and state-centric position (Cf. Maingot 1996, 190).

One of the first collective attempts of the so-called Third World to give expression to this political position occurred at the Bandung Conference in 1955. At this historical occasion 29 Asian and African states adopted the 'Five Principles of Peaceful Coexistence' which Nehru had formulated after old Indian ideas. Among them were 1) mutual respect for territorial integrity and sovereignty, 2) mutual non-interference in internal affairs, and 3) equality and mutual benefit. In addition, the conference participants suggested a new world order on the basis of, among other things, a recognition of the equality of all races and of the equality of all nations large and small, abstention by any country from exerting pressures on other countries, and refraining from acts or threats of aggression or the use of force against the territorial integrity or political independence of any country (Singham and Hune 1986, 66). In the same spirit, the Non-aligned Movement recurrently affirmed its support of the United Nations Charter which in its Chapter I had already asserted similar principles. For the conduct of economic relations between states the UN Charter of Economic Rights and Duties of States (Chapter I) of 1974 again emphasized these very same principles. There can therefore be little doubt that international law protects these ideals. While today, revisiting these principles may elicit boredom among many theorists of international relations, it ought to be remembered that their codification in international law only occurred after the
gruesome experience of two world wars and a long, persistent struggle by the colonized peoples of the world for independence.

However, it is equally clear that at all times in the post-World War II period, states also disregarded standards of conduct they had explicitly accepted by their signature to these international treaties. Moreover, it can be argued that the very concept of nationalism and positive sovereignty (Cf. Jackson 1994, 34-40 et passim) in its historical origin of European expansionism has trapped the ‘Third World’ in a Janus-faced discourse that has served to justify their suppression and exploitation. To a considerable extent, therefore, the guardians of unequivocal territorial sovereignty are acting out a concept and reality which came into being only after the Peace of Westphalia in 1648. Despite these discursive ambiguities, the vocabulary and grammar of international affairs in the 1970s made it abundantly clear that the ex-colonial peoples of the Caribbean (and other underdeveloped regions) understood their quest for national sovereignty in a sincerely enlightened way. This is not to argue that the nationalist project in the Caribbean was entirely impermeable to considerations running counter the emphasis on state sovereignty. The idea of and some actual cases of federation in the Caribbean reach back to the nineteenth century and re-emerged in regular intervals until the present day (Cf. Boxill 1993, 31-48; Williams 1976, 103-105). In the 1950s, federation was considered again and in the early 1960s the advent of Independence of many Commonwealth Caribbean territories was supposed to occur in form of a West Indies Federation, but the design faltered when a referendum in Jamaica turned the proposal down. Despite all their shortcomings CARIFTA (Caribbean Free Trade Association) founded in 1968, CARICOM (Caribbean Community) founded in 1973, and most recently – the ACS (Association of Caribbean States) are clear indicators of trends countervailing the pursuit of state sovereignty and nationalism.

Since the 1980s, however, a constantly accelerating and progressive erosion of the validity of sovereignty and nationalism appears to get a grip on both political practitioners and theorists of international relations (Cf. Stedman 1993). Two events, or rather processes, played a decisive role in this paradigmatic turn: 1) The breakdown of the Soviet empire which despite all its shortcomings appeared to be the historical guidepost for the direction toward redistributive development, a leitmotif also to non-aligned politics; 2) perhaps even more significant, the economic, political and social processes which in their sum are now usually (and rather imprecisely) termed ‘globalization’ (Cf. Beisheim and Walter 1997, 166 et passim). Particularly the latter process has set in motion legal arrangements and economic movements which clearly imply a weakening of the concept and reality of borders between states. As a consequence of this, the realm of the political which is historically bound to the existence of national borders seems to be undergoing a (largely erosive) transformation that, in its turn, further promotes the globalization of social forces (See also Cox 1987, Chap. 4). These processes have led to the emergence of a ‘multi-centric world’ (Rosenau 1990, 243ff.) in international relations with much more open and diffused structures and types of authority. While since the mid-1980s most state elites in the developing world have chosen to follow the logic of globalization in the field of international economic affairs, acceptance
of the erosion of their political power has been forthcoming to a much lesser extent.

Indeed, the above mentioned countervailing trends call for a thorough re­
examination of the epistemological bases of the concepts and ideas which since
the European Enlightenment shape and give expression to people’s quest for
space, community and self-determination. To the extent that it is acknowled­
ged that in the light of contemporary dynamics (e.g., the economic and nu­
clear threats, the velocities of international capital, new technologies, migra­
tion, drug trade) this quest is inadequately served by the principle of state
sovereignty, while the pursuit of universalist solutions remains elusive, new
answers have to be found and framed in entirely new concepts. Walker (1993,
77; see also Weber 1995, 6) recently summarized this theoretical dilemma in
international relations the following way:

The traditional objections to universalism in international relations will
no doubt continue to be made on the ground of nationalism and national
self-determination. For many peoples in the modern world, the establish­
ement of a particularist identity against hegemonic forces remains the high­
est priority. But the assertion of this kind of counter-hegemonic particular­
ity is likely to be pushed further than is implied by the limited pluralism
established through state sovereignty. The continuing persistence of na­
tionalism and self-determination does not necessarily imply the persist­
ence of the nation-state. It is therefore possible to offer an alternative
account of the plurality of peoples than is associated with the restricted
pluralism of state sovereignty. The dissociation of nation from
state implies any diminution in the importance of the state. (/...) Where it
has become conventional to equate state, nation and autonomy, and then
to reify all three as the fundamental reality of international life, it now
seems more useful to ask what states, nations, particularist identities and
struggles for autonomy can now be under new historical conditions.

Indeed, this perspective, which puts a premium on the ‘consideration of people
as people rather than as citizens’ (Walker 1993, 76; see also Rosenau 1990,
Chap. 13), appears to be increasingly acknowledged by ‘the subjects’ them­selves. Thus, with the accelerating globalization of life, people all over the
world are establishing a plethora of non-governmental organizations, self-help
groups, transnational linkages, new political organizations, and informal econ­
omies while increasingly becoming wary of the state, ‘politics as usual’, politic­
ians, established parties and even trade unions.9

From the perspective of poor, underdeveloped and/or oppressed peoples, it
appears however that Walker’s point may be overstated. How, for example,
explain to Palestinians, East Timorese, Tamils, Nepalese and other people that
their pursuit of self-determination, sovereignty, or an independent nation is
somewhat obsolete?10 It seems that Walker’s argument is itself informed by the
epistemology of a post-modern, Spenglerian melancholy pervasive in the in­
tellectual discourse in many OECD countries.11 With regard to the Caribbean
it can be argued, for example, that the state of their ontological and epistem­
ological development is different from that of these countries. Even if one
assumes that the process of ontological development follows universal direc­
tions (which, I think, is rather doubtful) it has to be noted that in comparing different cultures one faces a phenomenon which could be described in terms of a simultaneity of the unsimultaneous. More specifically, Caribbean peoples, having experienced the trauma of forced displacement, dehumanization, and denial of peoplehood, are reacting to the world and their life-experiences by different epistemological standards than, for example, North Americans. This perception is also underwritten by the persistent stigmatization along racial and ethnic lines in both Caribbean societies and at the global level. For these reasons, Jessop (1996b) is entirely correct pointing out that the question of the shiprider agreements is ‘a populist issue’ which ‘reached to the heart of what government and representative democracy were all about.’ It is in this context that one has to read a recent assessment of globalization, postmodernity and sustainable development from a Caribbean perspective:

When scholars from the Caribbean countries, or from other developing countries, use these concepts uncritically, they inevitably become victims of an intellectual process that is subversive to the welfare of the developing countries (Boxill 1994, 4).

It is precisely because the Caribbean is positioned, as other developing countries are, at the economically, politically and socially receiving end of the fashionable discourses about globalization and post-modernism that its leaders’ perspective on these issues tends to differ from the dominant views of the OECD countries.

In sum then, what is called for are three fundamental and interrelated suggestions. First, hegemonic politics ought to be passé when it comes to tackling transnational problems. Second, in order to reap maximum desired results for all parties involved, transnational cooperation should start from a recognition in public and foreign policy that social inequalities are often at the root of the problems to be solved. As long as they are not alleviated and even allowed to grow, cosmetic programs are likely to continue wasting large sums of tax money without achieving lasting improvements. Third, new transnational problems beckon the need for a new flexibility in the concepts of sovereignty and territorial integrity, the establishment of transnational coalitions both at the public and private sector levels, as well as between civil societies, without violating collective sensitivities of national, ethnic, and cultural identity. The particularities of each issue have to be (re-)negotiated each and every time anew, between the parties involved at the domestic and international level.

Thus, this essay suggests that just as the raison d’état which evolved during the fifteenth and sixteenth century carried specific connotations for the interests and conduct of the state, the raison d’état in the age of globalization and transnational capitalism implies redefinitions and new flexibilities on the part of all the parties involved in the conduct of international negotiations (Cf. Cox 1987, 107). Consequently, both Caribbean and U.S. decision-makers are faced with the challenging task of adjusting some of their most fundamental assumptions about international relations and their countries’ foreign policies.
The Debate about the Limits of Caribbean Sovereignty

For many observers in the Caribbean and the United States, the question of drug trafficking and regional cooperation in the fight against this scourge (as suggested by the shiprider agreements) involved a redefinition of territorial integrity and domestic sovereignty. The opposing positions in this debate are representative of the broader parameters discussed in the previous section. Thus, for many Caribbean decision-makers and intellectuals the American suggestion to allow the U.S. Coast Guard and Navy to police the national waters of their nations for drug traffickers, and the diplomatic thrust with which this initiative was pursued, smacked of neo-imperialism. On the other hand, there is a strong perception among many U.S. decision-makers and public servants that many Caribbean elites are, at best, not able and, at worst, not willing to combat or even profiting from drug trafficking. In addition, U.S. public opinion on these issues is heavily influenced by news broadcasting about the Caribbean region which is often framed in terms of incompetence and corruption of local authorities. While there clearly is some justification to both sides of this debate, the frequent invocation of ‘ultimate goods’ (e.g., national sovereignty; human rights; democracy; war against drug cartels etc.) in defending their negotiation positions has probably prevented both groups of players from communicating their concerns effectively to each other.

Although the positions discussed below tend to be on the extreme side and are not explicitly reflected in official statements or agreements, private correspondence and interviews with representatives from both sides have convinced this writer that they reflect important sentiments among negotiators and public servants charged with implementing the agreements which were reached (Cf. Robinson 1996). As shall be argued further below, at the level of official declarations there remain certain textual ambiguities which are testimony of the extent to which areas of disagreement persist.

The prevalent sentiment of the Caribbean was summarized eloquently by a number of commentators (Boxill 1997; Hinds 1997; Lewis 1996; Parris 1996). In quite emphatic terms Parris (1996, 4) recently expressed this perspective:

The ‘Brezhnev Doctrine’ has definitely re-entered the post-Cold War re-ordering of the world known as globalisation with the liberalization of trade at its core. It no longer has Soviet moorings, but Atlantic ones. ‘Limited sovereignty’ no longer concerns Eastern Europe, but the... Caribbean. Its proponents no longer bear the stigma of being members of an ‘Evil Empire.’ To the contrary. Those who are proposing, nowadays, the curtailment and/or abrogation of sovereignty for Caribbean states – in the very name of national security, trade liberalization, or the fight against ‘drug trafficking’ – are the very powers who once shielded themselves with the mantle of democracy in order to oppose the imperial pretensions of the Soviet bloc.14

Without doubt, this view puts this and other Caribbean authors firmly within the ranks of those who are propounding an essentialist view of international law. It appears to propose a perspective of domestic sovereignty which allows for little trade-offs.
However, if one reads from a detached angle Elliot Abrams' (1996; see also Jessop 1996a) outspoken suggestions regarding Caribbean and U.S. national security, it becomes understandable why some Caribbean nations see their sovereignty endangered by the shiprider solution. In Abrams' (1996: 90 – italics added for emphasis) view the Caribbean is merely a cluster of small states whose 'often fragile institutions cannot survive without help from outside powers', i.e., the United States. To even suggest that the Caribbean accept 'a voluntary, beneficial erosion of sovereignty' (Abrams 1996, 90) is to be highly insensitive to the collective epistemology of Caribbean peoples. While in many cases it may be true that, to paraphrase Abrams' (1996: 90) words, it is better to cooperate with the American Coast Guard, than to be invaded by 'drug runners at will', functional cooperation can by no means be or become the precursor of a comprehensively invaded sovereignty. Both concepts delineate distinct spaces of international law and international relations. It is also not true to state that Caribbean institutions will not survive the threats posed by globalization. In fact, whoever knows only a fragment of Caribbean history will know that their countries' institutions have operated in a globalized environment and under the most challenging conditions from the very start.

Certainly, such sentiments and 'limited sovereignty' itself stand within a long tradition of the United States' hegemonic attitudes towards the region and disregard for the national sovereignty of its territories since the Monroe Doctrine (1823) was declared a guiding principle of her policy in the Western Hemisphere. This could be seen, for example, when in December 1914 U.S. Marines walked into the National Bank of Haiti to secure investment interests of the New York based National City Bank. In the early 1980s, the director of the Caribbean/Central America Action (C/CAA), a U.S. private sector organization, in a moment of frivolous candor opined that Caribbean states 'are not viable; they will have to become something like offshore states of the United States' (Quoted in Thomas 1988, 333-334). Abrams (and other advocates of his proposals) might perhaps better comprehend the ontological significance of his remarks for Caribbean peoples if he had dared to talk about 'limited sovereignty' on the battlefield of Yorktown, Virginia. Without intending to suggest that this would establish a linear historical duty, proponents of a 'limited sovereignty' argument also ought to be reminded that during the American Revolution black Haitian regiments in no small way assisted the cause of the American colonies, even before they went back to Haiti to pursue their own country's independence (See Kaplan and Kaplan 1989, 68). Framing the issue of cooperation in terms of 'limited sovereignty' clearly does a disservice to the interests of both parties involved.

As a consequence of the above described differences, the phraseology of diplomatic agreements tends to conceal more frankly spoken judgments of the media and observers in or at the margin of the decision-making processes. Thus, the agreement reached between the United States and the Caribbean states (i.e., CARICOM members) at their May 1997 special summit in Bridgetown (Barbados), 'Partnership for Prosperity and Security,' seems to give little attention to the fracas caused by unofficial, off-record remarks of the sort discussed above. Yet a closer look reveals textual ambiguities beneath the polished surface of the official agreement which seem to suggest that there are areas where it was agreed to disagree. Overall, the text is divided into two
major areas of concern, each attributable to one of the negotiating sides’ primary interests. While the U.S. priority was focused on improving the drug interdiction mechanisms in the region, the Caribbean attempted to maximize the economic concessions which the negotiations might yield.

The ensuing give and take resulted in the very first paragraph of the Bridgetown Declaration seeking to deflect concerns about Caribbean sovereignty. In general terms both sides agreed here to show ‘respect for the sovereignty of states, multilateral approaches, democratic traditions, human rights, good governance, human dignity and the rule of law.’ The reference to ‘multilateral approaches,’ however, is in all probability indicative of the U.S. push for the obtaining of the very network of agreements combating drug trafficking in the region which had led to the Caribbean countries’ concerns about possible violations of their sovereignty in the first place. The third paragraph states that all parties ‘recognise the inextricable link between trade, economic development, security and prosperity in our societies.’ While it is not argued here that this statement does not reflect all parties’ true adherence to its meaning, it has to be noted that – as a matter of degrees – Caribbean societies are more convinced of its validity.

However, textual ambiguity which likely continues to be open to fundamentally contentious interpretations is also discernible in the Declaration’s section specifically dealing with the issues of justice and security. In a revealing paragraph, Caribbean leaders even managed to negotiate a diplomatic back door into the agreement. Although both sides unequivocally agree ‘to promote multi-agency collaboration, nationally and regionally, to enhance the intelligence capability of Caribbean law enforcement agencies,’ they only agree ‘to take, where applicable, and constitutionally permissible, active steps to conclude and implement mutual legal assistance and extradition regimes’ (emphasis added). Clearly, a lot of the substance of these agreements still remains to be filled out in the painstaking implementation phases which are likely to persist as the locus where the meaning of these words will be most vigorously disputed.

Given the extent of the opposed sentiments, it is easy to see how the pragmatic initiative of cooperating against international drug traffickers should have disintegrated into more general contention about national sovereignty and territorial integrity. It is suggested here that just like American policymakers and public servants have to rethink and redesign their attitudes towards the region, Caribbean leaders also have to realize that the challenges of the post-Cold War era require new approaches and solutions. Times are changing all right, but this may mean that for Caribbean leaders the time for self-indulgent talk at conferences and parochial reasoning in regional fora is now definitely over. There is, for example, a conspicuous lacuna in the arguments of the above-cited Caribbean commentators. None of them appears to consider seriously the depth and scope of the threat for their societies which flows from drug trafficking within the region (see below). While functional cooperation does certainly not imply or amount to an acceptance of ‘limited sovereignty’, conversely it also does not of necessity indicate neo-imperialism, but may rather suggest a realistic, if somewhat over-zealous, search by the regional superpower for practical solutions regarding new, global threats. Unfortunately,
with only a few exceptions, there appears to be a certain tardiness in the Caribbean region to admit this publicly.17

Drugs, Development, and Policing the Region – the Shiprider Controversy

While the U.S. is primarily interested in the region as a conduit for hard drugs originating in South America,8 regional leaders are, in addition to this, eminently concerned with issues of development, i.e., attracting new investments, finding new markets, and diversifying the industrial structure of their economies in a context of greater competition. With the interests distributed in such a manner, it is hardly surprising that in the face of U.S. diplomatic pressure several Caribbean Prime Ministers also sought to extract greater economic benefits from the former. Nevertheless, there needs to be a greater recognition of the fact that the increased traffic and use of hard drugs has affected the already fragile social fabric of the islands to an extremely alarming extent.

Keeping in mind that the islands of the region are mainly being used as transshipment points for the huge drug markets in the United States, a few figures may serve to give an impression of the magnitude of drug flows through the region.19 According to estimates by Barry McCaffrey, the Clinton administration’s ‘drug czar,’ about 154 metric tons of cocaine go through the eastern Caribbean to the U.S. (here mainly Puerto Rico) each year, and another 180 metric tons to Europe and Russia (Farah 1996, A9). More than 100 international drug trafficking organizations are operating in the region. In Jamaica, cocaine seizures in 1996 (236 kg) were reduced from the 1995 level (571 kg), while heroin seizures increased slightly in 1996 (1 kg) compared to 1995 (zero kg) (U.S. Dept. of State 1997). Aruba seized about 170 kg of cocaine and about 2 1/2 kg of heroin in 1996 (U.S. Dept. of State 1997).20 Apart from the fact that these relative high amounts of hard drugs contribute to increasing drug addiction and related crimes in the region itself, the drug traffic also gives a very bad international reputation to some of the islands. According to one report, for example, ‘on a reckoning by percentage of the countries of origin of drugs seized at Port Everglades and at Fort Lauderdale-Hollywood International Airport, Jamaica is rated at 30 percent, the highest figure, which it shares with Panama’ (Bowen 1997; see also Booth 1996; Economist 1997).

While cocaine gangs are running rampant throughout Trinidad, Guyana, Belize and other Caribbean territories, the per capita murder rates in St. Lucia and Jamaica now rank among the highest in the world. More and more heinous crimes are visiting what used to be small, unassuming communities in the countryside, as well as the large cities and tourism areas throughout the region. In Trinidad, the construction of high-speed boats might also indirectly aid the drug traffic between that country and the South American continent. In addition, in several of the smaller territories drug-related corruption and arms trafficking has begun to undermine the integrity of the civil service, governance and sovereignty (Cf. Griffith 1997, Chap. 5). While in some countries of the region corruption in the civil service and even among members of the government has indeed facilitated the business of drug traffickers, there is little evidence that levels of corruption in the region are higher than in most other
governments. However, there are no convicted cocaine-users known to be elected representatives, as it is the case with the mayor of Washington, D.C. Nevertheless, for many countries in the region the implications of the drug trade amount to a severe crisis of their national security and, for example in the 1992 West Indian Commission report *Time for Change*, Caribbean leaders have acknowledged that drug trade is a problem for the region.\textsuperscript{21} Obviously, with such a scenario at hand new forms of international cooperation ought to be beneficial.

In 1996, the United States began to pursue the shiprider solution with greater verve, after having succeeded to sign six maritime anti-narcotics agreements with smaller Eastern Caribbean states in the years before. To some extent, the election campaign in the U.S., which highlighted President Clinton's negative record on narcotics law enforcement, has to be held responsible for the vigor of this diplomatic offensive. On the other hand, there can be little doubt that the extreme and at times offensive vigor with which the U.S. currently pursues its counter-narcotics aims in the region is a direct consequence of its budget deficit and attempts to control over-spending. Thus, while the Caribbean is known to be one of the main conduits of drug traffickers, U.S. funding on counternarcotics activities in the region dropped steadily from US$ 1,034.4 million in 1991 to US$ 568.9 million in 1995 (Farah 1996, A9).

Caribbean resistance against the shiprider agreements, however, was to no small degree a direct result of the diplomatic tactics chosen by the U.S. in order to force their governments to simply sign the U.S. draft of these bilateral treaties. Some of the means applied by American diplomacy amounted to what Belize's Deputy Prime Minister Barrow recently described as 'indecent pressures':

Examples included suggestions that could result in coercion in search and seizure operations, arbitrary detention of persons for as long as 60 days, forced landing of aircraft and the threat to 'decertify' Belize as a country failing to co-operate in drug interdiction and, therefore, from US aid (Singh 1996).

While, for example, the Jamaican government, one of the most vocal opponents to the shiprider agreements, seemed mainly interested in a more general protection of its sovereign territorial rights, these 'suggestions' might even imply an assault on the rule of law to which most countries Caribbean strongly adhere, in part due to their colonial history. Thus, according to its Prime Minister Arthur, Barbados had little intention to sign an agreement which could result in, for example, the wrongful arrest of someone on an aircraft and cost his country millions of dollars in the courts (Cf. COHA 1997, 6).\textsuperscript{22} In another, not unique case in St. Kitts, the U.S. Drug Enforcement Agency (DEA) reportedly engaged in intimidation tactics after a local court failed to comply with U.S. demands for extradition of St. Kittian citizens to the U.S. (Smikle 1996). As already indicated above, 'decertification' in the case of not signing a shiprider agreement was threatened in several instances (Cf. Bohning 1996; McGregor 1997; Griffith 1997, 193; Liverpool 1997).

Clearly, such diplomacy does not sit well with the population in the Caribbean countries which, after several hundred years of colonialism and slavery,
has a keen sense for prejudiced relationships. Forcing Caribbean governments to sign 'on the dotted line', as Jamaica's Prime Minister Patterson put it, was therefore likely to be perceived as an assault on their independence simply for reasons of U.S. fiscal convenience (Cf. Singh 1996). U.S. diplomacy cannot reasonably expect instant cooperation from Caribbean governments as long as it attempts to pressure them with undue means into complying to her own national security priorities.

Only after nine or so of the smaller Caribbean countries had already been 'persuaded' into signing the agreement, the regional organization CARICOM came to play a more prominent role in the diplomatic stand-off which ensued when Barbados and Jamaica refused to sign 'on the dotted line.' Again, therefore, the coordination mechanism of regional foreign policy can be said to have failed, while diplomatic 'divide and rule' tactics of the regional hegemon prevailed. Despite all the hyperbole in the media and by their principal negotiators, and after considerable diplomatic friction, Jamaica and Barbados managed to negotiate shiprider agreements which in their substance differed only marginally from, for example, Trinidad & Tobago's agreement (which is widely regarded as the standard agreement). This is to say that, in principle, they allow for the same kind of operations most other Caribbean countries had hastily agreed to. However, their (i.e., Jamaica and Barbados) agreements are somewhat more detailed, wordy, and explicitly reciprocal, which presumably affords their authorities a slightly greater voice in the conduct of the counter-narcotics operations within their territories. Ultimately, however, this will largely depend on the practice which both parties to the agreements allow to evolve.

While both Jamaica and Barbados announced their respective agreements as great successes of their negotiation strategy, a closer look reveals that these announcements were rather misleading. Although both governments claimed that their agreement disallows random patrols by U.S. vessels in their airspace and maritime waters and that in their territorial waters all U.S. authorities work under Jamaican and Barbadian law enforcement officers respectively, this is not different in the case of the Trinidad & Tobago agreement. Both agreements were also praised for spelling out concrete safety procedures in order to prevent accidents during pursuit (Caribbean Daylight 1997). However, although less specific than in the Barbadian and Jamaican documents, the Trinidad & Tobago text (Article 9) makes it equally clear that 'The Parties shall, in the interest of flight safety, institute procedures for notifying appropriate Trinidad and Tobago authorities of such overtflight activity by U.S. aircraft.'

From a Caribbean point of view, the most significant improvement from earlier shiprider agreements becomes obvious when comparing, for example, the Belizean, Grenadan, St. Vincentian, Dominican, St. Lucian and several other agreements with Jamaica's and Barbados' (as well as Trinidad & Tobago's) agreement which – in contrast to the former – do not grant diplomatic immunity to U.S. shipriders. Thus, the Belizean text (Article 18) stipulates explicitly that 'all law enforcement and other officials of the Government of the United States of America present in Belizean waters or territory... shall be accorded the privileges and immunities equivalent to those of the... staff of a diplomatic mission' which has to be considered as a very far-reaching concession. Jamaica (See Article 3.1) and Barbados (See Article 1g) also introduced
the criterion of reasonableness in assessing the legitimacy of counter-drug operations. Most other agreements (e.g., St. Lucia’s, Grenada’s, the Dominican Republic’s, Dominica’s, Antigua & Barbuda’s, St. Kitts & Nevis’, St. Vincent & the Grenadines’, Trinidad & Tobago’s) did not include this qualifying criterion and are therefore – at least in theory – more open to unreasonable interference with their shipping operations.24

The Jamaican agreement was introduced to the attentive public as necessitating ‘reasonable grounds for suspecting a vessel of drug smuggling would have to be given before searching vessels seaward of territorial waters’ and consent for U.S. authorities to board vessels in Jamaican waters would only be given on a case-by-case basis (Daily Gleaner 1997a). Compared to, for example, the Trinidad & Tobago shiprider text, which in its Article 5b speaks of ‘suspect vessels’, this only appears to be a theoretically relevant addition. The Jamaican agreement was also depicted as disallowing random patrols in territorial waters or airspace. However, again this was hardly a new stipulation. As a comparison with, for example, the St. Lucia shiprider agreement (Article 8) demonstrates, this government also requires that there shall be no ‘counter-drug operations in St. Lucian waters without the permission of the Government of St. Lucia.’ Unlike Barbados (See Article 19), Jamaica did not manage to negotiate a more specific version of the standard dispute settlement mechanism which has been characterized by a legal analyst as offering ‘little protection... in the event that a dispute should arise as to the respective liabilities of the Contracting Parties in satisfying third party claims’ (Brown 1997, 33). We note, however, that with regard to pursuit of suspected vessels, under the Jamaican document (Article 10), unlike the Barbadian text (See Article 6), in cases where no shiprider is present ‘a Party (...) may make a special request... for ad hoc permission for its law enforcement vessel to follow the suspect vessel or aircraft into the other Party’s waters or airspace...’ which shall be decided ‘expeditiously’. The Trinidad & Tobago text (Article 8c), in stark contrast, even appears to give a carte blanche to U.S. vessels in such a case.25

Due perhaps to her closer proximity to the South American continent, public perceptions about the usefulness of the shiprider agreement are more favorable in Trinidad & Tobago than they are in Barbados and Jamaica. Thus, in some quarters it is actually regarded as being protective of the twin island state’s sovereignty; in the words of its Attorney General Ramesh Lawrence Maharaj:

We cannot be constrained and impeded by political and geo-political limits if we are to stop these transnational criminal organizations and eradicate the drug trade (Quoted in Hutchinson 1997).

Jamaican Prime Minister Patterson’s position, similar to the Barbadian government’s, was less enthusiastic about the final result and simply regards it as ‘a useful partnership’ (Daily Gleaner 1997a).

The relative failure of the Barbados and Jamaican governments to preserve a greater measure of sovereignty than other shiprider agreements provided, leaves open the question whether the diplomatic tussle was not really an, albeit legitimate, bargaining chip for the negotiation of greater economic benefits. As the U.N. report ‘Drugs and Development’ correctly pointed out, ‘the drug
trade is sometimes the one which provides the basic necessities for economic survival' (United Nations 1994, 1). Certainly, the susceptibility of Caribbean countries is not only determined by their geographical position, but also by their current economic problems and the struggle of its peoples to compete in a rapidly changing regional and global economy. In other words, Caribbean governments are faced with serious resource constraints which prevent them from effectively dealing with this problem (See Griffith 1997, 133-151, 158, 224). This nexus has not escaped the attention of some more enlightened political (e.g., Rep. Maxine Waters D-Calif.) and military leaders (e.g., Marine Gen. John Sheehan) in the U.S. (Cf. Lippman 1996). Caribbean leaders therefore became extremely concerned with connecting the issues of development and the shiprider agreements' new level of bilateral cooperation, which in many of the region's countries was widely perceived as submitting sovereignty and provided the parliamentary opposition with a formidable topic.

In their preparation for the summit meeting with U.S. President Clinton in May 1997 in Barbados, they made it abundantly clear that a) parity for their countries under the North American Free Trade Association (NAFTA) and b) a favorable solution of the U.S.-supported attack by the Chiquita Corporation before the WTO on the European banana protocol, which guarantees some Eastern Caribbean economies up to 60 percent of their export income, would be of enormous help in their fight to combat the drug traffic (Cf. Gager 1997; Miami Herald 1996; COHA 1997). However, the agreement following the Barbados summit hardly achieved much in terms of giving additional economic benefits to the Caribbean. While the President agreed to support the call for NAFTA parity before the Congress, which had previously rejected it, he did not give in on the banana issue. Instead he promised various technical assistance programs and consulting mechanisms which are likely to be rather inconsequential and merely reflect – in the words of the U.S. Deputy Assistant Secretary for Central America, the Caribbean, and Cuba Bureau of Inter-American Affairs – a vaguely formulated 'renewed focus on the special challenges of economic diversification in the smaller, island economies in particular' (Hamilton 1997).

Conclusion

As the above analysis attempted to demonstrate, U.S. and Caribbean perceptions of independence and sovereignty sharply diverged over the issue of counter-drug operations. It is suggested that on both sides peculiar teleological biases about the purposes and means of international relations are at work which contribute to a continuing alienation between the parties involved. Above all, the shiprider controversy points to the need that, in order to effectively solve increasingly globalized issues of significant proportion, both developed and developing countries have to make greater attempts to divorce themselves from traditional perceptions about regional order and sovereignty in order to strive for higher levels of cooperation and genuine partnership in international relations. Only to the extent that this can be achieved, will the challenge of drug traffic in the region be successfully addressed.

On the part of some Caribbean political and intellectual leaders, an overly
rigid attachment to an essentialist interpretation of sovereignty and – to paraphrase Rob Walker – a reified equation of state, nation, and autonomy appear to have contributed to an over-reaction against what really ought to be regarded as a functional necessity in inter-regional relations and cooperation (Cf. Manderson-Jones 1990, Preface). As such, both dispositions signify a double failure of Caribbean political leaders. On the one hand, they apparently failed in their attempt to lend a voice to and express the particular culture of the societies which they supposedly represent. On the other hand, they failed to combine the resources of the region into a movement that would be able to effectively represent the Caribbean with a unified voice in an international environment which now is even more intrusive and difficult to maneuver than hitherto (Cf. Parris 1996, 13-15). Moreover, it can certainly be argued that a string of bilateral agreements alone also falls short of the effectiveness an inter-regional approach (e.g., U.S.-Caribbean-South America) would have toward the problem of drug trafficking. Once again it has been shown that, despite ongoing attempts to widen and deepen Caribbean integration, regional foreign policy cooperation remains a goal yet to be accomplished.

Paradoxically, those Caribbean states most vocal about their ‘limits of sovereignty’ would have proven to be more sovereign had they reacted in a less excited manner to suggestions (both from U.S. and regional sources) that a submission of their internal sovereignty was warranted. Since individual protestations were bound to have little or no effect on the U.S. government, sovereignty would have been played out more effectively in the form of an earlier and stronger commitment to a common regional position. Although the shiprider agreements clearly have implications for sovereignty, the question of sovereignty was not the only issue behind Jamaica’s and Barbados’ resistance against them. Thus, there were ‘many sound legal reasons why any government would decline to sign the US proposed model agreement without renegotiating substantial aspects of it’ (Brown 1997, 71). The undue diplomatic pressure exerted by the United States couched in suggestions regarding a reduction of their sovereignty, and the fact that a public debate over the latter would attract greater public attention, probably caused the sovereignty issue to come to the fore. Finally, the desire to include economic aspects as well as questions about illegal arms traffic and deportees also contributed to the stalling of the U.S. proposal.

For the United States, however, the shiprider controversy signifies a lack of understanding and appreciation of the value and significance which ex-colonial societies, like the Caribbean countries, assign to their independence and right of self-determination. Less than a lack of good-will, however, this is probably more based on a genuine inability to empathize with these ethnically different societies and – in some cases – a cultural bias which prevents policy-makers from accepting that, within their confined means and despite overwhelming odds, Caribbean peoples are well able to judge independently and manage their affairs effectively, in cooperation with each other and third parties. A successful solution of the drug trafficking problem therefore requires cooperation without domination. More immediate domestic concerns, such as increasing criticism of President Clinton’s domestic and international performance in the fight against drugs, apparently prevented the State Department from pursuing an (inter-)regional solution which gives all sides an equal say.

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Notes

1. For the purpose of this study, we include in this term all those independent countries in the region which have signed a counter-drug agreement with the United States, i.e., Antigua-Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts-Nevis, St. Lucia, St. Vincent & Grenadines, Trinidad & Tobago, Turks & Caicos Islands.

2. The name ‘shiprider’ refers to the presence, for form’s sake, of a member of the local forces – the ‘rider’ – on U.S. vessels conducting searches in their territorial waters. Under the standard six-part model agreement, the U.S. Coast Guard may board foreign-flag vessels, place its people aboard another country’s ships, pursue vessels into another country’s territorial waters, detain suspect vessels other than those bearing a signatory’s flag, fly over another country’s territory and order suspect planes to land there. Besides the sovereignty issue involved, the shiprider agreements raise a number of legal issues which will not be discussed here. For a good review of the legal context – see Brown (1997).

3. As Griffith (1997, 48) points out, there is a clear connection between the proximity to the South American continent and the market price of cocaine. While in Trinidad & Tobago a kilo may cost between US$ 3,000-4,000, the price in New York is between US$ 17,000-23,000. In addition, the particular geography of the Caribbean territories make some more prone to trafficking than others.

4. For further background on the epistemological and ontological bases of Caribbean peoples – see e.g., Glissant (1989); Henke (1996, 1997).

5. Rosenau (1990, 437), however, finds that in the case of Latin America the rhetoric of sovereignty ‘has been peripheral’ to controversies over U.S. anti-drug operations in their territories.

6. This is the distinct conclusion of Chatterjee’s (1986, 11) analysis: ‘Nationalist thought, in agreeing to become “modern”, accepts the claim of universality of this “modern” framework of knowledge. Yet it also asserts the autonomous identity of national culture. It thus simultaneously rejects and accepts the dominance, both epistemic and moral, of an alien culture.’

7. Indeed, the sociologist Niklas Luhmann (1995, 102) recently posed the question whether the state is a concept of order (Ordnungsvorstellung) which could only function in the historic conditions of modern Europe.

8. It should be noted here, however, that for most West Indian territories the Federation was considered to be a means to another end, i.e., Independence.

9. In a slightly different context, Rosenau (1990, 126) emphasizes that ‘a movement can play a crucial role in the framing and course of a global issue through both the activities and the transnational conferences of their leaders.’

10. Despite the many conceptual problems his book exhibits, Jackson (1994, 78) is entirely justified to point out that current international law ‘denies self-determination to ethnonationalities.’ Most clearly this can probably be inferred from UN Resolution 1514. However, it ought to be obvious that this can and most likely will not determine the perceptions, attitudes and emotional attachment of such peoples towards their desire for autonomy and/or independence. Thus, it is suggested here that even if international law does not currently accommodate their independence, it is not unlikely that it might adjust in the future, particularly in cases where the perceived costs of not granting independence become too high.

11. In a recent book Mark Edmundson (1997) explored the sensory overload which in many late industrial countries is contributing to an increasing emotional and intellectual shutdown.
12. With regard to the question of sovereignty, this is precisely the argument made by Jackson (1994, 47/48) who suggests that the process of decolonization has resulted in the formation for the first time of two simultaneous games of sovereignty within a universal international society: the continuing demanding “hardball” (or “fastpitch”) game based on positive sovereignty, and a new, softer, third division game based on negative sovereignty. Although this author is very careful to point out that positive and negative sovereignty are concepts which do not imply a value judgement, but rather connote ‘freedom to’ (act effectively etc.) and ‘freedom from’ (e.g., intervention) faculties and rights of a nation respectively, it appears that the rationale for his book really emanates from a regret over the loss of uninhibited power-realist politics (see e.g., Jackson 1994, 53/54).

13. This argument has been developed at greater depth in Nettleford (1993) and Henke (1996, 1997); see also Preston (1995).

14. Parris’ (1996, 17) call for the ‘implementation, with deliberate speed, of a thorough working scheme of regional integration’ does, in principle, not seem to square easily with his eloquent concerns about limitations to sovereignty. In addition to this, one has to remember that close U.S.-Caribbean collaboration in fighting drug traffic goes back to the mid-1970s (Griffith 1997, 199). By 1995 almost all independent Caribbean states had ratified the 1988 U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances on which the U.S. based the shiprider agreement. The Treaty Establishing the Regional Security System accords all member states the right of hot pursuit within each other’s territorial sea (See Brown 1997, 66-67). Parris’ assessment is also rendered problematic if one recalls that during the phase of decolonization some colonial states legally justified their dependencies by referring to Article 2 (7) of the UN Charter which prohibits intervention in the domestic jurisdiction of any other member. This claim, however, was also universally rejected. Parris is currently serving as Director of the Institute of International Relations of the University of the West Indies in Trinidad & Tobago.

15. This and many other similar instances are documented, for example, in Niess (1986).

16. To remind the readers, this is of course the site where the United States army fought its final battle for independence from Great Britain.

17. When a Jamaican vessel was recently intercepted in Jamaican waters by the U.S. Coast Guard in apparent contravention of the ‘shiprider agreement’ signed between the U.S. and Jamaica, one of the less agitated voices in the region rightly argued: ‘Whenever such episodes occur, they cause us, quite correctly I believe, to focus on Jamaican sovereignty. But, at the same time, we should also remember the underlying purpose for drug searches in the waters of the Caribbean. Jamaica and other Caribbean States have become significant transhipment points for merchants of death and destruction’ (Vasciannie 1997: cf. Brown 1997, 28; Meighoo 1997).

18. This is the conclusion of the author’s personal communication with an officer of the U.S. Department of State who is directly involved with drug enforcement programs of this agency. In order to promote maximum candor, this interviewee was granted anonymity. His position does, however, not necessarily reflect the official policy of the Department of State. The same argument was also expressed by the Barbadian Prime Minister (Broad Street Journal 1996).

19. The Economist (1996) reminded its readers recently that ‘the iron law of the market is that demand breeds supply’ which appears to imply that, similar to environmental cleanup-responsibilities, the principle that the party responsible is liable for the damage should focus the battle for independence from Great Britain.

20. For more detailed figures of cocaine and marijuana seizures for several Caribbean countries between 1991-95 – see Griffith (1997, 64).

21. For other occasions where Caribbean leaders acknowledged the scope of the problem see Griffith (1997, 1-4); this, however, is not to argue that they always followed through sufficiently on their concerns.

22. Ironically, the Government of Jamaica is now being sued by a former member of parliament for damages to his yacht resulting from a ‘shiprider’-type drug search.

23. The author would like to thank the U.S. Department of State for making these agreements available to him.

24. As Brown (1997, 45) points out, the additional safeguard provided by the criterion of reasonableness is particularly important for ‘those states with an interest in developing their shipping industry.’
25. In fact, this appears to be the case with most shiprider agreements, even in the cases of Belize (See Article 8b and c), Dominica (See Article 8b and c), Dominican Republic (See Article 8b and c), Grenada (See Article 8b and c), Haiti (See Article 12), and St. Vincent (See Article 8b and c), although Griffith (1997, 214) seems to suggest otherwise.

26. This conclusion would seem to be corroborated by the fact that, for example, the Jamaican government chided domestic critics of its approach to the shiprider controversy for breaching the tradition of cooperation between the parties on matters of foreign policy (Daily Gleaner 1997c).

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