

IOI TRAINING MODULE: LAW OF THE SEA AND PRINCIPLED OCEAN GOVERNANCE

Solutions Centre, UWI, Cave Hill
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By

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I. 9:00 – 10:30 AM | Session 1: Multilateral Environmental Agreements on Biological Diversity: Impact on Caribbean judicial decision-making by Professor Winston Anderson (Co-Module Leader)

Outline

Objectives

1. Investigate the potential impact on Commonwealth Caribbean judicial decision-making of treaties protecting biological diversity.
2. Stimulate discussion on greater judicial use of biodiversity treaties.
3. Introduce the wider implications of greater role for the domestic courts in MEA application.

Methodology

1. Need to protect marine biodiversity
2. Use of treaties
3. Features of biodiversity treaties
4. Basic rule on legal effect of treaties in Caribbean law (dualism)
5. Implications of dualism
6. Exceptions to dualism
7. Future impact of biodiversity treaties

Readings

1. Phillipe Sands, *Principles of International Environmental Law*, (2nd Edition, 2003), Chap. 11.
2. Winston Anderson, “Implementing MEAs in the Caribbean: Hard Lessons from *Seafood and Ting*” [2001] Vol. 10 No. 2 *Review of European Community and International Environmental Law* 227.
3. *People United Respecting the Environment (PURE) v EMA and Attorney-General*, 2009 H.C. Trinidad and Tobago, CV 2007-02263, dated 16th June 2009, (Mira Dean-Armorer J.).

Professor Winston Anderson

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II. **11:00 AM– 12:30 PM | Session 2: Legal Aspects of Maritime Boundary Delimitation by Dr. David Berry (Co-Module Leader)**

Outline

In this session Dr. Berry will be using:

1. the section of the Introduction document¹ on maritime boundaries (p. 15), and
2. the second and third documents (“Berry, IOI Training Module, Cases”² and the scanned copy of Chapter 10 of the text by Churchill and Lowe³).

With respect to the cases, participants will only be asked to read the latter two cases – the maritime boundary arbitrations between Barbados and Trinidad and Tobago, and Guyana and Suriname. The first case (*The Saiga*) is not related to maritime boundary arbitration and is only included in the materials because it might be of interest to you for an appreciation of other topics in the law of the sea.

Readings

See above.

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¹ See Dr. David Berry, ‘Introduction to Law of the Sea’ (Worksheet to be presented at IOI Training Module: Law of the Sea and Principled Ocean Governance, ‘*Strengthening Principled Ocean Governance Networks (PROGOVNET) – Transferring Lessons from the Caribbean to the Wider Ocean Governance Community*’ UWI, Cave Hill, Barbados, 2010) in Readings for Monday, 17 May 2010, IOI Training Module, Barbados. 2010.

² See Dr. David Berry, ‘Law of the Sea Cases’ (Paper to be presented at IOI Training Module: Law of the Sea and Principled Ocean Governance, ‘*Strengthening Principled Ocean Governance Networks (PROGOVNET) – Transferring Lessons from the Caribbean to the Wider Ocean Governance Community*’ UWI, Cave Hill, Barbados, 2010) in Readings for Monday, 17 May 2010, IOI Training Module, Barbados. 2010.

³ That is, R. Churchill and A. V. Lowe, *The Law of the Sea* (3rd edn Manchester University Press, London 1999) Chap. 10.