**International Aspects – The Caribbean Region and Twinned States**

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The Caribbean experience is different to many. There are no wars or armed conflict. Autonomous states arose by historical accident through the actions of our colonisers, the United Kingdom, for administrative convenience. There was very little in common with the twinned states. For example, Tobago is a beach island while Trinidad has oil.

The 3 countries with autonomous regions (or twinned states as we call them) are Trinidad and Tobago, Antigua and Barbuda and St. Kitts and Nevis.

They have existed in relative harmony even though there is little homogeneity. Diversity has been a strength and the different identity of the autonomous region has been prized.

The glue that holds these territories together despite the ethos that defines the relationship is a recognition of survival as small island states. There is a realisation that small states are difficult to sustain on their own. So autonomy survives not as mechanism to resolve conflict but this idea. So, like Scotland, when faced with referenda for independence, e.g. in St. Kitts and Nevis, the people voted to stay twinned.

There is also a paradox that the thrust for independence increased with the financial success and control in the region. Nevis was actually more wealthy that the central territory St. Kitts. When confronted with the reality that the realities of independence meant that such a state had to negotiate for itself in the wider world, there was less of an impulse.

There are different degrees of autonomy with St. Kitts and Nevis being the highest and Trinidad and Tobago the lowest. The latter is what I term ‘handicapped autonomy’ and there are many complaints about the model. There is no financial autonomy, no capacity to legislate, no representation at the state level. However, financial and governance autonomy ultimately leads to greater success.

There are similarities with Morocco. I will focus on three new developments, both of which present challenges and may have lessons for Morocco – the nitty-gritties – working out the specifics of autonomy in small states.

1. The Ability of an autonomous territory to cope with external threats such as disasters, climate change, etc.;
2. The ability to control not just natural resources but also key service sectors such as transport which drive the economy;
3. The question of a uniform constitution.

All three issues speak to relationships with the outside world in the international sphere. From the outset I should say that in none of the models does the region have the ability to formally relate on the international plane. From a *de jure* perspective, they have no legal status to do so. This was actually litigated in St. Kitts and Nevis. Although Nevis had by law autonomy over the financial sector, a conflict arose between it and St. Kitts, who wanted to restrain certain contracts. This went to international arbitration and it was held that Nevis could not represent itself as a separate entity. It had no *locus standi*, given that the national interest was involved and only central government had sovereignty to represent.

In comparing the Caribbean with Morocco, in general, there are several similarities. However, the Morocco model for the Sahara Region is far more generous and expansive than anything in the Caribbean. Further, the level of investment seen already demonstrates the ‘will’ of the central authority to give autonomy and can do much to build trust. I was struck by the dynamic development and investment in the Sahara Region. This has been a serious defect in the Caribbean and caused much tension. Similarly, the arrangements for representation in Morocco are superior.

The failure to invest in Tobago has caused a huge deterioration in the economy. When the larger territory has been threatened, e.g. when oil prices dropped, there has been little equity and Tobago has suffered, as in the recent past. Since there is no formal representation of the autonomous region, those voices were not heard.

To focus on the specific new developments:

1. Impact of climate change: recently the Caribbean was hit by two devastating hurricanes. Antigua was unscathed but Barbuda was devastated. This exacerbated the autonomy relationship, in particular, tensions about land tenure, both title and usage. For centuries Barbudans held collective title in an environmentally friendly setup. After the hurricane, the central government wished to rebuild using high-rise hotels, which they resisted. They wished to take the land since title was not individualistic and formally belongs to the state. The law was unclear on these matters and it is still not resolved.

The central government wishes to protect against future natural disasters. However, there is a philosophical tension and conflict which calls into mind the extent to which the autonomous state is allowed to have a say in the general direction of the country. There are deep philosophical differences about the kind of development that should ensue; environmental concerns, etc.

It demonstrates how quickly equilibrium is disturbed if these matters are not clear in law and policy. Generally, Barbuda had autonomy over land but not over national interests as the emergency showed. These are grey areas which present challenges if not clearly articulated. These same vulnerabilities potentially exist in Morocco.

1. Recent economic strains in Trinidad and Tobago led to a breakdown in transport. Tobago has no control over transport although it is key to it. It is a tourism economy. Similarly, Dakhla has difficulties with transport. These can cause huge disproportionate economic impacts internally. There is need to consider not simply control of natural resources but also the management of related sectors such as transport. Generally central governments like to control. This is a potential for much disruption if not carefully negotiated.
2. The tension in Trinidad and Tobago led to a new Bill for legislative reform. Hopefully there will be more autonomy, more financial independence and more representation. One important provision is a clause giving Tobago more control over the Constitution. It will have the freedom to pass laws that infringe human rights. The question is whether this is consistent with a harmonious autonomous relationship. To what extent should an autonomous region be allowed to deviate from international human rights norms as evident in the constitution of a unitary state? Can it survive if core constitutional norms are different? It is one thing to have separate judiciary and separate constitutional norms. Is there need for greater coherence? These are key questions for autonomous entities.

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