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TABLE OF CONTENTS

Abstract.....	6
Abstrakt (Deutsch).....	7
Introduction.....	8
1. Women, Land, Gold. And Guano.....	12
2. Concepts, Methods and Theories	15
2.1 The Ocean-Space as a Social Construct	16
2.2 The Power of the Sea in History	19
2.3 The UN Law of the Sea	22
2.4 Historical Analysis	28
2.5 Post-Colonial Criticism	31
3. Finding Guano.....	34
4. The Scramble for Guano.....	37
5. America's Insular Empire	41
5.1 Navassa Island (La Navase)	41
5.2 Aves Island (Isla de Aves)	53
5.3 Bajo Nuevo Bank.....	59
5.4 Serranilla Bank.....	61
6. After the Guano Rush Faded	63
7. Economic & Military Colonization of the Sea.....	68
7.1 A Caribbean Highway	70
7.2 America's Treasure Hunt around Navassa-Haiti	73
7.3 Aves: Much More Than a Denuded Atoll	77
8. Conclusion: A Tragedy of Commons	82
References	86
Annex.....	97
Fig. 1. Maritime Zones under International Law	97
Fig. 2. Map of Territorial Disputes in the Caribbean Sea.....	98
Fig. 3. Map of Navassa Island	99
Fig. 4. Map of Aves Island/Isla de Aves	100
Academic Curriculum Vitae.....	101

ABSTRACT

As we usher in an era of advanced undersea resource exploitation, questions about the ownership of marine wealth have put focus on the problem of determining national borders over the oceans, seas, islands, cays, and the deep sea-bed. Distant islands and atolls that had lain in disregard centuries ago have now assumed new meaning as prized specks of land meant to project sovereignty beyond a nation-state's traditional borders. Less than 200 years ago, several islands around the world were mined relentlessly for guano, or dried bird feces, for their attribute as a highly potent, natural fertilizer. After having been forgotten for decades, various claims of ownership over the Caribbean's guano islands over the past century have fueled international diplomatic and legal conflicts. The source of the conflict is no longer bird dung but the unexplored and potentially vast hydrocarbon resources and biological riches present in the sea around these islands. With islands—however small or big—entitled to territorial seas and exclusive economic zones of their own under international maritime law, the 17th century principle of the 'freedom of the seas' has definitively been castaway and buried at sea. This era of greater resource exploitation, and the lust for a larger maritime territory has led not just to 'rocks' being passed off as 'islands', but dangerously pushed resource-hungry nations into heightened naval militarization and geopolitical crookery. The neglected former guano islands of the Caribbean Sea, which happens to be an important naval highway as well as America's backyard, may have never been as valuable as they are today. Under discussion are four former guano islands in the Caribbean region and the trajectory of their conflict which involves the U.S. and Europe's former colonial powers against the 'underdog' nations of Haiti and Venezuela among several others.

ABSTRAKT (DEUTSCH)

Am Beginn einer Ära der hochentwickelten Ausbeutung von Meeresressourcen stehend haben Fragen über das Eigentum an den maritimen Reichtümern Probleme in den Mittelpunkt gerückt, wie staatliche Grenzen auf den Ozeanen, Meeren, um Inseln, Riffe und Koralleninseln sowie am Meeresboden zu ziehen sind. Ferne Inseln und Atolle, denen vor Jahrhunderten keinerlei Beachtung geschenkt wurde, haben jetzt als wertvolle Fleckchen Erde, die imstande sind, die nationale Souveränität über die traditionellen Grenzen hinaus vorzuschieben, eine neue Bedeutung erlangt. Vor weniger als 200 Jahren wurde auf mehreren Inseln rund um den Erdball rücksichtslos Guano, getrocknete Vogelexkreme, wegen seiner Eigenschaften als hochwirksamer, natürlicher Dünger abgebaut. Nachdem sie jahrzehntelang vergessen gewesen waren, gaben diverse Eigentumsansprüche auf die Guanoinseln der Karibik Anlass zu diplomatischen und Rechtsstreitigkeiten. Der Grund für den Konflikt sind nicht mehr die Vogelexkreme sondern die unerforschten und potentiell riesigen Mineralölquellen und die biologischen Ressourcen, die sich im Meer rund um die Inseln befinden. Da Inseln – wie klein oder groß auch immer—nach internationalem Seerecht Ansprüche auf ihre eigenen Küstengewässer und ausschließlichen Wirtschaftszonen begründen, fand das aus dem 17. Jahrhundert stammende Prinzip der ‚Freiheit der Meere‘ definitiv ein Ende und sein Grab im Meer. Die Ära verstärkter Ressourcenausbeutung und die Gier nach einem größeren maritimen Territorium haben nicht nur dazu geführt, dass ‚Felsen‘ als ‚Inseln‘ durchgehen, sondern sie veranlassen rohstoffhungrige Nationen auch zu verstärkter Militarisierung zur See und zu zweifelhaften geopolitischen Machenschaften. Die zuvor unbeachteten Guanoinseln in der Karibik, die eine wichtige Schifffahrtsroute ebenso wie Amerikas Hinterhof darstellt, könnten heute so wertvoll wie noch nie sein. Hier werden vier ehemalige Guanoinseln in der Karibik betrachtet und der Verlauf ihres Konflikts, in den die USA und die früheren europäischen Kolonialmächte gegen die ‚underdog‘ Nationen Haiti und Venezuela neben einigen anderen verwickelt sind.

INTRODUCTION

“The great technological ‘revolutions’ between the fifteenth and eighteenth centuries were artillery, printing and ocean navigation... Only the third—ocean navigation—eventually led to an imbalance, or ‘asymmetry’ between different parts of the globe.”

—Fernand Braudel¹

For a long time, the oceans have been subject to the ‘freedom-of-the-seas’ principle²—a philosophy established in the seventeenth century that sought to curb empires and nations from coveting the oceans except for letting them each claim a narrow radial strip of water around the coastline as their own.³ The seas and oceans, otherwise, were said to be open to all. Ships roamed the oceans free and unhindered far away from national coastlines in search of fishing stocks. Things, however, began to change in the middle of the twentieth century when modern nation-states felt pressed by mercantilist needs and the prevailing colonialist competitiveness to define their territories and assert a wider control over not just the waters radiating from their coastal boundaries but over distant seas and naval routes as well. In the seven decades since the Second World War ended, during which much of traditional colonialism waned, another race intensified: one for territorial expansion of, and control over the high seas and the deep oceans. From the three *Cod Wars* to the *Falklands War* and from the *North Sea Continental Shelf Cases* to the ongoing and proliferating South China Sea dispute, modern nation-states have increasingly been jostling to control as much of the ocean as possible.

¹ Fernand Braudel, *Civilization and Capitalism, 15th-18th Century: The Structure of Everyday Life*. Berkeley and Los Angeles: University of California Press. (1981: 385).

² This legal concept derives from ‘*Mare Liberum*’ which means ‘The Free Sea’ or ‘The Freedom of the Seas’. *Mare Liberum*, published in 1609, is a book in Latin on international law regarding maritime matters written by Dutch jurist Hugo Grotius.

³ The United Nations Convention on the Law of the Sea – A Historical Perspective. (1998).

From oil and natural gas and pearls to sand, metals and fish, marine wealth remains potentially enormous and largely unplundered. About a third of the global commercial crude oil and natural gas extracted from the earth comes from offshore sources⁴ and is likely to increase as more sophisticated technologies for deeper subsea production are developed. According to the *American Oil and Gas Historical Society*, no upstream oil company had ever risked drilling beyond the sight of land as recently as the year 1947.⁵ Besides, the vast and mighty oceans provide a much-needed alternative to the conventional and depleting sources of fuel as they store massive energy in the form of waves, currents, tides and heat. This would be enough to meet the global demand for energy several times over.⁶ Further, even though sea travel has considerably declined, and the self-supplied sources of food have removed the regular interfacing of landlubbers' with the marine world, the fact is that the sea continues to be a critical sphere for resources and several processes that sustain modern life.⁷ For instance, the growing demand for fish and fish products, as a result of population growth, urbanization, and increasing wealth means that aquaculture production is estimated to double over the next 15 years.⁸ Then there are metallic resources in the form of manganese nodules, cobalt crusts and seafloor massive sulfide deposits, all of which are found at the depth of up to 4000 meters.⁹ Even more precious are occurrences of methane clathrates or natural gas hydrates which are the subject of much discussion lately. There are extensive deposits of what is effectively natural gas trapped inside ice, and these may be bigger than all of the world's hydrocarbon reserves

⁴ 3: Marine Resources-Opportunities and Risks, in *World Ocean Review: Living with the Oceans*. 2014. Chapter 1. 'Oil and gas from the sea.' (10). Available: http://worldoceanreview.com/wp-content/downloads/wor3/WOR3_english.pdf

⁵ 'Offshore Petroleum History' in *American Oil & Gas Historical Society*. Available: <http://aoghs.org/offshore-history/offshore-oil-history/>

⁶ Robin Pelc and Rod M. Fujita. 'Renewable energy from the ocean,' *Marine Policy*. 26. (2002: 471).

⁷ Philip E. Steinberg. *The Social Construction of the Ocean*. Cambridge: Cambridge University Press. (2001: 9).

⁸ FAO Aquaculture Newsletter. March 2015. Last accessed: November 7, 2015. Available <http://www.fao.org/3/a-i4504e.pdf>

⁹ 3: Marine Resources-Opportunities and Risks, in *World Ocean Review: Living with the Oceans*. Chapter 2. 'Sea-floor mining.' (52).

put together.¹⁰ Methane hydrates lie in the lightless recesses of the oceans. The extraction of gas hydrates are hidden and so are its uses in day-to-day life.¹¹ Methane hydrates are a cleaner fuel compared to coal,¹² and the economical extraction of this resource could lead to several nations moving towards greater energy security. The mining of deep sea-bed resources is still uneconomical but a scenario that may not be far away. The indispensability of the ocean means that where marine boundaries remain porous and ambiguous, the ongoing contest for maritime territory is only set to further intensify as the technology for undersea resource exploitation becomes reasonably economical and accessible to mankind.

We are now living in an era where countries are busy drawing a line in the sea, as it were, to mark and fiercely guard what they think belongs to them. In the present world order, this is done legally by coveting as much naval area as possible—that is, seeking to expand a state's sole and sovereign rights, called exclusive economic zone (EEZ)¹³ under international law, to at least 200 nautical miles over the customary 12-nautical-mile belt of territorial sea and, wherever feasible, even more.¹⁴ As nation-states seek increasingly to profit from trade and commerce on the high seas, the conflicts surrounding the jealously claimed marine territory have been turning murkier. The application of the long-standing principle of the freedom of the seas, or *Mare Liberum*,

¹⁰ Marine Resources-Opportunities and Risks, in *World Ocean Review: Living with the Oceans*. (5).

¹¹ Ibid. (4).

¹² Ibid. (5). The mining of methane hydrates, though cleaner vs coal, can have disastrous effects on the climate as it would release large amounts of methane into the atmosphere. Methane is, after all, a greenhouse gas about 20 times more potent than carbon dioxide. See: The impacts of hydrate mining. (112).

¹³ UNCLOS. Part V. Exclusive Economic Zone. Available:

https://www.un.org/depts/los/convention_agreements/texts/unclos/part5.htm

Legally defined, Exclusive Economic Zones (EEZ) are areas beyond and adjacent to the territorial sea of coastal states. As per the Law of the Sea, coastal states have sovereign rights to explore and exploit, conserve and manage the natural resources of the seabed and its subsoil; install artificial islands and structures in the exclusive economic zone that belongs to them.

¹⁴ Under Part VI, 'Continental Shelf', Article 76, of the UN Convention on the Law of the Sea, coastal states can claim the area of continental shelf up to 350 nautical miles from the baselines from which the breadth of their territorial sea is measured. Available:

http://www.un.org/depts/los/convention_agreements/texts/unclos/part6.htm

has been given up for the principle of ‘closed sea’ or *Mare Clausum*.¹⁵ In my research paper, I wish to look at the origins and trajectory of nations competing for and claiming marine territory. In particular, I will study a handful of islands in the Caribbean that were fortunate, or rather unfortunate, to have been blessed with the perfect ecosystem that turned piles of bird excrement that lay undisturbed over centuries into a golden business venture when eventually discovered. By looking into ‘*The Great Guano Rush*’, as author Jimmy Skaggs calls it, I will outline how bird droppings had a crucial role to play in the growth and establishment of American hegemony and imperialism as the country set out, much before anyone else, in the nineteenth century to claim every such island through military might and legal means. The conquest of several guano islands represents the unusual origin and journey of the U.S.’ almost hidden but surprisingly huge insular empire, thanks to which she today controls more swathes of the sea than any other nation i.e.: the United States of America possesses the largest area of exclusive economic zones in the world.¹⁶

The paper further analyzes the influence that naval power has had upon history and the interaction of mankind with islands and the ocean. It will examine the ocean and all that it contains as a space, similar to land, that has shaped historical and human social processes. The period embraced in this paper is from 1800 onwards up to the present, with the period between the 1850s and 1900 standing out as they are momentous and formative to the narration of the rest of this paper.

¹⁵ In 1635, English jurist John Selden coined the term ‘Mare Clausum’ or ‘closed sea’ to argue that the seas were, in practice, as capable of appropriation as terrestrial territory.

¹⁶ Exclusive Economic Zone – Rankings by area.
http://en.wikipedia.org/wiki/Exclusive_economic_zone#Rankings_by_area

1. WOMEN, LAND, GOLD. AND GUANO.

There is an old Urdu saying—‘*Zan Zameen Zar*’¹⁷—that permeates the Indian subcontinent and wisely explains that through the annals of history if man has ever picked up arms, it has only been to conquer either or all of these three things: *zan*, which stands for women, or for the love of women and their bodies; *zameen*, which means land or territory; and *zar*, meaning gold and other precious possessions. The adage resonates with the theme of this paper which chronicles the current international warring over the control of islands and oceans, and mankind’s insatiable quest to possess terrestrial as well as pelagic territory along with the metaphorical gold yielding from it. The gold in this case is hundreds-of-years-old dried bird poop, the greed for which sparked a war—*The Chincha Islands War*¹⁸—between Spain and some of her former colonies in South America from 1864 to 1866¹⁹, and which later featured as the coveted spoils in another lesser-known bloodbath called the *War of the Pacific*.²⁰ And later, it spawned a law to cleverly, peacefully and legally acquire any such distant bird excrement-laden island, thus paving the way toward the capitalistic industrialization of the ecology.

Before I delve deeper into the subject, it is important to understand why writing about a now shrunken, former American empire built on bird faecal matter is relevant anymore. The story of guano is one of an imperialist and heady scramble on the high seas that has shaped world history, and our lives today. When unraveled, it reveals several interconnections leading up to and involving the growth of agriculture and, as a direct consequence, of human populations. It has

¹⁷ The full proverb is: ‘*Har qatl di e jar, zan zameen zar*’ which translates as ‘Three things for which we kill, gold, land, and women.’

¹⁸ John Bellamy Foster, Brett Clark, Richard York. *The Ecological Rift: Capitalism’s War on the Earth*. New York: Monthly Review Press. (2010: 363).

¹⁹ The *Chincha Islands War* is also known as the *War of the Quadruple Alliance* – the four allies being Peru, Chile, Ecuador, and Bolivia against Spain and her capture of the guano-rich Chincha Islands which contributed to up to three quarters of Peru’s annual income.

²⁰ Also called *Guerra del Pacífico* in Spanish. Several mentions in William F. Sater. *Andean Tragedy: Fighting the War of the Pacific, 1879-1884*. University of Nebraska Press. 2007.

had a far-reaching impact on the environment, on chemical engineering and industrial economics, on the continuation and widening of the global North-South divide, on ecological and conservationist movements, and on geopolitics and modern world history. The episode on guano shows how a bunch of isolated territories and forgotten people of a civilization long ago can influence modern life. Author Gregory Cushman writes that no one needs to be convinced that the Black Death, the African slave trade or the Second World War fundamentally transformed human lives.²¹ But, it is quite another thing to convince someone that guano is of corresponding significance. 'Big claims of this sort require a lot of evidence,' Cushman notes.²² Further, the role of the Pacific world has largely been ignored in the telling and re-telling of history. A large amount of contemporary history textbooks remain euro-centric and narrate events from the perspectives of the better-placed and celebrated Global North, and more so when the focus of the narration happens to be the Global South. It is as if the history of the entire Global South is an anomaly and must be narrated from the dominant euro-centric perspective. Such concentrated focus on 'conventional' history as the only true and real account of past events only serves to narrow perspectives, not broaden it and takes us farther away from understanding and decoding the present. That whole libraries have been dedicated to writing on the Atlantic World, Cushman notes, only goes to show the 'tunnel vision' historians have and are oblivious to.²³

Interestingly, the role of the Pacific World and that of guano has undeniable links to the much-acclaimed Industrial Revolution.²⁴ Following its discovery, experiments with guano and similar such substances paved the way for input-intensive farming in several parts of the world, which led to a burgeoning human population in the 19th and 20th centuries. The discovery of the potential that lay in the Pacific World led to scientific innovations where nitrogen and phosphorous—

²¹ Gregory T. Cushman, *Guano and the Opening of the Pacific World*. New York: Cambridge University Press. (2013: Preface xiv).

²² Ibid.

²³ Ibid. (2013: Preface xiv).

²⁴ Ibid. (17).

two of the main nutrient elements that make up guano—helped transform human lives and aid large scale industrial processes.²⁵ Without the conscious effort to extract phosphates and nitrates from guano deposits occurring in their own respective overseas territories, and harnessing it on an industrial scale, the post-colonial nations of Australia and New Zealand would have been unable to prosper and keep up the superficial show of ‘neo-Europes’.²⁶ Yet another interesting reason for why the story of guano is significant in understanding history and the trajectory of humans is this: in a telling little anecdote, author Jimmy Skaggs mentions how he has had to anonymously thank several people associated with public and private repositories for helping his research for *The Great Guano Rush*. Skaggs notes that he could not publicly name them for they ‘probably would prefer not be openly identified with a book about bird droppings’.²⁷ The narrative on this planet’s formerly guano-rich islands offers us a revelation into an obscure chapter in world and American history which remains somewhat shrouded even to historians of politics and diplomacy. This aspect of imperialism and projection of power has yet to be seriously studied by those keen on understanding the key role of public policy in determining economic development and growth. In writing this paper, I have tried to mesh together the best of the expert work of cartographers, chemists, geologists, constitutional historians, business historians, labour economists, and political scientists. The process of crafting of this research paper is akin to that of a lawyer tasked with gathering facts and evidence to construct and defend his or her arguments on why this subject is relevant. I shall strive to avoid a common mistake historians make of falling into a trap of seeing the past as compartmentalized into political, social and intellectual history and rather join the dots of historical events and arrive at a complete, ‘total history’.²⁸

²⁵ Cushman. (Preface xiv).

²⁶ Ibid. (17).

²⁷ Jimmy M. Skaggs, *The Great Guano Rush: Entrepreneurs and American Overseas Expansion*. New York: St. Martin’s Press. (1994: Preface x).

²⁸ John Tosh, *The Pursuit of History*, 5th edition. London: Longman. (2010: 216).

2. CONCEPTS, METHODS AND THEORIES

Before I delve into outlining the facts and arguments of my research, it is important to understand the meaning and context of a few key terms. Aside from writing on one of the several resources in contention—guano—the focus of this paper naturally progresses to study the re-appraised and elevated value that has been assigned more recently to the deep seas and distant islands as these are now considered perfectly viable and conquerable territories as well as social actors in their own right.

An island, as it would appear at first glance to a layperson, is a distinct and indisputable geographical entity that can be described as a body of land surrounded on all sides by water. Things, however, are not as simple, as it turns out that these smaller bodies of land poking out above the surface of the sea separated from the a larger swathe of land or ‘mainland’ happen to have been given—as recently as the latter half of the 20th century—a clear definition and legal status under international law. An island, as defined by the United Nations Convention on the Law of the Sea (UNCLOS)²⁹, an international agreement that was concluded in 1982, is a ‘naturally formed area of land, surrounded by water, which is above water at high tide’.³⁰ As such, any island’s territorial sea, contiguous zone, exclusive economic zone and continental shelf are all determined in accordance with the provisions of the Convention.³¹ The UNCLOS definition also specifies that such protruding bodies of land which cannot sustain or support any form of human habitation on their own are classified as no more than rocks or atolls and will have neither an exclusive economic zone nor a continental shelf.³² Islands are, then, what we strive

²⁹ Also called ‘Law of the Sea Convention’ or ‘Law of the Sea Treaty’.

³⁰ UNCLOS. Part VIII. Article 121. Regime of Islands. (1982: 66).

³¹ A detailed discussion and the legal definitions of each of these terms in the context of international maritime territory and boundary-marking will follow in forthcoming pages.

³² UNCLOS. Part VIII. Regime of Islands. Article 121. Available:
http://www.un.org/depts/los/convention_agreements/texts/unclos/part8.htm

to make of them; to cite Philip Steinberg, islands are social constructions.³³ This paper will touch upon the implications of the Law of the Sea on the geopolitical dynamics of nation-states bickering over the classification and definition of islands, rocks, and the depths of oceanic waters.

2.1 THE OCEAN-SPACE³⁴ AS A SOCIAL CONSTRUCT

Reading through historical literature on the various ways in which humans perceive and interpret land when it is bounded together in an expanse or scattered afar in smaller parcels as islands, I am inclined to agree with Steinberg's perspective of islands being human and 'social constructions, rooted in specific historic contexts'.³⁵ He suggests that the distinction between an island and the mainland is more 'an arbitrary construction of humans' rather than a 'condition of nature'.³⁶ As such, islands are also social constructions with roots in specific historic contexts. For instance, a few centuries ago islands were seen as nothing more than obstacles on the portolan charts of maritime routes or as sites of potential shipwrecks that sailors deliberately steered away from. Over time this changed and how. The *Great War*, later known as the First World War, saw warships parading the oceans to look for and destroy enemy submarines and to guard their own troops.³⁷ For the Japanese, islands served the same purpose that submarines did for Germany—impeding the enemy's free sea. And hence at one point, the U.S. Navy resorted to destroying the potential of islands' as barriers which meant having to forcibly

³³ Philip E. Steinberg, 'Insularity, Sovereignty and Statehood: The Representation of Islands on Portolan Charts and the Construction of the Territorial State,' *Geografiska Annaler*, 87B(4). (2005: 254).

³⁴ I borrow the term 'ocean-space' from Steinberg who employs it to emphasize parallels that can be seen between terrestrial and aquatic domains, or, simply put, between land-space and ocean-space. Much alike land-space, the ocean-space is 'constructed' by various elements and actors, which go on to reproduce social processes and spatial patterns.

³⁵ Steinberg, (2005: 254).

³⁶ Ibid.

³⁷ Steinberg, (2001: 156).

occupy them.³⁸ Now, ironically, events in the recent past have demonstrated the immense territorial and economic value islands possess due to the maritime territory they can rightfully claim as part of the internationally recognized boundaries that radiate from them. Any modern nation-state which controls such islands and their adjoining seas stands to be enriched in more ways than one. And despite the distantness of the island from its political motherland, the abstract nature of adhesion of the two entities validates the concept of territorial unity and boundedness.³⁹ It is then, indeed, fascinating to note that the modern, or Westphalian principle and ideal of the state as ‘territorially bounded, unambiguously governed by a sole authority and culturally homogeneous is a profoundly *insular* vision’.⁴⁰ It would appear that the legal principle of the sovereign and territorial nation-state is not very different from the singular, isolated island. Figuratively speaking, the mainland, island and territorial waters all come together to become one bounded sovereign state.

Despite the past and present significance of the world’s oceans to modern society, and despite calls for a holistic geographical accounting of human interactions with the sea, relatively little research has been conducted on the geographic history of the ocean as a space that, similar to land, shapes and is shaped by social and physical processes. Recognizing the need to study the sea and oceans as social spaces, Greek geographer and historian Strabo wrote nearly two thousand years ago:

“We are in a certain sense amphibious, not exclusively connected with the land, but with the sea as well... The sea and the land in which we dwell furnish theaters for action, limited for limited actions and vast for grander deeds.”⁴¹

³⁸ Steinberg. (2001: 156).

³⁹ Steinberg. (2005: 253).

⁴⁰ Ibid. (255).

⁴¹ Steinberg. (2001: 9).

Historians and students of history are often oblivious to and take-for-granted the importance of spaces in social processes. This is understandably so because the histories of nations, empires and people have usually always unfolded on land, with the oceans having played the role of only a significant side actor in any inter-continental saga. The obsession that the modern human tribe continues to have for land-space and acquiring terrestrial territory—which has led to many a war and immeasurable blood-shed—has shaped human history and society. Land and its geography are undoubtedly critical actors and elements in their own rights responsible for shaping history. When it comes to mainlands, geographical elements such as mountains, valleys, rivers and seas have led to the rise and downfall of empires. For instance, land topography has either facilitated or hindered the march of marauding and murderous armies; it has played a role in how religions and resources spread from across Europe and Mongolia to the Indian subcontinent and the archipelagic Southeast Asia. More importantly, the use and misuse of land for profiteering has shaped historical processes that continue to have an impact on mankind: be it mountainous poppy plantations in Myanmar and the two Opium Wars or the forced cultivation of cotton on fertile Indian plains which shaped Britain's industrial revolution and India's economic devolution.

In comparison, the role of the oceans, seas, islands and any other water bodies, on the other hand, has been relatively ignored. Historically, humans have either viewed the oceans as something formidable and impossible to conquer, tame and rule or with relative disregard as they did not know how exactly to interact with it. The oceans have not been treated with the same kind of urgency that the less daunting terrene of human inhabitation has been shown. It wouldn't be surprising if one were to ever find evidence proving that no time was lost by the first humans in scaling the tallest of peaks; venturing into the unknown depths of the oceans, though, must have remained just a brave proposition until the means to do so were created. In that sense, the spaces encompassing the seas and oceans are not very different, and neither is the greed with which humans seek out and utilize the wealth

within their own marine territories. Jerry Bentley suggests that the sea and ocean basins possess considerable promise as frameworks for the analysis of some historical processes.⁴² They are particularly useful for highlighting the processes of commercial and cultural exchanges that shape the development of communities, and the world as a whole. The only word of caution, though, is against attempting to fit the seas and ocean basins into any definitive categories of historical analysis because their ‘contours and characteristics have changed dramatically over time with shifting relationships between bodies of water and masses of land’.⁴³ Drawing from Fernand Braudel’s statement on the advent of ocean navigation creating an imbalance in the world,⁴⁴ I reiterate that there is no such thing as exaggerating the role of the oceans – or, as naval strategist A. T. Mahan puts it, the influence of sea-power – in the rise and trajectory of the modern world system.

2.2 THE POWER OF THE SEA IN HISTORY

The illustrious U. S. Navy admiral, geo-strategist, and historian, Alfred Thayer Mahan suggested that because historians have generally been unacquainted with the conditions of the sea, the profound determining influence of maritime strength on history has often been neglected by them.⁴⁵ He argues that it is easy to say that the use and control of the sea has been, and still is, a great factor in world history, but it is quite tedious to look for and demonstrate its exact bearing on events at a particular juncture in time.⁴⁶ To illustrate, it is not without reason and history that the British patriotic cry of ‘*Rule, Britannia! Britannia, rule the waves*’ came into existence. More recently, naval superiority has been credited for having played an

⁴² Jerry H. Bentley. ‘Sea and Ocean Basins as Frameworks of Historical Analysis,’ *Geographical Review*. 89(2). Oceans Connect. (1999: 215-224).

⁴³ Ibid. (215).

⁴⁴ Braudel. (385).

⁴⁵ Alfred Thayer Mahan, *The Influence of Sea Power Upon History: 1660-1783*. Boston: Little, Brown and Company. (1890: iii).

⁴⁶ Ibid.

important role in American victory over the former Soviet Union during the Cold War.⁴⁷

The most obvious form in which the sea is presented, from a political and social point of view, is that of ‘a great highway’, or rather, a ‘wide common’ over which men may pass in all directions.⁴⁸ Some of these rather well-worn paths, called trade routes, have had a determining and lasting influence on modern world history. Take for instance the case of the Mediterranean Sea in the 17th and 18th centuries which was the foremost hotbed of frenzied commercial activity and socio-cultural exchanges, thanks to its strategic location of being enclosed by land and yet being connected to the Atlantic Ocean. It was not without reason that Hegel once called it a ‘uniting element’ for three quarters of the globe and ‘the centre of World-History’.⁴⁹ Historical circumstances led the Mediterranean Sea to take on a larger share in history—from a commercial as well as from a military standpoint—compared to any other sheet of water of like size.⁵⁰ Mahan remarked that nation after nation has striven to control the Mediterranean, and that the strife went on long enough.⁵¹ One may apply the same analogy to the events that have unfolded and that currently continue to unravel in the Caribbean.

Mahan’s treatise on the influence of sea power on history and his learnings and deductions from the historical wins and losses of other nations that boasted of powerful navies—such as Britain, France and The Netherlands—have been consistently and aggressively applied and improved upon over the past two centuries so as to strengthen America’s naval prospects. In fact, as Britain’s command and hegemony over the sea slowly began to diminish, two new challengers reared their head—the U.S. and Germany—both seeking refuge in Mahan’s carefully researched and detailed exposition from 1890 titled *The Influence*

⁴⁷ Steinberg. (2001: 150).

⁴⁸ Mahan. (1890: 25).

⁴⁹ Georg Wilhelm Friedrich Hegel. *The Philosophy of History*. Mineola, New York: Dover Publications, Inc. (2004: 87).

⁵⁰ Mahan. (1890: 33).

⁵¹ Ibid.

of Sea Power Upon History, 1660-1783 as justification for their expensive naval endeavors.⁵² Mahan had strategized for America to overcome certain ‘defects’ that geography had presented her with so that she could emerge an undisputed winner should it ever come to a ‘case of a contest for supremacy in the Caribbean’.⁵³ Furthermore, seeing as her distance from the strategic Isthmus of Panama was considerable, Mahan actively advocated for the U.S. to capture and maintain ‘Caribbean stations fit for contingent’ or as secondary ‘bases of operations’,⁵⁴ which is exactly what Cuba’s Guantanamo Bay and the island of the Commonwealth of Puerto Rico⁵⁵ today have become. As we shall see further, an ambitious American Senator walks Mahan’s talk as he sets the U.S. on a course of territorial expansion spanning the Pacific, the Atlantic and the Caribbean. Interestingly, even as the ocean was used as a big highway, there remained an aversion to turning it into a battlefield for much of the 19th century as the major sea-faring nations of the era—reminiscent of the *Mare Liberum* policy—merely sought to preserve the right to free travel across the surface of the ocean. It is said that ‘from 1815 to 1898, naval power, though always an important factor in international relations, played in general a passive role’.⁵⁶

As is evident already, this paper on the disputes over the formerly guano-rich islands of the Caribbean will not just study the role of islands and the sea as actors equally capable of shaping the course of history, but also more importantly on how that conflict spilled over onto a much larger canvas with much more at stake. This paper will also focus on the rising importance of the Caribbean Sea in the 19th, 20th and the 21st centuries as a new world order—one that is increasingly

⁵² Steinberg. (2001: 152).

⁵³ Mahan. (1890: 34).

⁵⁴ Ibid.

⁵⁵ Puerto Rico is an ‘unincorporated’ territory in U.S. law. This legal status means that the area is controlled by the U.S. government, where fundamental rights apply as a matter of law, but other constitutional rights are not available. See pp. 24 of Insular Areas – Application of the U.S. Constitution. November 1997. United States General Accounting Office. Report to the Chairman, Committee on Resources, House of Representatives. Available: <http://www.gao.gov/archive/1998/og98005.pdf>

⁵⁶ Steinberg. (2001: 151).

globalized and polarized in nature—began to emerge especially as actions following Mahan’s policy advice continue to manifest until today. The power of Mahan’s ideology became starkly apparent through the Second Cold War of the late 1970s to the late 1980s when Vice Admiral William Crowe stated in 1977 that ‘sea control is the [U.S.] Navy’s preeminent function’.⁵⁷ Reflecting on Mahan’s literature sets the tone for this paper which attempts to showcase that with all the elements it cradles within, the ocean is much more than a formidable space, and islands are more than just a speck of worthless distant land.

2.3 THE UN LAW OF THE SEA

The 1982 international maritime pact called the United Nations Convention on the Law of the Sea is an important framework that has often been effectively invoked or cast aside by nation-states in disputes regarding ownership and sovereignty over islands and portions of the sea. It is necessary to study how this sea treaty came into being and what its role has been so far, and how it might end up in the future in helping to resolve, or perhaps aggravate, present and future maritime conflicts.

While the principle of the freedom-of-the-seas prevailed well into the 20th century, the collapse of colonialism and the birth of new nation-states in Asia and Africa along with a burgeoning and resource-hungry population brought with it the need for countries to demarcate their boundaries: terrestrial, maritime and aerial. By the middle of the century, there was an impetus for states to widen national sovereignty and assert claims over offshore resources within their respective territories⁵⁸: this started decades ago with something as simple and necessary to sustain human life as fishing stocks and territorial fishing rights. It continues to be a problem today which has caused many a war of words and retaliatory moves

⁵⁷ Steinberg. (2001: 156).

⁵⁸ The United Nations Convention on the Law of the Sea (A historical perspective). Originally prepared for the International Year of the Ocean, 1998. Available: http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm

among neighbor states. More than a billion people—one-seventh of the global population—across the world depend on fish as their main source of protein.⁵⁹ With 95 per cent of commercial fishing happening in exclusive economic zones, the demand for procuring food has been driving competition and subsequently conflicts.⁶⁰ The source of lucrative fishing stocks, the heightening tension between coastal nations for the rights to secure these resources, the prospect of unharvested riches on the sea-bed and the ocean floor, the increasing pollution and toxicity of noxious refuse being transported over the seas, oil spills from ship tankers, and the increasing show of maritime strength of nations have all made the *Mare Liberum* doctrine appear outdated, weak, irrelevant, and a recipe to ferment conflict and instability.⁶¹ The increasing changes in the intensity and scale with which man began to utilize and exploit oceanic resources altered the perception of the appropriate political and legal groundwork for undersea resource exploitation. As long as mankind's use of the oceans was restricted to survival, there seemed little reason to institute a detailed and explicit framework for regulating the oceans.⁶² These realizations drove negotiations that ultimately bore the Law of the Sea treaty. At its beginning, the focus of UNCLOS negotiators centered on three categories of marine resources: seabed oil and gas, manganese nodules and fish.⁶³ The importance and ramifications of this in the realm of international relations shall be discussed in detail in the present and following chapters.

The littoral seas already hold great political and strategic importance for nations, which, as time passed, seemed too little to settle for as the world started becoming increasingly multi-polar. The open seas beyond the littoral zones—called exclusive economic zone in international law—have an undeniable ‘psychological and emotional importance’ for nation-states as they stand for homeland security,

⁵⁹ James Kraska. *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics*. Oxford and New York: Oxford University Press. (2011: 6).

⁶⁰ Kraska. (6).

⁶¹ The United Nations Convention on the Law of the Sea (A historical perspective). 1998.

⁶² Jack N. Barkenbus. The Politics of Ocean Resource Exploitation. *International Studies Quarterly*. 21(4). Special Issue on International Politics of Scarcity. (1977: 676).

⁶³ Ibid. (678).

national sovereignty, and nationalism.⁶⁴ One of the key historical events that contributed to the slow demise of the *Mare Liberum* concept was when U.S. President Harry Truman in 1945, in response to increasing cries from American oil interests extended U.S. jurisdiction over all natural resources—oil, gas, minerals, etc.—on her continental shelf in a unilateral manner.⁶⁵ Soon after, Argentina claimed its continental shelf in 1946; Peru and Chile followed by asserting their sovereignty over a 200-nautical-mile zone radiating from their respective baselines in 1947 so as to hinder distant fishing fleets from accessing their fishing stocks.⁶⁶ Not to be left behind, Ethiopia, Egypt, Libya, Venezuela, Saudi Arabia and some countries in eastern Europe pushed beyond the traditional three-nautical-mile territorial sea limit to claim up to 12-nautical-miles of the ocean.⁶⁷ This pushing and self-proclaimed extending of national maritime boundaries by states was one of the catalysts that resulted in the Law of the Sea international agreement. During this time, two conferences on determining maritime boundaries, rights and responsibilities had been held in 1956 and 1960 respectively. Alongside, in East Asia, archipelagic Indonesia claimed dominion over 13,000 islands while the Philippines followed suit with 7,000 islands.⁶⁸ Canada in 1970 claimed the right to govern navigation in areas that extended 100 miles from its shores so as to protect the Arctic from pollution. Soon after, the third UNCLOS conference began in 1973 that continued until 1982 and produced the final version of the Law of the Sea treaty, a codified set of rules and obligations regarding the use and management of the ocean's resources. It set very specific boundaries for coastal states to help resolve issues over sovereignty of certain areas of the sea as well as islands. While this has generally been a helpful and systematic mechanism in resolving disputes, following the black-letter law has also been a helpless exercise in the face of territorial assertions between dispute-locked nation-states. This is because they

⁶⁴ Kraska. (2011: 7).

⁶⁵ The United Nations Convention on the Law of the Sea (A historical perspective). 1998.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

back their claims with their versions of the so-called undeniable and undisputed social, cultural and legal histories surrounding the maritime territories under contention.

A brief outline of the different territorial limits set by UNCLOS is as follows: according to the international legal definition, maritime zones are classified into at least five different divisions.⁶⁹ It starts with the territorial sea baseline, which is a low-water line along the coast and marked on large-scale charts that are officially recognized by the coastal state.⁷⁰ The coastal waters of a state is a belt of water that extends three nautical miles seaward from a state's territorial sea baseline.⁷¹ Next comes territorial waters or the territorial sea which extend at the most to 12 nautical miles from the baseline of a coastal state.⁷² Further seaward is the contiguous zone which may not extend more than 24 nautical miles from the baseline from which the breadth of the territorial sea is measured.⁷³ The exclusive economic zone—the most coveted area of the sea—is the area beyond and adjacent to the territorial sea, and extends as far as 200 nautical miles from the baselines.⁷⁴ The EEZ bestows a coastal state with the sovereign rights to explore and exploit, conserve and manage natural resources, whether living or non-living, of the waters incumbent of the seabed and its subsoil. A state entitled to this area can utilize the zone for economic exploitation and exploration for the production of energy from water, currents and winds.⁷⁵ Most importantly, states have the right to establish and use artificial islands,

⁶⁹ See Annex. Fig. 1: Maritime Zones. Also available:

http://www.ga.gov.au/image_cache/GA5596.pdf

⁷⁰ UNCLOS. 1982. Part II: Territorial Sea and Contiguous Zone. Section 2. Limits of the Territorial Sea. Article 5: Normal Baseline. Available:

http://www.un.org/Depts/los/convention_agreements/texts/unclos/part2.htm

⁷¹ Australian Government. *Geoscience Australia*. Maritime Boundary Definitions. Available:

<http://www.ga.gov.au/scientific-topics/marine/jurisdiction/maritime-boundary-definitions#heading-3>

⁷² UNCLOS. 1982. Part II: Territorial Sea and Contiguous Zone. Section 2. Limits of the Territorial Sea. Article 3: Breadth of Territorial Sea, Article 4: Outer Limit of Territorial Sea. Available: http://www.un.org/depts/los/convention_agreements/texts/unclos/part2.htm

⁷³ UNCLOS. 1982. Part II. Section 4. Contiguous Zone. Article 33: Contiguous Zone. Available pp. 35 of http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

⁷⁴ UNCLOS. 1982. Part V. Exclusive Economic Zone. Article 55, 57. Available: http://www.un.org/depts/los/convention_agreements/texts/unclos/part5.htm

⁷⁵ Ibid. Article 56.

and other installations and structures on their share of the EEZ.⁷⁶ The currently exacerbating dispute in the South China Sea is fueled by this very reason as the People's Republic of China build artificial islands and reclaims land in the sea much to the chagrin of Taiwan and Japan—the other two claimants to the same portion of the sea. In short, the exclusive economic zone makes it so that the sovereign rights of states over the living and non-living resources invariably morph into a sense of not just entitlement to the resources but extend to ownership over the area: this includes the water column and the airspace above it.⁷⁷ The convergence of the political importance and legal status of the littoral zones of the oceans, and the impact of that status on expeditionary warfare, has been coloring geopolitics for years now.⁷⁸

Aside from earning the right to exploit their own patch of sea as one may see fit, the clarity over the ownership and use of maritime territory is becoming more important than ever before. History is littered with incidents of innocuous events, some at sea, flaring up into full-scale international incidents. One may recall the *Corfu Channel Case* from 1947 to 1949—a mandatory chapter in the textbooks of students of public international law—when the United Kingdom took the People's Republic of Albania to the International Court of Justice seeking damages for the destruction of two Royal Navy ships and the loss of lives of its men.⁷⁹ At the core of the matter was whether the U.K. had the right to transit Albanian territorial waters—called the ‘right to innocent passage’ or the ‘freedom of navigation’—without Britain’s naval vessels getting attacked by mines strewn in the littoral waters over which the Balkan nation had sovereignty.⁸⁰ Another incident which is more recent and led to a diplomatic event is the *1985 Polar Sea Controversy* in which Canada jumped to defend its Arctic territory after it was made public that

⁷⁶ UNCLOS. 1982. Part V. Exclusive Economic Zone. Article 56.

⁷⁷ Kraska. (7).

⁷⁸ Ibid.

⁷⁹ United Nations. *Digest of International Cases on the Law of the Sea, Part 572*. Division for Ocean Affairs and the Law of the Sea. Office of Legal Affairs. New York: United Nations Publications. (2007: 32-33).

⁸⁰ United Nations. *Digest of International Cases on the Law of the Sea, Part 572*. (32-33).

a United States Coast Guard ship planned to transit the Northwest Passage—a bunch of connected straits meandering through islands that make up Canada’s Arctic archipelago—with no formal authorization from Ottawa.⁸¹ The matter was in contention as recently as 2010. Now, as climate change makes the region more accessible for passage and provides a shorter route to East Asia, the Arctic is likely to garner even more interest. In what would cause further detriment to the environment, there has been rising interest in oil drilling in the area as the Arctic ice has been thawing at a rate quicker than anticipated.⁸² Also, one of the themes that have emerged in the realm of the law of the seas is the regime of islands. There have been recurring problems regarding the treatment of islands when it comes to the delimitation of the continental shelf between states that are opposite and adjacent to an island.⁸³

The reason for the oceans holding low salience until now was that mankind lacked the tools and capability to intensively exploit these resources which in turn removed the source of the conflict. Secondly, any and all ocean resource exploration and exploitation happened in proximity to the coastal regions where maritime law was already established and respected.⁸⁴ Until a few decades ago, if conflicts did erupt, they remained confined regionally and seldom spilled over into international affairs. The stakes are much higher now and bigger nations are only too keen to get involved in conflicts that are not in their backyard so as to safeguard their military and economic interests.

⁸¹ Donald R. Rothwell. *Arctic Sovereignty and its Legal Significance for Canada* in *Handbook of the Politics of the Arctic*, Leif Christian Jensen and Geir Hønneland (eds). Cheltenham and Northampton: Edward Elgar Publishing. (2015: 251-256).

⁸² Lieutenant-Commander Guy Killaby. Winter 2005–2006. “Great Game in a Cold Climate”: Canada’s Arctic Sovereignty in Question’. *Canadian Military Journal*. 6(4). 33.

⁸³ Donald E. Karl. ‘Islands and the Delimitation of the Continental Shelf: A Framework for Analysis,’ *The American Journal of International Law*. 71(4). (1977: 642).

⁸⁴ Barkenbus. (675).

2.4 HISTORICAL ANALYSIS

As this paper dwells on the legacy, or rather the present-day repercussions, of the great guano rush, it is only natural to employ historical analysis as the primary method. Through historical analysis, I shall attempt to seek to ‘make sense of the past’ through the disciplined and systematic analysis of the ‘traces’ left behind.⁸⁵ The most widely-used historical traces are written documents, either of public or private origin. Traces may, however, differ and range to include things such as daily ephemera and artefacts to old buildings or archaeological sites and landscapes. For the purpose of my research study, the choice of historical analysis as a method and technique is warranted and necessary because without it no account of the present would be properly deconstructed, reconstructed and understood.

Marc Bloch has said that the student of the past must perennially be on the lookout for evidence, which may not correspond to expectation but still be valid in some respects. Historians, otherwise, would never uncover new and surprising facts.⁸⁶ One of the necessary conditions to attain historical accuracy is that historical sources be ‘found’ by a researcher rather than be ‘produced’ by him or her.⁸⁷ Also, the validity of historical data is contingent upon the requirement that it must have been produced within the period of time that is under study. Simply put, they must be ‘contemporaneous’ with the period in question and continue to ‘belong’ to it and not to the present time.⁸⁸ Hence, I shall examine various primary sources such as official documents and reports from U.S. government archives, the original *Guano Islands Act of 1856*, a detailed treatise from the archives of the U.S. Department of State—an agency of American foreign policy—from 1932 called *The Sovereignty of Guano Islands in the Caribbean Sea*, parts

⁸⁵ Philip Gardner, ‘Historical Analysis’, in *The SAGE Dictionary of Social Research Methods*. London: Sage Publications. (2006: 134-135).

⁸⁶ John D. Milligan, ‘The Treatment of an Historical Source,’ *History and Theory*. 18(2). (1979: 177).

⁸⁷ Gardner. (135).

⁸⁸ Ibid.

of the *Constitution of Haiti* which declares the country's claims over an island in the Caribbean, speeches or statements by government authorities as well as more recent discussions and rulings of the International Court of Justice on insular disputes over the two atolls of Bajo Nuevo Bank and Serranilla Bank in the Caribbean Sea.

On the use of primary sources, John Milligan advises that the historian must take pains to ensure that the document was written or crafted at the time and place and by the person it says it was.⁸⁹ This is a valid point to heed as researching historical events that took place more than a century or two ago in order to study social processes set in motion then by people long dead can have gaps in information and authenticity. However, as far as my research is concerned, I cannot afford to be pedantic and completely exclude secondary sources as well as products of journalism, biased or opinionated as they may be, while examining the history of maritime claims and their legacy in international political economy. If anything, secondary sources and historians' interpretations add value to and expand the scope and interpretation of my research and allow me to 'join the dots', as it were, in an increasingly globalizing world. It also allows me to move away from the dominant, euro-centric version of the narration of history and let the subaltern speak.

Part of my efforts to engage with primary sources has included an exercise in data-dredging from the web and particularly online government archives so as to find a more updated version of a regime's view on the administration of a particular insular area. Alongside, I also depend substantially on secondary sources for a deeper understanding and analysis of the subject matter from the perspectives of different historians. One of my key challenges would be to 'give a fair trial', as it were, to the subject matter and all the actors involved, and ensure that I objectively assess the biases of the present when studying the situation and circumstances of the past. Gardner cautions researchers using the qualitative historical analysis

⁸⁹ Milligan. (178).

method by asking a pertinent question: ‘to what degree can it be possible to understand life in the past from the perspective of the present?’⁹⁰ As such, I shall be careful with historical sources and not let biases of the past and present contaminate the other.

Sources of history must also be carefully perused and questioned: the researcher or historian first of all must endeavor to find out whether a document measures up to the standards of what is called external criticism. A researcher must ask, ‘Is the source authentic?’ before moving further.⁹¹ Additionally, when dealing with primary sources, researchers may sometimes be left frustrated by the incompleteness or imperfectness of the documents or evidence being examined for the re-construction of the past. Indeed, this is one of the constant struggles I faced in my research project as the original voices of the subordinate opponents, such as Haiti and Venezuela, in the insular disputes over the formerly guano-filled islands are nearly inexistent or miniscule. The entire discourse on claims over guano islands is heavily dominated by the content matter of U.S. legal documents, texts and speeches—thereby creating a one-sided legal history and paper trail spanning 150-200 years over the islands in question—which places the researcher in a position of awkwardness and bias even before the research begins. The relative absence of relevant and credible sources explaining the other and less heard side of the argument is not because of a lack of trying but perhaps because they may be available in languages other than English—the researcher’s shortcoming—or, worse, unavailable in archives at all. The historical analysis method, then, is not without problems. One needs to consider that historical truth is not necessarily always found in archives or other primary sources. It is important to understand that the truth found in dusty archives may actually only be a version of history agreed upon by the victors or those *able* to write history. Who is to find out if some historical events were forgotten or deliberately left out for its relative unimportance? The history documented in archives and primary sources hence

⁹⁰ Gardner. (135).

⁹¹ Milligan. (178).

represent an incomplete picture. The emphasis on having sources that belong to a particular era compels the historian or researcher to take a position and strive to maintain a 'temporal divide' between the past, which is the site of the object of study, and the present, which is the site occupied by the researcher.⁹² To attempt to understand life and historical events of the past by taking care not to contaminate them by the present perspectives and experiences of the researcher can be an uphill task, but not entirely impossible. This requires a high level of understanding of the fact that history which is a human science deals with subject matters that differ from the natural sciences because human actions are meaningful and purposive.⁹³ And hence, without actively seeking to employ it, I realized during the course of my research and analysis that I have been borrowing from Max Weber's work on hermeneutics from the 19th century. Called 'Verstehen', which translates to 'understanding', this method is an important 'strand of interpretivism' in social science and social research and key in comprehending motives and actions.⁹⁴

2.5 POST-COLONIAL⁹⁵ CRITICISM

While the historical method urges a certain degree of vigilance against biases, I must note that this paper will not be completely devoid of some degree of subjectivity. However, it will be employed to correct, or rather balance, a perceived disequilibrium in narration caused by the dominance of the historiography of one entity, and for the sake of the lesser-represented and post-colonial 'other'. This is

⁹² Gardner in *The SAGE Dictionary of Social Research Methods*. (135).

⁹³ Maggie Sumner, 'Verstehen,' in *The SAGE Dictionary of Social Research Methods*. London: Sage Publications. (2006: 317-318).

⁹⁴ Ibid.

⁹⁵ The use of the term 'post-colonial' by historians is very curious as it literally refers to the collapse of colonialism in the recent past, an event in time and chronology. However, the remnants of colonialism continue to exhibit their usually adverse impact. Colonialism meant the use of force and empire to control the resources of colonies, and institute forms of knowledge giving Europeans a deformed picture of the colonies; this misrepresentation is internalized by colonized peoples themselves. See Tosh, pp. 286-287.

because while I was studying, analyzing and writing, I could not help but feel a sense of relentless and unyielding friction myself as the voices of the dominant Americentric and Eurocentric historiography of the West stood opposing the newly-sprung calm, yet strong, voice of the emerging subaltern.⁹⁶ I felt the need to talk about history ‘from below’⁹⁷ for along with imperialism comes the dispossession of people and cultures. I believe it is very critical to recite this narrative on territorial expansion blended with neoliberalism from the perspective of the subaltern, for by doing so one realizes, as Spivak says, the ‘interested desire to conserve the subject of the West, or the West as Subject’.⁹⁸ The area of Subaltern Studies that originated in South Asia but finds roots in the works of the Italian Marxist intellectual Antonio Gramsci states that the history of the subaltern, or the inferior class, is just as complex and significant as that of the dominant and powerful. However, it is always the history of the latter that is seen as authentic and valid.⁹⁹ By inserting the context of Subaltern Studies in this setting I attempt a ‘historiographical contest over the representation of the culture and politics’ of the dominant and the subordinate, and seek a ‘new approach to restore history to the subordinated’.¹⁰⁰ Edward Said succinctly stated the point I’m trying to make when he wrote:

“The power to narrate, or block other narratives from forming and emerging, is very important to culture and imperialism, and constitutes one of the main connections between them.”¹⁰¹

⁹⁶ Although in a certain context (specifically that of the woman and wifehood in traditional India) Spivak has posited that ‘the subaltern cannot speak’. See Gayatri Chakravorty Spivak. ‘Can the Subaltern Speak?’ in *Marxism and the Interpretation of Culture*. Cary Nelson and Lawrence Grossberg (eds). Urbana and Chicago: University of Illinois Press. (1988: 308); and Leon de Kock. ‘Interview with Gayatri Chakravorty Spivak.’ New Nation Writers Conference in South Africa, *ARIEL: A Review of International English Literature*. 23(3) (1992: 29-47). Available: <http://ariel.synergiesprairies.ca/ariel/index.php/ariel/article/viewFile/2505/2458>

⁹⁷ Tosh. (274).

⁹⁸ Spivak. (1988: 271).

⁹⁹ ‘Can the subaltern speak?’ <http://histtheory.tripod.com/subaltern.html>

¹⁰⁰ Gyan Prakash. ‘Subaltern Studies as Postcolonial Criticism,’ *The American Historical Review*. 99(5). (1994: 1477).

¹⁰¹ Edward W. Said. *Culture and Imperialism*. New York: Vintage Books. (1993: xiii).

The West's representation of and perspective on the rest of the world is very much a part of its domination of it; that is, the West spoke for the rest, for the other.¹⁰² This brings me to another key method and concept of dealing with and interpreting history: the importance of narration. Said notes that there has been much criticism over 'narrative fiction' but that not a lot of attention has been focused on its position in history and in the world of empire.¹⁰³ The reader shall quickly realize that narration is very critical to my argument herein. For it is narration of historical accounts that the 'colonized people use to assert their own identity and the existence of their own history'.¹⁰⁴

In circling back to the historiographical contest playing out in this paper: on one hand is the dominance of the United States with its aggressive, expansionist, and hegemonic policies in the Caribbean region and elsewhere, and on the other hand is the small, former slave colony-turned-island-nation of Haiti and her repeated attempts to safeguard her sovereignty. Similar was the alliance of the Dutch, Spanish, French and the Americans against Venezuela in the late 1800s over tiny Isla de Aves in the Caribbean. More recently, a new dynamic has taken shape in which a militaristic and belligerent Venezuela—now silently endorsed by the alliance of her four former nemeses—stands against her tiny neighboring island nations of Dominica and Barbuda among others over the legality of Aves being termed an island under international law.

At this point, I must mention that my many biases have seeped into this paper: the grounds for this partiality having stemmed from the mind of a twenty-something anti-colonialist brown Indian woman favoring an egalitarian social order, and who argues against the perceivably much-skewed Eurocentric version of history that the world is fed with today.

¹⁰² Joanne P. Sharp. *Geographies of Postcolonialism: Spaces of Power and Representation*. London: SAGE Publications Ltd. (2009: 110).

¹⁰³ Said. (Introduction xii).

¹⁰⁴ Ibid.

3. FINDING GUANO

“These islands are small, high and rocky, barren and uninviting to the last degree, yet out of them has come wealth to stagger the dreams of oriental imagination.”¹⁰⁵

The word ‘guano’ is derived from the South American Spanish word ‘*huano*’, which the first Spanish people adopted from the native Quechua word ‘*huanu*’, translating to dung.¹⁰⁶ The people of the Moche civilization used to mine the islands off the coast of Peru over 1,500 years ago for guano.¹⁰⁷ Having discovered its properties as a fertilizer, they used the guano to cultivate crops on an arid soil. Later, the Incas, too, swore by the bountifulness of guano in agriculture and believed that it was equal to gold as a gift to please the deities.¹⁰⁸ There, in fact, was an ancient Peruvian god of guano called *Huamancanta*¹⁰⁹ who the Peruvians made offerings to so that he would allow them to mine the guano.¹¹⁰ The Spanish who set foot in the Inca Empire in the 1500s were well aware of the fact that the Incan people made use of guano as manure in agriculture. According to the *Perrysburg Journal* in 1855, ‘the Spaniards obtained this knowledge from them, but were too indolent to apply it in practical life’.¹¹¹

In what has been the first commercial fertilizer to be used in large amounts, guano is more than just bird manure. The natural process of guano formation requires a multitude of specific species of birds to be nesting and roosting in a relatively small patch of land and the easy availability of small fish as part of their

¹⁰⁵ Alvita Akiboh. *The Guano Islands: Bird Turds and the Beginnings of U.S. Overseas Territories*. U.S. History Scene. 2015. Available: <http://ushistoryscene.com/article/guano-islands-bird-turds/> Originally sourced from ‘The Great Guano Deposits of Peru,’ Bulletin of the International Union of the American Republics, Washington: Government Printing Office. (1909: 884).

¹⁰⁶ Richard J. King. *The Devil’s Cormorant: A Natural History*. Durham: University of New Hampshire Press. (2013: 202).

¹⁰⁷ Ibid. (202).

¹⁰⁸ Ibid. (202-203).

¹⁰⁹ Ibid. (203).

¹¹⁰ Cushman. (35).

¹¹¹ Akiboh.

diet.¹¹² A cold and low-saline content ocean current further makes conditions favorable for guano-producing birds. This ‘upwelling’ of the ocean current pushes cold, nutrient-rich water upwards and replaces the warmer surface water.¹¹³ The most famous guano deposits are those that are found on islands off the coast of Peru and washed by the cold Humboldt Current.¹¹⁴ One can find similar conditions on the south-western African coast which is touched by the cold Benguela Current. The nutrient-rich fecal deposits of these fish-eating birds—in particular, the Guanay Cormorant and the Peruvian Booby¹¹⁵ that are found near Peru—then chemically interact with the extremely dry weather conditions around the islands. The gradual decomposition and petrification of avian excrement mixed with remains of birds and, perhaps, nutrient-consuming fish or seal on the islands over the years then is what turns guano into a fertilizer rich in nitrates and phosphates. The layers of these deposits range from the most recent to as old as hundreds or even a thousand years old—in some cases, the piles of guano having risen as much as 160 to 180 feet.¹¹⁶ Although the term ‘guano’ specifically meant the dried excrement of sea birds in this case, it has been made generic thanks to popular use and has ended up being broad enough to cover assorted animal remains, mineral deposits of dubitable biological origin as well as synthetic products churned up by chemists.¹¹⁷ The lure of profit led many an enthusiastic guano miner away from ascertaining what real bird guano was compared to similar-looking general waste, rotting carcasses of sea fauna and the excrement left behind by turtles, seals, walruses as well as those of bats whose droppings piled high in dry, fusty caves.¹¹⁸ Back in the 1800s when Britain had just awakened to the existence of guano from

¹¹² Arthur C. Watson. ‘The Guano Islands of Southwestern Africa,’ *Geographical Review*. 20(4). (1930: 633).

¹¹³ ‘What is Upwelling?’ U.S. National Oceanic and Atmospheric Administration. National Ocean Service. Available: <http://oceanservice.noaa.gov/facts/upwelling.html>

¹¹⁴ Watson. (633).

¹¹⁵ Simon Romero. The New York Times. *Peru Guards Its Guano as Demand Soars Again*. 2008. Available: <http://www.nytimes.com/2008/05/30/world/americas/30peru.html?pagewanted=all>

¹¹⁶ *Journal of Geography*. (1910: 191-192). DOI: 10.1080/00221341008985447

¹¹⁷ Skaggs. (139).

¹¹⁸ *Ibid.* (139-140).

Peru, the *British Farmer's Magazine* said that the substance was 'the most permanent fertilizer ever discovered' and offered excellent value for what it cost then.¹¹⁹ It further said that in the absence of guano the ancient Peruvians perhaps could not have cultivated enough crops to feed fifteen million people that once populated the region that now make up Peru and Chile.¹²⁰ Guano was discovered to be so strong that a farmer merely had to put it around a plant with a thumb and finger, similar to a pinch of snuff, to produce excellent results, and that the outcome was satisfactory for all kinds of crops.¹²¹

¹¹⁹ David Hollett. *More Precious than Gold: The Story of the Peruvian Guano Trade*. Madison: Fairleigh Dickinson University Press. (2008: 101).

¹²⁰ Ibid.

¹²¹ Ibid.

4. THE SCRAMBLE FOR GUANO

“Before there was oil, there was guano, so of course we fought wars over it. Guano is a highly desirous enterprise.”¹²²

–Pablo Arriola, 2008.
Director, PROABONOS.

American expansionism and imperialism ranges in time from the Louisiana Purchase of 1803 and the Mexican Cession of 1848 to the Guano Islands Act of 1856 and the annexation of Hawaii in 1898; or that of acquiring sovereignty over far-flung non-guano islands such as Guam and Puerto Rico from their ceding European rulers showcases the very non-normative manner in which the United States has acquired and extended its territory over land as well as over the sea.

In the early nineteenth century, Europeans discovered that the petrified excrement of fish-eating birds deposited on islands with very dry climatic conditions was extremely potent as a natural fertilizer.¹²³ Guano was in high demand across the Atlantic and in the U.S. While the first known supply of guano was found on islands off the coast of Peru and its abundantly fertilizing properties made known, the increasing popularity and soaring demand for this magical manure led the U.S. and several European colonial powers of the time, to embark on a hunt of any such islands that potentially contained dried bird poop. Lobbying by several American businessmen who had already had a little whiff of the aroma of sweet profit to be made in the guano trade set the ball rolling for the Congress. One Alfred G. Benson, owner of the American Guano Company, had petitioned the Congress in the spring of 1856 regarding two remote islands located in the Pacific

¹²² Pablo Arriola is one of the then-directors of *Proyecto Especial de Promoción del Aprovechamiento de Abonos Provenientes de Aves Marinas* (PROABONOS) – Peru’s state-run company that manages and controls guano production. Arriola was referring to the Chincha Islands War in which Peru thwarted Spain’s attempts to regain control of the Chincha Islands. (See Simon Romero. *The New York Times. Peru Guards Its Guano as Demand Soars Again*. 2008).

¹²³ Watson. (633).

Ocean which pushed forth passage of the bill.¹²⁴ Eighty-five per cent of all claim filings on different islands before the Civil War were accounted for by Benson and his firms. Soon, Millard Fillmore, the 13th U.S. president, acknowledged that Peruvian guano had become crucial to American agriculture. He assured Americans that the U.S. government was leaving no stone unturned in procuring regular supplies of guano. Given the magnitude and importance of the agricultural sector in the U.S. economy in the mid-19th century, politicians really could not ignore farmers and their complaints. In 1850, eight of every 10 Americans were said to be living on farms and agriculture made up for three-fourths of the country's economic output.¹²⁵ American farmers lobbied and pleaded with Washington as early as 1844 to 'do something, anything' to procure guano more cheaply and regularly.¹²⁶ In an 1850 address, President Fillmore said:

“Peruvian guano has become so desirable an article to the agricultural interest of the United States that it is the duty of the Government to employ all the means properly in its power for the purpose of causing that article to be imported into the country at a reasonable price. Nothing will be omitted on my part toward accomplishing this desirable end. I am persuaded that in removing any restraints on this traffic the Peruvian Government will promote its own best interests, while it will afford a proof of a friendly disposition toward this country, which will be duly appreciated.”¹²⁷

Several unfruitful negotiations with the Peruvians to ease the levers of the monopoly they held over the supply of guano and the relentless pursuit by American farmers and entrepreneurs resulted in the Guano Islands Act of August 18th, 1856, stating:

¹²⁴ Skaggs. (71).

¹²⁵ Ibid. (11).

¹²⁶ Ibid.

¹²⁷ Fillmore in December 2nd, 1850 *State of the Union* address. Available: <http://www.presidentialrhetoric.com/historicspeeches/fillmore/stateoftheunion1850.html>

“Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States.”¹²⁸

The architect of this act was one U.S. Senator named William Henry Seward from New York, a man who openly spoke out against slavery and supported global commercial expansionism.¹²⁹ It is interesting to note that Seward exhibited the kind of statesmanship Mahan would have been proud of, for apart from being instrumental in America acquiring her first overseas insular acquisitions, Seward’s expansionistic vision also led to the purchase of Alaska from Russia in 1867.¹³⁰ The Guano Islands Act was much derided by Seward’s peers as ‘Seward’s Outhouse’. But the 1856 Act eventually did well for the U.S. because with Peru now closely guarding its massively profitable guano, the Americans had been forced off the Lobos Islands—one of Peru’s other guano-rich islands—where they once took whatever they could find. Besides, the Peruvian trade in guano had fallen into the hands of British businessmen and trading houses.¹³¹ The first half of the decade of 1850s were the happiest for those in the guano business as sales sky-rocketed and prices rose too as confidence in the product strengthened.¹³² For instance, the London-based merchant house Antony Gibbs and Sons—a trading house that dominated the financial and commercial state of Peru for nearly forty years—managed to sell 211,647 tons of guano in Britain in 1856, much higher than in the preceding years, and with minimum wholesale price that year and for the next two

¹²⁸ United States Code. Title 48 - Territories and Insular Possessions. Chapter 8 - Guano Islands. Available: <http://www.gpo.gov/fdsys/pkg/USCODE-2013-title48/html/USCODE-2013-title48-chap8.htm>

¹²⁹ Skaggs. (56).

¹³⁰ Ibid.

¹³¹ William H. Gray ‘The Human Aspect of Aves Diplomacy: An Incident in the Relations between the United States and Venezuela,’ *The Americas*. 6(1). (1949: 72).

¹³² W. M. Mathew. *The House of Gibbs and the Peruvian Guano Monopoly*. London: Royal Historical Society. (1981: 135).

at 13 pound sterling.¹³³ For the ten years following the passage of the act, American entrepreneurs laid claim to every island, key, or rock on the planet that they encountered and judged to contain guano. Other nations joined the race too, which inevitably led to conflicts. Americans, on their part, managed to claim 94 islands, rocks and keys over a span of fifty years under the Guano Islands Act with the sole intention of mining guano and making it available at affordable prices to American farmers. Of these, 66 islands which were mostly located in the Caribbean Sea and the Pacific Ocean were temporarily recognized as American appurtenances by the Department of State¹³⁴ and less than two dozen were ever mined. Not to be outdone by the Americans, other nations fell into a scramble to acquire guano islands. Britain laid claim to the Kiritimati, or Christmas, and Malden Islands in the Central Pacific Ocean, and later annexed the guano islands off of Namibia.¹³⁵ Declaring claim to a guano island turned into an oft-used method to gain entry into the colonizer's club, as it were, with Japan¹³⁶, Mexico, France, the Kingdom of Hawaii, Australia, New Zealand and Germany among others all rushed to get a slice of the desired pie.¹³⁷ Long after all the discovered guano was mined away, or in cases where there were only false alarms of guano deposits, the importance of these islands did not wane. They assumed new strategic and geopolitical significance as coaling stations and relay points for underwater telegraph cables and bases for aircrafts. By the time of the First World War of 1914-18, there remained barely any insular areas in the Pacific basin, save for some on the far southern rim, that did not already belong to some government far away.¹³⁸

¹³³ Mathew. (135).

¹³⁴ Skaggs. (199).

¹³⁵ Cushman. (82).

¹³⁶ Fertilizer use played a critical role in the rapid industrialization of Japan after 1890 and its quest for sources of energy and raw material for farms and factories. Japan saw its superphosphate industry flourish during this time which led to much dependence on imports of raw phosphate rock mined mainly on Christmas Island. See Cushman. (211).

¹³⁷ Cushman. (82).

¹³⁸ Ibid.

5. AMERICA'S INSULAR EMPIRE

Of the 94 islands the U.S. laid claim to as bearing guano, nine of those continue to be possessions of the U.S.¹³⁹ to this day and contribute to the United States having the largest area of exclusive economic zone (EEZ) under its control. These nine territories are Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Palmyra Atoll, Wake Island, and Navassa Island. The US General Accounting Office¹⁴⁰ (GAO)¹⁴¹ employs the phrase ‘insular areas’ to include every territory over which the U.S. exercises sovereignty. Each of these areas have a ‘unique historical and legal relationship’ with the United States.¹⁴² In this paper, we will examine the case of Navassa in particular detail, sovereignty over which is claimed by the Republic of Haiti ever since the U.S. took control of it in the late 1850s.

5.1 NAVASSA ISLAND (LA NAVASE)

The pristine and unsoiled beauty of Navassa has earned it the name ‘Galapagos of the Caribbean’¹⁴³. Located 35 miles west of the Tiburon Peninsula of Haiti and lying in the Windward Passage, Navassa is a small, isolated and uninhabited island. Navassa is of volcanic origin and composed mainly of limestone with traces of iron

¹³⁹ Skaggs. (199).

¹⁴⁰ In July 2004, the GAO changed its legal name from the General Accounting Office to the Government Accountability Office. <http://www.gao.gov/about/namechange.html>

¹⁴¹ The U.S. Government Accountability Office describes itself as an ‘independent, nonpartisan agency that works for Congress’. It is often called the ‘congressional watchdog’, as it investigates how the government spends taxpayer dollars. Available: <http://www.gao.gov/about/index.html>

¹⁴² Insular Areas – Application of the U.S. Constitution. November 1997. United States General Accounting Office. Report to the Chairman, Committee on Resources, House of Representatives. (pp. 1, footnote 1). Available: <http://www.gao.gov/archive/1998/og98005.pdf>

¹⁴³ U.S. Geological Survey, Coastal and Marine Geology Program. Available: <http://coastal.er.usgs.gov/navassa/history/>

pyrites.¹⁴⁴ The crevasses between the rocks have been said to be filled with guano, making the surface nearly level. Each side of the island is steep sloping and features white cliffs except for a bay on the southwest side which allows for small vessels to be anchored. *The Sovereignty of Guano Islands in The Caribbean Sea*, a U.S. government document from 1932 which will be cited liberally in the current and forthcoming chapters, described the summit to be shrouded in stunted palm trees and cactus and inhabited by iguanas and several sea birds.¹⁴⁵ In short, with no proper source of fresh water and steep cliffs, it would be fair to say that Navassa is a place inhospitable for human habitation, and hence technically not fitting the definition of an island stipulated by the UNCLOS.

The oceanic island was rediscovered¹⁴⁶ in 1856 during the guano rush.¹⁴⁷ Between then and 1901, about a million tons of bird guano was mined and removed from the island by the Navassa Phosphate Company. Save for laborers working in slavery-like conditions to extract the guano in the latter part of the 19th century, the island is said to never have been inhabited either by residents of the U.S. or any of the nearby Caribbean nations, particularly Haiti which has for long claimed sovereignty over the pear-shaped rocky protrusion. As per records, Navassa was claimed by the U.S. in 1857 and mined ceaselessly by the Navassa Phosphate Company sometime after 1864.¹⁴⁸

Author and columnist Laurent Dubois explains that Navassa has always been considered part of Haitian territory and was explicitly mentioned as such in

¹⁴⁴ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 2). This report contains information on islands bearing guano deposits so as to enable the US to ascertain islands in the Caribbean Sea over which it has already claimed sovereignty or may legally seek to claim sovereignty, and the bases for making such claims.

¹⁴⁵ Ibid.

¹⁴⁶ Navassa is said to have been first discovered by Columbus sometime in the latter part of the 15th century or in early 16th century. The explorer, however, never bothered to return to the island and subsequent seafarers saw it merely as a worthless rock protrusion covered in bird dung.

¹⁴⁷ U.S. Fish & Wildlife Service. Navassa National Wildlife Refuge. Available: <http://www.fws.gov/southeast/pubs/facts/navassa.pdf>

¹⁴⁸ Skaggs. (171).

several of the country's constitutions.¹⁴⁹ Haiti bases its claim over Navassa on a long precedent: the island's history as part of Saint-Domingue dates back to the fifteenth century.¹⁵⁰ The claim is summarized in the following turn of historical events over centuries: discovery of Navassa by Columbus followed by the Spanish Conquest and the Franco-Spanish Treaty that ceded part of the colony of Saint-Domingue (present-day Haiti) to France. Subsequent to a rebellion by slaves and some free people of colour, Haiti declared independence in 1803. In the year 1825, Charles X of France issued an Ordinance that recognized the independence of the island of Saint-Domingue. This was followed by a treaty three years later in which France gave up all claim to its former colony. Hence, Haiti had had half a century of uninterrupted and peaceful possession of Navassa.¹⁵¹ However, the U.S. Department of State has documented claims that there is no evidence that Navassa had been occupied before the Americans formally claimed it in 1857. It further states that it would be reasonable to infer that the main element of value i.e.: guano, had, until then, lain undisturbed and that Haitians probably had no knowledge of its existence on Navassa. While the reasoning may hold water, an argument from Haiti's side remains missing and there is no primary source or original document or testimony available to prove whether or not Haiti attempted to inhabit Navassa.

The story of Navassa following the passage of the Guano Islands Act is as such: in 1857, Peter Duncan, a U.S. ship captain arrived at Navassa and claimed it as territory of the U.S.¹⁵² Duncan's right, title and interest in the guano on Navassa was first recognized by the U.S. Department of State in 1858 and mining of guano soon followed. Emperor Faustin-Élie Soulouque of Haiti protested and threatened to send an armed expedition to Navassa to vacate the 60 Americans digging for

¹⁴⁹ Laurent Dubois. *Haiti: The Aftershocks of History*. New York: Metropolitan Books. (2012: 150).

¹⁵⁰ Ibid.

¹⁵¹ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 2).

¹⁵² Ibid.

guano.¹⁵³ For a while, upon Emperor Soulouque's protests that any exploitation of guano must be done under a license from the Haitian government, the American settlers accepted and let the flag of Haiti be raised on Navassa.¹⁵⁴ However, Haiti did eventually send two men-of-war to the island and ordered all work to be stopped.¹⁵⁵ She followed up with another expedition and the supervisor of the company digging for guano was informed that Haiti had leased the island to a citizen of neighbouring British-controlled Jamaica.¹⁵⁶ Soon, however, the United States government, acting to protect the interests of its citizens under the Guano Islands Act sent the USS Saratoga in 1858 to Navassa to counter the two Haitian warships that were impeding the removal of rock guano.¹⁵⁷ Following this display of military power, Haiti backed down and the U.S. eventually built a small colony on Navassa and employed African American and Haitian workers to mine the guano and ship it to the States¹⁵⁸. This continued until May 1898 when all inhabitants were removed because of the outbreak of the Spanish American War.¹⁵⁹ According to Dubois, there prevailed several complaints by Haitian diplomats who had documented Haiti's claims to Navassa and argued against American possession of the island under the Guano Islands Act. Take, for instance, the time when Navassa's ownership was contested again in 1872 and Haiti, formally represented by diplomats, furnished documentary evidence beginning with the island's discovery by Columbus in 1493, inclusion in the treaty of 1697 in which Spain

¹⁵³ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 4).

¹⁵⁴ Dubois. (150).

¹⁵⁵ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 4).

¹⁵⁶ Ibid.

¹⁵⁷ Cushman. (82).

¹⁵⁸ Dubois. (150).

¹⁵⁹ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 19).

ceded the western Hispaniola to the French, and France's 1825 ordinance recognizing an independent Haiti.¹⁶⁰ The U.S. shrugged these off:

“Not once instance is given of actual occupation of the island previous to its possession and occupation by citizens of the United States in 1857, ...[nor is any] instance given in which Haiti has ever attempted to enforce any of its revenue laws in Navassa.”¹⁶¹

Haiti's appeals, however, fell on deaf ears for Navassa was firmly under American capitalist control. In 1917, the U.S. Coast Guard set up a 162-foot high lighthouse.¹⁶² As of April 1989, official U.S. government documents show that the U.S. Coast Guard was responsible for the administration of Navassa.¹⁶³ Today, islands such as Navassa in the Caribbean and Howland, Baker, Jarvis and Palmyra Atoll in the Pacific classify as ‘unincorporated territories’ of the U.S. where the Constitution does not apply in full.

In an interesting turn of events that seems to validate every claim and protest of Haiti, the U.S. Department of State records that one J.H. Whitehurst wrote to the Secretary of State in June and July of 1858 that he had discovered guano on Navassa as early as 1855 but found the island to be in possession of the Haitian government. That same year, he had then entered into negotiations, in an individual capacity, for a lease.¹⁶⁴ The dialogue was not completed, and after the passage of the Guano Islands Act, Whitehurst protested the claims of interest filed by others such as Peter Duncan and his agents. He even went as far as arguing that Navassa should not be considered as coming under the provision and realm of the

¹⁶⁰ Skaggs. (171).

¹⁶¹ Ibid. Words as said by the then-U.S. Secretary of State Hamilton Fish.

¹⁶² U.S. Fish & Wildlife Service. Navassa National Wildlife Refuge. Available: <http://www.fws.gov/southeast/pubs/facts/navassa.pdf>

¹⁶³ Departmental Manual. U.S. Department of the Interior. 1989. Available: <http://elips.doi.gov/elips/DocView.aspx?id=1771&searchid=91b0b3e6-2887-45dd-86cd-1cf7403d2637&dbid=0>

¹⁶⁴ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp: 4).

Guano Islands Act of 1856.¹⁶⁵ These protests seem to have been ignored and the U.S. Department of State officials found no records of replies or any correspondence while compiling its 1932 report on the sovereignty of guano islands in the Caribbean. Official and diplomatic exchanges between the U.S. and Haiti are not fully publically available. More recent correspondence—that is, dating from the middle of the 20th century—is largely missing. Curiously, on a web-based archive, there exist excerpts of official communication on what may have been deliberations over a possible compromise between the two nations over how Navassa was to be used and who it belonged to. An excerpt from a then-secret memorandum from a 1954 meeting among U.S. bureaucrats titled ‘*Most Important Current Problems before the American Embassy in Haiti*’ said:

“Ambassador Davis¹⁶⁶ brought up the matter of the sovereignty over Navassa Island, which is most important to the Haitians. He mentioned his belief that Haiti would be willing to sign any type of agreement for our use of this island, should we relinquish our claims to sovereignty over it.”¹⁶⁷

Dialogue subsequent to this now-declassified document isn’t available but Haiti explicitly claims Navassa in her latest constitution:

“The territory of the Haitian Republic comprises ‘the western part of the island of Haiti and the adjacent island of la Geneva, La Tortue, l’Ile a Vache, les Cayemittes, La Navase, La Grande Caye and the other islands of the Territorial Sea.’ ...The territory of the Haitian Republic is inviolable and may not be alienated either in whole or in part by any treaty or convention.”¹⁶⁸

¹⁶⁵ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp: 4).

¹⁶⁶ Roy T. Davis was U.S. ambassador in Haiti from September 1953 until May 1957.

¹⁶⁷ U.S. Department of State: Office of the Historian. *Memorandum of Conversation, by Charles H. Whitaker of the Office of Middle American Affairs*. 1954. Available: <https://history.state.gov/historicaldocuments/frus1952-54v04/d541>

¹⁶⁸ 1987 Constitution of the Republic of Haiti. Chapter II. Territory of the Haitian Republic. Article 8, Article 8-1. Available: <http://pdba.georgetown.edu/Constitutions/Haiti/haiti1987.htm>

Haiti has repeatedly threatened to take the matter to international tribunals—most recently in 1998 and 1999 when the U.S. sent a team of 14 government, university and private scientists to conduct a two-week long expedition to Navassa to study the island's marine ecosystem.¹⁶⁹ Before this, in 1981, a group of six Haitian radio hams did something unexpected and dramatic: with government helicopters and a Haitian television crew in tow, they landed on Navassa and transmitted on a call prefix that had been allotted to it by the Haitian government in Port-au-Prince.¹⁷⁰

As of 2004, Cuba, along with Haiti, rejected U.S. claim over Navassa.¹⁷¹ The sovereignty dispute had been thwarting the creation of a maritime boundary as the U.S. hadn't determined the limits of the fishery conservation zone surrounding the island.¹⁷² With the U.S. controlling 12-nautical miles of sea radiating from Navassa, this may now have been resolved. Haiti's claim to U.S.-administered Navassa has been preventing the creation of a maritime boundary at Cuba-Haiti and Cuba-Jamaica tripoint.¹⁷³ The maritime boundary had been configured as if Navassa were Haitian, connecting to Cuba-Jamaica boundary.¹⁷⁴ Further, Jamaica seemed to have recognized Haiti's claim to Navassa by joining its maritime boundary with that of Cuba—that is, to the Cuba-Haiti maritime boundary, and thus rejecting American claim.¹⁷⁵ It is difficult to ascertain if the maritime boundaries agreed upon by these three Caribbean nations still exist or have since been re-configured following probable U.S. intervention.

¹⁶⁹ Larry Rohter. The New York Times. *Port-au-Prince Journal; Whose Rock Is It? And, Yes, the Haitians Care*. 1998. Available: <http://www.nytimes.com/1998/10/19/world/port-au-prince-journal-whose-rock-is-it-and-yes-the-haitians-care.html>

¹⁷⁰ O'Shaughnessy, Hugh. 2010. '*A Gesture for Haiti*,' The Guardian. Available: <http://www.theguardian.com/commentisfree/belief/2010/feb/05/haiti-navassa-island>

¹⁷¹ Ivelaw Griffith (ed). *Caribbean Security in the Age of Terror: Challenge and Change*. Jamaica: Ian Randle Publishers. (2004: 23).

¹⁷² Ibid. (24).

¹⁷³ Ibid.

¹⁷⁴ Ibid. (23).

¹⁷⁵ Ibid. (24).

Haitians have hoped and remain optimistic that Navassa will one day be ‘returned’ to them on the basis of the same Guano Islands Act, a section of which technically renders Navassa out of American control. The law of 1856 says that the U.S. need not retain a guano island once the guano is gone. As per Section 1419 on the *Right to Abandon Islands*:

“Nothing in this chapter contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same.”¹⁷⁶

Indeed, on the cusp of the twentieth century, the U.S. did concede several guano islands to namely Mexico, Venezuela and France among others. According to Christina Burnett, this way of taking places as ‘possessions’ while being mindful to call them ‘appurtenances’ and not ‘territories’ was crafted to avoid legal and constitutional entanglements.¹⁷⁷ The word ‘sovereignty’ has also been cleverly left out from the act so as to stay away from potential liabilities under domestic and international law. In my observation, American expansionism and imperialism, it would appear, is quite similar to the ambitious colonial exercises undertaken by Britain and metropolitan France¹⁷⁸—to name just a couple of European colonial powers—in that they governed the colonies but absolved themselves from any constitutional obligations. And yet, American imperialism is unique for the U.S. has managed to retain most of the land, islands and the surrounding waters it acquired in a chaotic fashion over centuries.

¹⁷⁶ United States Code. Title 48, Chapter 8. <http://www.gpo.gov/fdsys/pkg/USCODE-2013-title48/html/USCODE-2013-title48-chap8.htm>

¹⁷⁷ Sina Najafi and Christina Burnett. Cabinet Magazine. *Islands and the Law: An Interview with Christina Duffy Burnett*. Issue 38. 2010. Available: http://www.cabinetmagazine.org/issues/38/najafi_burnett.php

¹⁷⁸ An exception would be former French Algeria in northern Africa, which ‘hexagonal’ France counted as an integral part of itself and governed it as such until independence in 1962, much like the way France still governs the island of Réunion in the Indian Ocean.

One might wonder about the apparent lack of vociferousness on Haiti's part in protesting American 'occupation' of Navassa and re-asserting its own claim to the island. This may be explained by the economic and political situation of Haiti in the early part of the 20th century, particularly soon after it declared independence from France in 1804 which was recognized only in 1825.¹⁷⁹ For Haiti had been—and still is—in a tenuous financial position. Its economic precariousness aside, the island nation had been through revolutions and six presidential regime changes in less than five years (1911-1915)—a situation unfavorable to the U.S. and its corporations doing business in Haiti. This set of circumstances eventually degenerated into Haiti becoming hostage to American military might for nearly two decades when the U.S. violated the island nation's sovereignty by launching an invasion beginning July 1915 through August 1934.¹⁸⁰ Barely six months before this, the Americans had perpetrated what may be termed an 'international armed robbery'¹⁸¹ when a detachment of U.S. Marines entered the Banque Nationale d'Haiti and removed \$500,000 worth of gold from the vaults belonging to the government of Haiti—the equivalent of about \$11 million or higher today—to be shipped to New York to cover Haiti's debts to U.S. bankers.¹⁸² To give a semblance of fairness to this narrative, the argument of American historian Julius Pratt is that the United States, in the early years of the 20th century, had secured oversight over the financial policy—not independence and sovereignty—of Cuba, Haiti, and the Dominican Republic by signing treaties as it feared that careless public finances

¹⁷⁹ After a painful revolution and gory massacre in Haiti (until then known as the colony of Saint-Domingue) in which mainly the remaining white French-Creoles were killed, Haiti declared herself independent in 1804. Charles X, France's king, recognized Haiti's independence and sovereignty only in 1825 but at a price of 150 million Francs paid in instalments as indemnity to compensate former colonists and planters who suffered losses due to the revolution. Though the amount was later decreased, the payments severely drained Haiti's treasury. See Dubois (97-104).

¹⁸⁰ U.S. Department of State. Office of the Historian. *Milestones: 1914–1920, U.S. Invasion and Occupation of Haiti, 1915–34*. Available: <https://history.state.gov/milestones/1914-1920/haiti>

¹⁸¹ Dubois. (204).

¹⁸² Ibid. This account of U.S. Marines having forcefully seized Haitian public money is disputed, or rather, painted in a contrarian light by U.S. historian and expert in foreign policy and imperialism Julius William Pratt who states in his 1955 book '*A History of United States Foreign Policy*' that the Banque Nationale 'requested' to 'remove' \$500,000 lest the Haitian government seize it for its current expenses. See pp. 423.

would lead to intervention by Europeans and threaten the independence of these small Caribbean states¹⁸³—a far from desirable scenario playing out in its own backyard. In addition, the U.S.’ financial interests and assets in Haiti were threatened for no Haitian president was able to complete his seven-year term between 1888 and 1915.¹⁸⁴ Although American troops officially withdrew from Haiti in 1934, the U.S. continued to exert some level of control over Haiti’s finances well until 1947.¹⁸⁵

The American occupation of Haiti was part of a wider design of U.S. intervention and presence in the Caribbean. Not only had the U.S. ended up occupying Cuba and Puerto Rico in 1898, but also taken over construction of the Panama Canal.¹⁸⁶ With the outbreak of World War I, strategists in Washington D.C. worried about particularly German, and overall European, influence and expansionism in the Caribbean. These actions of the Woodrow Wilson-led U.S. government—a great power already back then—must be viewed in the backdrop of racial and cultural prejudices. This turn of events would, to some, appear ironic for the United States and Haiti grew up together: both nations were born out of a fight against their colonial masters with the U.S. declaring independence from Britain in 1776 and Haiti breaking away from French rule in 1804. Back in the day, the North American colonies, particularly New England, relied on and profited from the extensive commerce and trade with the French colony of Saint-Domingue, or present-day Republic of Haiti.¹⁸⁷ But that’s where the relationship ends for the presence of a freed black slave nation in its south lent the slaves in the U.S. the courage to revolt.

¹⁸³ Julius W. Pratt, *A History of United States Foreign Policy*, New Jersey: Prentice-Hall, Inc. (1955: 413).

¹⁸⁴ Vanessa Buschschluter. BBC. *The Long History of Troubled Ties between Haiti and the US*. 2010. Available: <http://news.bbc.co.uk/2/hi/8460185.stm>

¹⁸⁵ Edwidge Danticat. The New Yorker. *The Long Legacy of Occupation in Haiti*. 2015. Available: <http://www.newyorker.com/news/news-desk/haiti-us-occupation-hundred-year-anniversary>

¹⁸⁶ Dubois. (211).

¹⁸⁷ Ibid. (137).

Haiti has been unfortunate when it comes to political and economic stability. It has consistently been at the receiving end of several—in my opinion—‘misguided’ foreign policy measures by the U.S., in particular, and the West in large. Time and again the U.S. has meddled in the domestic affairs of its smaller and younger neighbours: it intervened in Haitian politics to end a military regime in the 1990s and reinstate a former president. Backed by United Nations Security Council Resolution 940, the U.S. had its way and brought back President Jean-Bertrand Aristide by executing its Operation Uphold Democracy.¹⁸⁸ Later in 2004, the same president accused the American political leadership of having ousted him from power and pushing him into exile. The US has officially rejected this accusation as ‘absurd’.¹⁸⁹ Installing itself in Haiti since 2004 since President Aristide’s removal, the U.S. has been suspected and accused of having set up the United Nations Stabilization Mission in Haiti (UNSTAMIH) as a pretext for the military occupation of Haiti so as to realise American interests in the island country.¹⁹⁰ The United States has admitted that it had had interests in Haiti for decades, long before it first invaded and occupied it in 1915. ‘As a potential naval base for the United States, Haiti’s stability concerned U.S. diplomatic and defense officials who feared Haitian instability might result in foreign rule of Haiti,’ the U.S. Department of State says on its website.¹⁹¹ Unfortunately for Haiti, history has repeatedly been dealing it a sorry set of cards to play with. But, so far, she hasn’t given up. As for Navassa, pleas for the island to be returned to Haiti were renewed when a catastrophic earthquake hit the country in 2010 killing more than 100,000 people.¹⁹²

¹⁸⁸ U.S. Department of State. Office of the Historian. *Milestones: 1993 – 2000, Intervention in Haiti, 1994–1995*, Available: <https://history.state.gov/milestones/1993-2000/haiti>

¹⁸⁹ Vanessa Buschschluter. BBC. *The Long History of Troubled Ties between Haiti and the US*. 2010.

¹⁹⁰ Greg Grandin and Keane Bhatt. The Nation. *10 Reasons Why the UN Occupation of Haiti Must End*. 2011. Available: <http://www.thenation.com/article/10-reasons-why-un-occupation-haiti-must-end/> and Nydia Dauphin. The Huffington Post. *The UN's Mission in Haiti Consists of Terrorism and Military Occupation*. 2014. Available: http://www.huffingtonpost.ca/nydia-dauphin/un-haiti_b_5937182.html

¹⁹¹ U.S. Department of State. Office of the Historian. *Milestones: 1914–1920, U.S. Invasion and Occupation of Haiti, 1915–34*. Available: <https://history.state.gov/milestones/1914-1920/haiti>

¹⁹² Hugh O'Shaughnessy. The Guardian. *A Gesture for Haiti*. 2010. Available: <http://www.theguardian.com/commentisfree/belief/2010/feb/05/haiti-navassa-island>

Today, Navassa is administered from Boquerón in Puerto Rico by the U.S. Fish and Wildlife Service as a National Wildlife Refuge.¹⁹³ Along with the 3.5-square-kilometer long island itself, the refuge also includes a 12-nautical-mile radius of marine habitat. Thanks to its remote location and absence of human habitation, the marine ecosystem surrounding Navassa is relatively healthy.¹⁹⁴ Entry to Navassa is prohibited except for authorized officers or U.S. government employees. Individuals wishing to set foot on the island or into its surrounding waters need to first obtain written permission from the government.¹⁹⁵ There are no permanent residents on this island but Haitian subsistence fishers are said to often pay a visit there.¹⁹⁶ In the most recently available public mention of its insular areas and relevant to the guano island claims, the U.S. government states that Navassa ‘has been and remains an unincorporated and unorganized territory’ of the United States.¹⁹⁷ This means that the American Constitution does not apply in its entirety to territories that solely by virtue of the fact have come to be under the possession and control of the United States.¹⁹⁸ Whether or not rights under the Constitution are applicable to a territory and, if they do, to what extent essentially depends on either of two factors,¹⁹⁹ based on a series of Supreme Court decisions in 1901 called the Insular Cases.²⁰⁰

¹⁹³ U.S. Department of the Interior. *3210 - Transfer of Administrative Jurisdiction of Navassa Island to the United States Fish and Wildlife Service*. Electronic Library of the Interior Policies. Available: <http://elips.doi.gov/ELIPS/0/doc/138/Page1.aspx>

¹⁹⁴ National Oceanic and Atmospheric Administration. Coral Reef Information System. *Navassa*. Available: <http://www.coris.noaa.gov/portals/navassa.html>

¹⁹⁵ U.S. Department of the Interior. *3205 - Administration of Navassa Island*. Electronic Library of the Interior Policies. Available: <http://elips.doi.gov/ELIPS/0/doc/259/Page1.aspx>

¹⁹⁶ Ibid.

¹⁹⁷ Insular Areas – Application of the U.S. Constitution. November 1997. United States General Accounting Office. Report to the Chairman, Committee on Resources, House of Representatives. (pp. 10). <http://www.gao.gov/archive/1998/og98005.pdf>

¹⁹⁸ Ibid. (23).

¹⁹⁹ The first factor is whether the right in question is considered to be ‘fundamental’ or not; the second is whether the Congress has taken legislative action to extend the Constitution to the territory. See: United States General Accounting Office. *U.S. Insular Areas: Application of the U.S. Constitution*. Nov. 1997, pp. 23: <http://www.gao.gov/archive/1998/og98005.pdf>

²⁰⁰ Ibid. The ‘Insular Cases’ are a series of Supreme Court decisions in 1901 over the status of U.S. territories that were acquired in the Spanish–American War and whether the Constitution would automatically extend to the territory.

The matter between Haiti and the U.S. over Navassa may not be resolved any time soon because Navassa, at the moment, is hardly a pressing issue for the recently disaster-ravaged and politically unstable Haiti. Secondly, the U.S. is not party to the UNCLOS and is unlikely to be subjected to arbitration that it does not want to be part of. One may also do well to remember that as a super-power and one of the five permanent members of the U.S. Security Council with an unmatched ability to project power and political influence, America can EASILY muscle a tiny problem such as this out of her way. Lastly, should it ever come to this, the U.S. seems unlikely to ever honor Haiti's request for arbitration at the International Court of Justice or any another tribunal.

5.2 AVES ISLAND (ISLA DE AVES)

While formerly claimed as a guano island by the U.S., the case of Aves Island is different from that of Navassa. Literally meaning 'bird island', Aves is today a severely eroded and isolated islet 350 miles north of the Venezuelan coast and 140 miles west of Dominica. There is another island of the same name much closer to the Venezuelan coast near Curaçao, and the existence of Aves' namesake has been responsible for some confusion and a comedy of errors among enterprising and greedy guano businessmen back in the mid-19th century.²⁰¹ Aves is a coral island rising from a submerged bank, and is surrounded by a barrier reef. There is no fresh water to be found and no trees, but it is covered by grass several inches in height.²⁰² Even on a good day devoid of a high tide, the islet barely just emerges from the water, and hence is unsuitable to support human habitation. Even though Aves was

²⁰¹Skaggs. (1994: 43).

²⁰² U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 45).

barely a mile long and a few hundred yards wide, the islet has ‘caused a war of words out of all proportion to its size’.²⁰³

In the 16th-17th centuries, Aves had been claimed by Spain, The Netherlands, and Portugal mainly through the surrounding dependent islands the European mother countries controlled. These claims have continued to be a source of territorial disputes well into the 19th and 20th centuries involving Venezuela, which arrogates Aves as a federal dependency. Two years before the passage of the Guano Islands Act, a Boston merchant and commodity speculator Philo S. Shelton who was said to be quite keen on ‘creating his own guano monopoly’, contracted the captain of a brig to sail the tropical waters of the Caribbean in search of guano better in quality than the kind found off the coast of Peru.²⁰⁴ The captain chanced upon Aves, littered with bird droppings which he carried back as specimens. Word of the guano being superior in quality spread and soon two Boston carpenters—John H.B. Lang and William W. Delano swooped in to occupy and mine the guano off of Aves.²⁰⁵ According to U.S. State Department archival records, Messrs. Lang and Delano intimated the government that they had discovered guano deposits on the desert island in June 1854 and that they had taken possession of Aves by planting the American flag.²⁰⁶ They inquired as early as August 1854 whether American ownership could be established over Aves Island to which the State Department said that it was probable that the island had long ago been discovered and named by the Spaniards and deemed unfit for settlement. The Department said it ‘could only determine what action to take when the occasion arose’.²⁰⁷ Without going into painfully long details how things came to be between Shelton’s firm and Messrs. Lang and Delano, it would suffice to say that they two rivals turned associates and worked side-by-side to extract Aves’ guano which turned out to be

²⁰³ Gray. (72).

²⁰⁴ Skaggs. (41).

²⁰⁵ Ibid. (41-42).

²⁰⁶ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 46).

²⁰⁷ Ibid.

a more potent form of phosphatic guano with twice as much nitrogen and relatively more phosphate than most prevailing substitutes of Peruvian guano.²⁰⁸ Within five months, the laborers had rid the island of 20 per cent of its roughly 50,000 tons of reserves.²⁰⁹ Mining of guano by the American company took place until late 1854 when they were forcefully evicted by armed Venezuelan forces during which the Stars and Stripes was pulled down and the Venezuelan flag hoisted. Actually, the Venezuelans at first misidentified as to which of the two islands named Aves were being mined by the Americans. But even after the air was cleared, the Venezuelan government seemed not to make any move until they realized that vast riches were at stake.²¹⁰

Upon the ouster of its citizens—Shelton, Lang, Delano and others—from Aves in December 1854²¹¹, the U.S. demanded indemnity from Venezuela and a controversy erupted as to whether the South American nation ever had rightful sovereignty, actual military control, or any civil establishment on what the U.S. termed a ‘derelict’ island.²¹² Washington soon discovered that Aves had been subject to claims by France and The Netherlands, making the dispute murkier. Also, Spain had laid claim to Aves as part of the West Indies.²¹³ Eventually Venezuela paid \$130,000 in indemnity for evicting American citizens from Aves.²¹⁴ But, any peace on the matter was short-lived for a new imbroglio emerged: a sovereignty dispute between Venezuela and the Netherlands came to light when New York-

²⁰⁸ Skaggs. (1994: 42).

²⁰⁹ Ibid.

²¹⁰ Ibid. (43).

²¹¹ Sourced from page 46 of *The Sovereignty of Guano Islands in The Caribbean Sea*, 1932, this date is mentioned in the original document as December 13, 1855 which may be the result of mistyping. It has been hand-corrected to ‘1854’ in the same document. That the year may have been the result of a typing error is deemed likely as the document (erroneously) further says that Messrs. Lang and Delano and their associates had made a protest to the State Department on January 15, 1855 against their forceful ejection from Aves on December 13, ‘1855’.

²¹² U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 46-47).

²¹³ Ibid. (pp. 57).

²¹⁴ Ibid. (pp. 49).

based Atlantic and Pacific Guano Company sought access to Aves.²¹⁵ The Netherlands based its claim on two centuries of uninterrupted possession of Aves, and that the island used to be connected with Saba Island—a Dutch possession—by a sand bank, and that the Dutch subjects of St. Eustatius and Saba visited the island every year to look for fish and eggs.²¹⁶ To make matters more complicated, in 1859, a U.S. citizen known as James W. Jennett separately filed a notice stating that he had discovered guano on ‘De Aves’ in 1856 but the U.S. government clarified that Jennett could not be considered a discoverer as Shelton and his associates came across the guano on Aves and reported it first. Eventually, the matter was resolved by arbitration between Venezuela and The Netherlands and presided over by the Queen of Spain, Isabella II, in 1865. She ruled that:

“...the ownership of the Island in question belongs to the Republic of Venezuela, the indemnization for the fishing which the Dutch subjects will cease to take advantage of remains as a charge upon the latter (Venezuela), if in fact it deprives them of the utilization thereof, in which case the rate for the said indemnization shall be the liquid annual income from the fishing calculated for the last five years, capitalizing it at a five per cent.”²¹⁷

Venezuela chose to allow fishing by Dutch subjects. The Queen’s ruling seems to have been based on the observation that the islands of Aves and Saba are no more connected by a sand bank and that they were not so connected even when the Dutch took possession of Aves. Further, ‘temporary residence’ by Dutch citizens for fishing purposes was just a ‘precarious occupation which does not constitute possession.’²¹⁸ Also, there was no doubt that Aves belonged to Spain as part of the West Indies, and that its ownership descended to Venezuela as part of

²¹⁵ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 51).

²¹⁶ Ibid. (pp. 52).

²¹⁷ Ibid. (pp. 56).

²¹⁸ Ibid. (pp. 57).

the territory of the Audiencia of Caracas.²¹⁹ Lastly, the ruling was based on the fact that the Government of Venezuela was the first to have had armed forces to ‘exercise active sovereignty’, thereby confirming the territorial dominion acquired from Spain.²²⁰ As for the United States, all rights of its citizens on Aves Island were relinquished when Venezuela agreed to pay a total of U.S. dollars 130,000 to the Shelton and Lang guano mining firms.²²¹ An analysis of the judicial aspects of the Aves arbitration from the mid-19th century shows that Queen Isabella’s compromise was on the basis of ‘equity’ and not ‘historic right’ and the settlements between the U.S. and Venezuela were due to the ‘fine spirit of conciliation shown by both parties’.²²²

Unlike in the case of Navassa, as of today, there remains no sovereignty and ownership dispute over Isla de Aves, now recognized as a Caribbean dependency of Venezuela. However, remnants of the initial bickering remain and Venezuela’s smaller Caribbean island neighbors, while no longer claiming the island, claim as much as possible of the waters radiating from it. A conflict has simmered for long between Venezuela and several Caribbean nations over the delimitation of maritime areas in which the actual state and status and location of Aves, as per international legal definitions, is the bone of contention now. This is because Aves, which is already low-lying, is today severely eroded from extensive guano mining and from the impact of a hurricane in the 1980s that briefly split it into two halves. After relative calm and quiet, things escalated when the Venezuelan Navy took control of the uninhabited island in 1950 which was followed by protests by Dominica and Barbuda.²²³ Venezuela asserts that Aves is technically an ‘island’, and when taken as a base-point in the realm of maritime boundary marking, entitles

²¹⁹ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 57)

²²⁰ Ibid. (pp. 58).

²²¹ Gray. (82-83).

²²² Ibid. (84).

²²³ BBC Caribbean.com. *Bird Island talks agreed*. 2006. Available: http://www.bbc.co.uk/caribbean/news/story/2006/06/060627_birdisland.shtml

it to the 200-nautical-miles of exclusive economic zone radiating from the island. As such, moulding Aves into the legal garb of an 'island' under international law effectively gives Venezuela control over much of the Caribbean Sea. The UN Convention on the Law of the Sea, however, classifies it as a 'rock' or 'islet' giving Aves, and Venezuela, no more than 12-nautical-miles in territorial sea radius. Venezuela's maritime claims are also disputed by several other Caribbean island nations such as St. Lucia, St. Vincent, Grenada, St. Kitts and Nevis, and Antigua and Barbuda.²²⁴ In 1997, all of them filed a protest against Venezuela under the auspices of the UN Convention on the Law of the Sea stating that Isla de Aves is not entitled to a territorial sea, a continental shelf and an exclusive economic zone at all because it is merely a sand atoll and not an island.²²⁵ They further reject the recognition of Aves as an 'island' by the United States, The Netherlands and France²²⁶ and the exclusive bilateral treaty that Venezuela signed with the U.S. (and France through the islands of Guadeloupe and Martinique) that stated the same thing and marked maritime boundaries amongst themselves.²²⁷ Abiding by the UNCLOS definition would deprive Venezuela of exploiting the potential wealth of undersea resources, mainly oil and natural gas as well as regulating crucial shipping routes in the Caribbean Sea. To prove that Aves is, indeed, habitable and an island and should be classified as such, the Venezuelan Navy set up a scientific naval base on stilts on Isla de Aves in 1978.²²⁸ The matter has continued to remain on the fringes of international and diplomatic relations of the involved countries. Eventually, the Commonwealth of Dominica, one of the Caribbean states that claimed ownership of Aves, ceded her claim in 2006.²²⁹ However, it is said that

²²⁴ Emmanuel Brunet-Jailly. *Border Disputes: A Global Encyclopedia*, Volume I - Territorial Disputes. California: ABC-CLIO. (2015: 801).

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ U.S. Department of State. Bureau of Intelligence and Research. Office of the Geographer. No. 91 Maritime Boundary United States-Venezuela. Available: <http://www.state.gov/documents/organization/58824.pdf>

²²⁸ BBC. "Bird Island talks agreed," in BBC Caribbean.com. (2006). Available: http://www.bbc.co.uk/caribbean/news/story/2006/06/060627_birdisland.shtml

²²⁹ "Dominica may cede Bird Island to Venezuela," in Dominica News Online. (2011).

Dominica may still have de jure claim over Aves, if not a de facto maritime claim.²³⁰ It has been suggested that Dominica engage in a combination of mediation and arbitration—called ‘Med-Arb’—to resolve her boundary disputes with Venezuela as opposed to being subjected by compulsory standardized arbitration by the United Nations.²³¹ The Med-Arb process increases efficacy of the dispute resolution process, lending clarity and legitimacy to the process by both parties and higher likelihood of obligations being honored.²³²

5.3 BAJO NUEVO BANK

Bajo (Shoal) Nuevo or New Reef is an uninhabited oval-shaped coral bank in the Caribbean Sea and about 14 to five miles square in size.²³³ Also called Bajo Nuevo Bank and Islas Petrel, it has two reefs, at both ends of which are small keys. The largest of these is about 300 yards by 50 yards in size.²³⁴ In August 1869, James W. Jennett, the same American mentioned in a previous chapter, filed a notice declaring his discovery of guano on ‘the island of Baxo Nueva or New Shoal Bank’.²³⁵ The discovery, he stated in an affidavit, was made in 1866 and that the

²³⁰ David Jessop. Antillean Media Group. *Will CARICOM stand up to Venezuela over its Guyana territorial claims?* 2015. Available: <http://www.antillean.org/guyana-venezuela-border-dispute-286/>

²³¹ M. Scott Garrison. ‘Sovereignty of Aves Island: An Argument Against Compulsory, Standardized Arbitration of Maritime Boundary Disputes Subject to Review by the International Court of Justice,’ *University of Miami Inter-American Law Review*. 38. 185. (2006: 190)

²³² Ibid. (218-219).

²³³ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 32).

²³⁴ Insular Areas – Application of the U.S. Constitution. November 1997. United States General Accounting Office. Report to the Chairman, Committee on Resources, House of Representatives. (pp. 39, footnote 1). Available: <http://www.gao.gov/archive/1998/og98005.pdf>

²³⁵ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 32).

island was uninhabited at the time.²³⁶ The Department of State recognized Jennett's exclusive interest in the guano on the island. Archival records said that US citizens made various assignments of the guano 'supposed' to be on Petrel Island until 1911. However, there is no evidence that any guano was ever removed from the Key.²³⁷

Further, the Department of State admits that U.S. government archives have no records of any position taken or statements made with regard to Bajo Nuevo since Jennett's interest was noted in 1869. Except for a mention in 1925 in a statement made in Jamaica by the American Consul which says that of the four groups of islands—Roncador, Quito Sueno, Petrel, and Pedro—only the last is under control of the Government of Jamaica.²³⁸ This means that the Department of State noted in 1932 that Bajo Nuevo wasn't being claimed by the British as part of Jamaica. Hence, should the U.S. have wished to revive its claims for Bajo Nuevo, the government of Colombia is likely to contest it on grounds similar to its previous claims to Roncador and Quito Sueno.²³⁹ The Department of State anticipated that Colombia could further claim the islands based on the fact that Spain had discovered them and that it was under occupation by Colombian fishermen and seal hunters from Isla de Providencia, or the Old Providence.²⁴⁰ The Department observed:

“Moreover, since apparently neither the United States Government nor its citizens has ever actually occupied or used Petrel Island, and since there has been no assertion of jurisdiction over it by the United States since 1869, it is reasonable to assume that the United States has now lost by abandonment whatever interest it may once have had in and to Petrel Island.”²⁴¹

²³⁶ U.S. Department of State: The Legal Adviser. *The Sovereignty of Guano Islands in The Caribbean Sea*. 1932. Volume II. Part 1 of 4, Wichita State University, Special Collections, Series 95-14/Box 10/FF61. (pp. 33).

²³⁷ Ibid. (pp. 35).

²³⁸ Ibid. (pp. 35-36).

²³⁹ Ibid. (pp. 36). Also, Roncador and Quito Sueno were claimed by the U.S. under the Guano Islands Act. They were eventually ceded to Colombia by a treaty signed in 1972.

²⁴⁰ Ibid. (pp. 168).

²⁴¹ Ibid. (pp. 36).

For several years, the Bajo Nuevo matter seemed to have been swept aside by other, more important events in international relations and geo-politics for there are no diplomatic records or official entries on the matter available publically. American sovereignty over both Serranilla Bank and Bajo Nuevo has been disputed by several Caribbean nations which will be discussed at length in the following sub-chapter.

5.4 SERRANILLA BANK

In the case of Serranilla Bank or Serranilla Keys, the Department of State noted in 1932 that it had originally claimed the islet²⁴² but the status of its territorial sovereignty was similar to that of Bajo Nuevo. Serranilla Bank, also located in the Caribbean Sea, is roughly 180 miles southwest from the southern coast of Jamaica. Serranilla Bank is a circular coral bank, with three small coral-and-sand keys, or low islands on its southeast side. The largest of these is a half-a-mile in length.²⁴³ U.S. government records show the same James Jennett, who laid claims to Bajo Nuevo and Aves, to also have discovered and claimed Serranilla Keys in May 1869.²⁴⁴ Again, there seemed to be no mention of these two Caribbean insular areas, at least in U.S. records until 1997 when a special report was prepared for the review of the Chairman of the U.S. House of Representatives. It was noted that U.S. claim and sovereignty over both Serranilla Bank and Petrel Islands (or Bajo Nuevo) were disputed by several Caribbean nations. It added that American personnel, at that point in time, were conducting maritime law enforcement operations in and around Bajo Nuevo and Serranilla Bank consistent with U.S. sovereignty claims.²⁴⁵ Both

²⁴² Also known as *Isla Serranilla* and *Banco Serranilla* in Spanish.

²⁴³ Insular Areas – Application of the U.S. Constitution. November 1997. United States General Accounting Office. Report to the Chairman, Committee on Resources, House of Representatives. Available: (pp. 39, footnote 1). Available: <http://www.gao.gov/archive/1998/og98005.pdf>

²⁴⁴ Skaggs. (121, 235).

²⁴⁵ Insular Areas – Application of the U.S. Constitution. November 1997. (pp. 39, footnote 1). <http://www.gao.gov/archive/1998/og98005.pdf>

insular areas were also claimed by Columbia and Jamaica. Further, Serranilla Bank was being claimed by Honduras and while Nicaragua hadn't claimed these islands by name, she claimed all islands and cays situated on her continental shelf. However, no maritime boundary between Nicaragua and Columbia, or between Nicaragua and Honduras, in the Western Caribbean had been agreed upon.²⁴⁶ In 1986, Honduras signed a maritime delimitation treaty with Colombia effectively giving up its claims to Bajo Nuevo and Serranilla Bank and recognizing Colombian sovereignty over the two islands.²⁴⁷ Later the matter amongst the remaining disputants was taken to the International Court of Justice, the principal judicial organ of the United Nations. The case was initiated by Nicaragua under the terms of the Bogota Pact in 2001.²⁴⁸ In November 2012, the court rendered its fourth judgment which was final and binding and stated that in the case concerning the territorial and maritime dispute between Nicaragua and Colombia, the Republic of Colombia has sovereignty over the islands of Bajo Nuevo and Serranilla along with five others that were in contention.²⁴⁹ While the dispute over the two islands in question has been laid to rest by the ICJ, it remains unclear what the U.S.' position, if any, is following the ICJ ruling or whether Washington protested the verdict.

²⁴⁶ Insular Areas – Application of the U.S. Constitution. November 1997. (pp. 39, footnote 1). <http://www.gao.gov/archive/1998/og98005.pdf>

²⁴⁷ Maritime Delimitation Treaty between Colombia and Honduras, 2 August 1986. <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/CO L-HND1986MD.PDF>

²⁴⁸ David P. Riesenberg. 'Territorial and Maritime Dispute (Nicaragua v. Colombia) (I.C.J.), Introductory Note by David P. Riesenberg,' *International Legal Materials*. 52(1). (2013: 1).

²⁴⁹ International Court of Justice. Press Release. Territorial and Maritime Dispute (Nicaragua v. Colombia). The Court finds that Colombia has sovereignty over the maritime features in dispute and draws a single maritime boundary. 2012/33. 19 November 2012. Available: <http://www.icj-cij.org/docket/files/124/17162.pdf>

6. AFTER THE GUANO RUSH FADED

The years leading up to and following the American Civil War, which took place between 1861 and 1865, adversely impacted demand for guano in the United States. From a high of 175,849 tons that entered the flourishing U.S. market in the financial year ending June 30, 1855, imports of South American guano had fallen to 75,197 tons in 1858, and eventually collapsed to 2,568 tons in 1863.²⁵⁰ Demand did show signs of recovering once the war ended but the guano trade never did return to the thriving peak it had once seen. By 1869, several reports signaled that supplies of guano, particularly the high grade substance from Peru's Chincha Islands had been nearly exhausted. The situation worsened because of the 'El Nino', a climatic condition characterized by the upwelling of warm water ocean currents that is not very conducive to fish, and consequently the seafowl that feeds on them.²⁵¹ Peruvian guano, particularly from the dry and arid Chincha Islands, was the first important fertilizer. It was also the benchmark against which all subsequent fertilizers came to be judged.²⁵² Hence, it did not help when supplies of guano from other islands turned out to be either inferior in potency or blended and 'manipulated' with fish scrap or petroleum refining by-products.²⁵³ Near the end of the 19th century, as mining of U.S.-held appurtenances had ended, the State Department seemed to want little to do with guano islands. It had forsaken title to more than two-thirds of America's original guano empire and was on the verge of abandoning much of what remained.²⁵⁴

By the twentieth century, the massive extent of mining had left most of the guano islands around the world nearly barren of this once-abundant natural fertilizer, and consequently wiped off the prosperous intercontinental trade in

²⁵⁰ Skaggs. (143-144).

²⁵¹ Ibid. (144).

²⁵² Ibid. (140).

²⁵³ Ibid. (144-145).

²⁵⁴ Ibid. (199).

guano. With their natural habitat having been vandalized and exploited for capitalistic gains, the population of sea-birds had drastically declined.²⁵⁵ The Peruvian coastal guano islands and headlands that were once the best in the world had been reduced to the worst managed seabird nesting zones by the turn of the century.²⁵⁶ With the pickings of guano having slimmed considerably but there still being a great need for potent soil-enriching substances, necessity led to the invention of chemical fertilizers. By the middle of the 19th century, it had been found that nitrogen (N) was needed in fertilizers to make them effective and speed up the growth of plants, while phosphorus (P) helped with early root development and potassium (K) was a catalyst for maturation.²⁵⁷ Guano had been replaced by chemical fertilizers cooked in laboratories. At the beginning of the guano rush, the roles and relationships between different elements occurring on earth and compounds were not clearly understood but later the use of phosphatic and nitrogenous material was key in scientific inventions and large-scale industrial processes as is explained in Chapter 1 of this paper.

Even though its glorious days were far behind, the guano rush helped set the balling rolling for the unfolding of several important social, political and economic processes that would directly and indirectly impact daily human existence. In Mexico, which was reeling from a politically explosive food shortage crisis and bread riots during the Second World War, a modest guano industry was being revived which would eventually lead Mexican agriculture toward the Green Revolution.²⁵⁸ More importantly, the humble yet restricted resurgence of guano had directly helped spark a Blue Revolution in Peru which resulted in the successful industrialization of fish production from nothing to a stage where Peru had turned into the largest fish-producing country in the world within just twenty years—an

²⁵⁵ David C. Duffy. 'The Guano Islands of Peru: The Once and Future Management of a Renewable Resource,' *Birdlife Conservation Series 1*. (1994: 68).

²⁵⁶ Ibid.

²⁵⁷ Skaggs. (139).

²⁵⁸ Cushman. (282-283).

example of development that several countries tried to emulate.²⁵⁹ The mechanized scale of agricultural and fish production had become indispensable to a burgeoning and rapidly-urbanizing human population across the world. It was only a matter of time that the public policy of the modern nation-state would revolve around finding the most effective route to survival and livelihood and prevent any cataclysmic events. Quite palpably, the events originating from the discovery and use of guano are chained together and course in time through the Second World War and the Cold War, and lead up to the present era in which humans grapple with problems arising out of overpopulation, hunger, poverty, ecological degradation, political instability and warring. All of these have culminated in an international contest—one that has only intensified with time—to secure resources, and to expand and project authority and sovereignty over land, water and space.

Presently guano, though nearly gone, has not been completely lost. About a century ago, Peru had created the Guano Administration Company and moved to nationalize its guano islands to salvage whatever was left of its precious and once-popular natural resource.²⁶⁰ In doing this, the government of Peru, over the past several decades, sought to manage the production of guano as a sustainable resource by protecting the seabirds and their nesting sites and extracting the deposits of guano only annually.²⁶¹ Conserving its islands and the guano-producing seabird population that inhabited them meant that Peru also needed to protect its marine ecosystem: in particular, the threatened Peruvian anchoveta fish,²⁶² which formed the primary diet of these birds and made guano so effective. This, and the need to preserve its mechanized fishing industry meant that Peru worried about the depredation of her offshore resources by rival and neighbouring countries. The Pacific World's turmoil was playing out on its oceans and geopolitical tensions were

²⁵⁹ Cushman. (289).

²⁶⁰ Simon Romero. The New York Times. *Peru Guards Its Guano as Demand Soars Again*. 2008.

²⁶¹ Ibid and Duffy. (68).

²⁶² The Peruvian anchoveta, known by its scientific name as *Engraulis ringens*, is the most heavily exploited fish in world history. See 'Engraulis ringens' at The IUCN Red List of Threatened Species. Available: <http://www.iucnredlist.org/details/183775/0>

on the rise: for instance, Japan's pursuit of the pelagic salmon in the late 1930s off coastal Alaska in the northern Pacific had contributed to heightened tension and rivalry with the U.S.²⁶³ Soon enough, Harry Truman-led United States in 1945 led the way for several nations in asserting national territorial rights over the ocean and islands, a long episode that lasted several decades and bore the 1982 UNCLOS agreement which has been elaborately covered in Chapter 2.3 titled *The UN Law of the Sea*. The forsaken former guano islands around the world today continue to be just as valuable—if not more—as coveted pieces of real estate that allows the modern nation-state to expand and project its sovereignty over the seas and the airspace over these islands. With international law guaranteeing territorial rights over the waters radiating from islands, the nations that govern such islands now have access to immeasurable and unexplored riches that the sea holds.

Today, the more recent and relevant instances of 'guano' and 'Peru' being mentioned together in a sentence are usually references made to a multi-million-dollar lawsuit filed against the Peruvian government by an American creditor. Nearly 150 years ago, Peru had issued 14 bonds to pay off some debt to an American guano consignment company.²⁶⁴ The bonds are currently held by Illinois-based MMA Consultants which claims that it has repeatedly failed to redeem the bonds and that these attempts have remained unheeded by the Peruvian finance ministry and the embassy in the U.S.²⁶⁵ At the time of issuing them in 1875, Peru had promised that the bond would pay \$1,000 'United States Gold coin' plus seven per cent interest per year.²⁶⁶ Aside from complaints by creditors, the stories about the frenzied and monopolistic trade that once surrounded Peru's bird guano now lie mostly forgotten in history books. The government of Peru is, however, striving to regain some of its lost glory. Over the past decade, the surging price of synthetic

²⁶³ Cushman. (294).

²⁶⁴ Colin Post. Peru Reports. *U.S. firm sues Peru for payment of 140-year-old bonds*. 2015. Available: <http://perureports.com/2015/08/04/u-s-firm-sues-peru-for-payment-of-140-year-old-bonds/>

²⁶⁵ Ibid.

²⁶⁶ Robert Burnson. Bloomberg News. *Peru Haunted by 7% Guano Bonds Predating Machu Picchu Discovery*. 2015. Available: <http://www.bloomberg.com/news/articles/2015-07-17/peru-haunted-by-7-guano-bonds-predating-machu-picchu-discovery>

fertilizers and organic food shifted focus back to guano, and Peru has been hoping that the years it spent in conserving the insular habitat will help in the recovery of the fertilizer.²⁶⁷ On islands such as Isla de Asia in the south of Peru's capital Lima, deposits of guano reach less than a foot or so, a far cry from the peak of 150 feet in the 19th century.²⁶⁸ But whatever little there is, is highly coveted given that synthetic fertilizers such as urea have seen prices climb higher in recent years.²⁶⁹ As of 2008, guano in Peru sold for about US dollars 250 per ton but exports to France, Israel and the U.S. fetched US dollars 500 for the same quantity.²⁷⁰ The small and limited revival of guano is thanks to its status as a chemical-free and organic fertilizer. In keeping with its aim of sustainable exploitation of the resource, Peru now restricts the collection of guano to two islands per year with the seabird population producing between 12,000 and 15,000 tons of guano each year.²⁷¹ But, there may only be ten or, at the most, twenty years' worth of supplies left before Peru's guano is fully exhausted.

The following chapter will discuss at length the legacy of the erstwhile guano-bearing islands, and how all such insular areas have assumed new meaning and significance in the backdrop of fierce territorialization.

²⁶⁷ Simon Romero. The New York Times. *Peru Guards Its Guano as Demand Soars Again*. 2008.

²⁶⁸ Ibid.

²⁶⁹ Ibid.

²⁷⁰ Ibid.

²⁷¹ Ibid.

7. ECONOMIC & MILITARY COLONIZATION OF THE SEA

Marx once explained that the earth is the ultimate source of all human material wealth.²⁷² Human life depends on nature, and so does the capitalistic and consumerist economic system we currently are part of. Marx called it the ‘conquest of nature’ through the perpetual pursuit of capital.²⁷³ And it is this captive colonization of the planet’s surface by mankind that has been fueling wars and contributing to nationalistic militarization and naval posturing for dominance over land and sea.

Talking specifically of the Caribbean Sea, from the standpoint of economic and military security, the area happens to be of enormous strategic importance. Before elaborating on the region’s geo-strategic and military relevance for the U.S. in the following sub-chapters, I would like to briefly go over the trade and economic aspects of the Caribbean’s significance. To start with, the region’s naval routes are key for petroleum and petroleum product processing and transshipment. There are several important refineries and independent storage facilities in the region²⁷⁴ and the U.S. has invested economically and militarily in many Caribbean states. The twin island country of Trinidad and Tobago has been an increasingly significant supplier of liquefied natural gas, or LNG, to the regional markets in Central-South America and the United States.²⁷⁵ Needless to say that whatever transpires in the Caribbean and the Latin America region is deemed important in Washington as there are security and economic and interests at stake. Still, an even more critical reason for why states seek to control and protect their portion of the sea through their formidable navies lies in the fact that there exist potential and unimaginably vast riches waiting to be explored in deep waters. The oceans cover 71 per cent of

²⁷² Foster, Clark and York. (2010: 102).

²⁷³ Ibid.

²⁷⁴ U.S. Energy Information Administration. Caribbean Fact Sheet. 2003. Available: http://www.geni.org/globalenergy/library/national_energy_grid/cuba/carib.shtml

²⁷⁵ Ibid.

the Earth's surface, and hold 97 per cent of the planet's water. However, more than 95 per cent of the submarine world is yet to be explored and seen by the human eye.²⁷⁶ There remains much to be deciphered within the realm of the ocean—from the physical and geological to the biological, chemical, and archaeological—several facets of the ocean remain a mystery to mankind. The ocean is also a massive source of potential energy, and in recent years there has been increasing conviction of the possibility of developing technology to tap this renewable energy. As the reality of the depletion of fossil energy starts to sink in, investments into ocean energy are expected to broaden.²⁷⁷ There have been promising technologies—and to some degree, commercial deployment—following research in ocean thermal energy conversion, tidal energy, wave energy, and offshore wind energy.²⁷⁸ With this realization having dawned upon modern politicians, efforts are being made to covet and study every piece and area of rock, strait, seabed, coast and deep water. The U.S. National Oceanic and Atmospheric Administration's (NOAA), *Office of Ocean Exploration and Research* has been said to lead efforts to explore the ocean by sending scientist-explorers – armed with sophisticated technology and the spirit of discovery—on 'Lewis and Clark' kind of expeditions.²⁷⁹

In 2012, the U.S. Geological Survey employed a geology-based assessment methodology and estimated that a statistical mean of 126 billion barrels of conventional oil and 679 trillion cubic feet of undiscovered natural gas lay unexploited in 31 geologic provinces of the Caribbean and South America.²⁸⁰ Of this, a total of at least 1,739 million barrels of undiscovered but technically recoverable oil is said to be concentrated in the Caribbean in the area surrounding

²⁷⁶ United States Department of Commerce. National Oceanic and Atmospheric Administration. 'Ocean'. Available: <http://www.noaa.gov/ocean.html>

²⁷⁷ Pelc and Fujita. (471).

²⁷⁸ Ibid.

²⁷⁹ United States Department of Commerce. National Oceanic and Atmospheric Administration. 'How much of the ocean have we explored?' <http://oceanservice.noaa.gov/facts/exploration.html>

²⁸⁰ U.S. Geological Survey. World Petroleum Resources Project. *Assessment of Undiscovered Conventional Oil and Gas Resources of South America and the Caribbean*. 2012. Available: <http://pubs.usgs.gov/fs/2012/3046/fs2012-3046.pdf>

Haiti, Cuba, Puerto Rico and Jamaica in two geologic provinces that go by the names: *North Cuba Basin of Greater Antilles Deformed Belt* and the *Bahamas Platform*. Estimates suggest that the total discoverable oil in these two regions put together could be as high as 13,700 million barrels.²⁸¹ Besides, there could be several thousand billion cubic feet of gas and several billion barrels of natural gas liquids (NGL) yet to be recovered from the Caribbean.²⁸² The greed of bigger nations in *black gold*, natural gas and mineral reserves held by countries smaller in size and might has shaped the foreign policy goals of securing, or seizing, disproportionate riches from others for one's own self. In such an endeavour with so much at stake, it is a given fact that the bigger fishes swallow or scare away the smaller ones. To get what they want, we shall be seeing more of nation-states first engage peacefully using diplomacy and monopoly. Failing that, using direct violence is not a distant second option.

7.1 A CARIBBEAN HIGHWAY

“...the Caribbean will be changed from a terminus, and place of local traffic, or at best a broken and imperfect line of travel, as it now is, into one of the great highways of the world. Along this path a great commerce will travel, bringing the interests of the other great nations, the European nations, close along our shores, as they have never been before. With this it will not be so easy as heretofore to stand aloof from international complications.”

—Alfred Thayer Mahan²⁸³

²⁸¹ According to the U.S. Geological Survey, there is a 95 per cent chance of finding 1,185 million barrels of oil in the *North Cuba Basin of Greater Antilles Deformed Belt* while there could be at least 554 million barrels of oil in the *Bahamas Platform* province. See ‘Table 1. South America and Caribbean assessment results for undiscovered, technically recoverable oil, gas, and natural gas liquids’; Available: <http://pubs.usgs.gov/fs/2012/3046/fs2012-3046.pdf>

²⁸² See Provinces of *North Cuba Basin of Greater Antilles Deformed Belt* and *Bahamas Platform* in ‘Table 1. South America and Caribbean assessment results for undiscovered, technically recoverable oil, gas, and natural gas liquids’. <http://pubs.usgs.gov/fs/2012/3046/fs2012-3046.pdf>

²⁸³ Mahan. (1890: 33-34).

Once, several ages ago, the Mediterranean happened to be the center of all flourishing activity of civilizations and empires, trade and commerce and of life and culture.²⁸⁴ While still important, the centers of economic and cultural activities expanded and shifted to other regions: one such is the Caribbean or the much sought after and romanticized El Dorado, which was once home to some of the most profitable European colonies and sites of sugarcane plantations run by slaves that made their English, Dutch, French and Spanish owners vastly rich. The bounteous nature, an easy climate, the unwarlike nature of the natives, and the abundant fruit of their cheap labor coupled with the spices and silks of the Orient made the Caribbean the new hotbed of action.²⁸⁵ And hence, the territorial evolution of the Caribbean has been one of much significance.

Robert David Hodgson, a former geographer at the U.S. Department of State, made a list of the sixteen most important straits and marine passages in the world, many of which lie in the Caribbean: these are the Old Bahama Channel, the Dominica Channel, the Martinique Channel, the Saint Lucia Channel, and the Saint Vincent Passage.²⁸⁶ When taken together, the Caribbean Sea and the Gulf of Mexico make an inland sea and an archipelago.²⁸⁷ For American strategists and politicians, the Caribbean waters are *mare nostrum*, or 'our sea', or more fittingly an 'American Lake',²⁸⁸ and hence they may do as they see fit. The equation is further complicated by the fact that the geo-political realities of the Caribbean aren't favorable to the several small island nations against the mighty U.S., and additionally, the former colonial powers of Europe, even after grouping together as the Caribbean

²⁸⁴ Alfred Thayer Mahan. 'The Strategic Features of the Gulf of Mexico and the Caribbean Sea,' in *The Interest Of America in Sea Power, Present and Future*. London: Sampson Low, Marston & Company, Limited. 1897. (Republication of article originally contributed to Harper's New Monthly Magazine in 1897.)

²⁸⁵ Ibid.

²⁸⁶ Anselm A. Francis. 'The New Law of the Sea and the Security Interests of the Caricom States,' *Journal of Interamerican Studies and World Affairs*. Special Issue: The International Dynamics of the Commonwealth Caribbean. 31(3). (1989: 103).

²⁸⁷ Alfred Thayer Mahan. 'The Strategic Features of the Gulf of Mexico and the Caribbean Sea,' in *The Interest Of America in Sea Power, Present and Future*. 1897.

²⁸⁸ Francis. (99).

Community, or CARICOM.²⁸⁹ It doesn't help matters that the former colonial powers have retained their presence, albeit diluted, in the region through dependencies. France still maintains French Guiana as an overseas region on the northeastern coast of South America and the overseas Collectivity of Saint Martin, while the Caribbean Netherlands are three special municipalities situated in the Caribbean Sea: the islands of Saint Eustatius, Saba, and Bonaire, and Curaçao and Sint Maarten. Britain has several overseas territories through the British Virgin Islands, Anguilla, Bermuda, Cayman Islands, Turks and Caicos Islands and Montserrat. Of course, one cannot forget that the U.S. has an equally significant presence in the region through Puerto Rico and the U.S. Virgin Islands. The equation is made more interesting and sensational by the presence of Cuba and Venezuela, two nations that the US hasn't been very friendly with—to make an understatement—through much of the second half of the 20th century, thanks to the Cold War. It is then not hard to see why Navassa holds such allure for 'Uncle Sam': the U.S. states that Navassa is of utmost environmental value primarily because of its biodiversity, the relatively sound marine health and heritage, and the coral reef ecosystems.²⁹⁰ A very valid argument. But, it is impossible to overlook the fact that Navassa's location is of strategic importance for the U.S as it lies at the southern end of the Windward Passage in the Caribbean Sea—a strait between Cuba and Haiti. This strait bridges the Atlantic Ocean to the Caribbean Sea and lies directly on the shipping route—one of the busiest corridors of commerce in the world—between the Panama Canal on one end and ports on the eastern seaboard of the U.S. and Canada on the other. About fifty miles wide, the Windward Passage straddles the Antilles archipelago and the Gulf of Mexico as well as the coastlines of Central and South America and the Pacific Ocean through the Isthmus of

²⁸⁹ CARICOM is an organization of 15 Caribbean countries and dependencies formed in 1973. It seeks to ensure coordinated and sustained economic development of member states. It also aims to expand trade and economic relations with other nations, and ensure better co-ordination among member states' foreign and foreign economic policies. See *Objectives of the Community*. Available: <http://www.caricom.org/jsp/community/objectives.jsp?menu=community>

²⁹⁰ U.S. Fish & Wildlife Service. Navassa National Wildlife Refuge. Available: <http://www.fws.gov/southeast/pubs/facts/navassa.pdf>

Panama.²⁹¹ In fact, on the cusp of the 20th century, the construction and fortification of the isthmian Panama Canal was seen as the ‘life-line of the United States’ bid for sea power and greater security’.²⁹² Not only is the region a key link in communication systems around the Caribbean Sea²⁹³, but Navassa’s location in the area is also geo-strategically prime for it affords the U.S. proximity to its naval base and military prison in Guantanamo Bay²⁹⁴ on the south-eastern end of Cuba.

7.2 AMERICA’S TREASURE HUNT AROUND NAVASSA-HAITI

Haiti—said to be the Western Hemisphere’s poorest nation—is probably sitting on top of yet-to-be-estimated riches in the form of crude oil and natural gas reservoirs and precious minerals and metals such as gold, silver and copper.²⁹⁵ In another estimate, according to geologist Stephen Pierce who has worked in the Caribbean for 30 years, the island of Hispaniola, which is politically divided into Haiti and the Dominican Republic, may possess three million barrels of oil yet to be explored in a shallow offshore formation.²⁹⁶ The entire Greater Antilles region, which comprises Cuba, Haiti, the Dominican Republic, Jamaica, Puerto Rico, Cayman Islands and their territorial waters, along with the region housing the smaller islands of the Bahamas, Nassau and Turks and Caicos together are estimated to hold means of 5,200 billion cubic feet of gas and 130 million barrels

²⁹¹ Jonathan M. Hansen. *Guantánamo: An American History*. Hill and Wang: New York. (2011: 13).

²⁹² Magdaline W. Shannon. *Jean Price-Mars, The Haitian Elite and the American Occupation, 1915-35*. London: Macmillan Press Ltd. (1996: 1).

²⁹³ Ibid.

²⁹⁴ Guantánamo Bay in Cuba is the oldest and a geo-strategically key naval and coaling station for the US. Further, it also controversially houses a prison and detention camp for combatants taken in Afghanistan and Iraq as part of the US’ Global War on Terrorism, an international military campaign launched after the Sept, 11, 2001 attacks on the World Trade Center in New York City.

²⁹⁵ Jim Polson. *Haiti Earthquake May Have Exposed Gas, Aiding Economy*. Bloomberg News. 2010. Available: http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aUqFB_GbhRYM

²⁹⁶ Ibid.

of natural gas liquids.²⁹⁷ Additionally, some exploratory drilling carried out not long after the calamitous 2010 Haiti earthquake has resulted in the findings of precious metals valued potentially at \$20 billion in the northeast of Haiti.²⁹⁸ American-German geopolitical analyst and professor F. William Engdahl, in an article for the Montreal-based independent non-profit Global Research, has called Haiti a ‘fateful geological prize’²⁹⁹ for the nation happens to range over one of the most active geological regions of the planet with potential hidden riches in the earth it is cradled by. Haiti sits atop a zone where great slabs of the Earth’s crust intersect and rub against each other: these are the North American, South American and the Caribbean plates.³⁰⁰ Tectonically, the island of Hispaniola is situated within the North American-Caribbean Plate Boundary Zone, a region described as a complex zone of ‘active, left-lateral displacement separating two plates’.³⁰¹ The movement of these tectonic plates, especially where the boundaries of two plates meet and rub, while responsible for devastating earthquakes like the one Haiti experienced in 2010, is also a key determining factor in the location of oil and natural gas deposits.³⁰² Following the geological study of the Jan. 12, 2010 quake, Pierce noted that the fault line of Haiti’s catastrophic 2010 earthquake occurred near potential

²⁹⁷ U.S. Geological Survey. World Petroleum Resources Project. *Assessment of Undiscovered Conventional Oil and Gas Resources of South America and the Caribbean*. See ‘Table 1. South America and Caribbean assessment results for undiscovered, technically recoverable oil, gas, and natural gas liquids’, Province name: *North Cuba Basin of Greater Antilles Deformed Belt and Bahamas Platform*, <http://pubs.usgs.gov/fs/2012/3046/fs2012-3046.pdf>

²⁹⁸ Martha Mendonza. NBC News.com. *Gold! Haiti Eyes Potential \$20 Billion Bonanza*. 2012. Available: http://www.nbcnews.com/id/47398045/ns/world_news-americas/t/gold-haiti-eyes-potential-billion-bonanza/ and Jane Regan. The Guardian. *Haiti’s rush for gold gives mining firms a free rein over the riches*. 2012. Available: <http://www.theguardian.com/global-development/poverty-matters/2012/may/30/haiti-gold-mining>

²⁹⁹ William F. Engdahl. *The Fateful Geological Prize Called Haiti*. Global Research: Centre for Research on Globalization. 2010. Available: <http://www.globalresearch.ca/the-fateful-geological-prize-called-haiti/17287>

³⁰⁰ Ibid.

³⁰¹ Paul Mann and S. R. Lawrence. ‘Petroleum Potential of Southern Hispaniola,’ *Journal of Petroleum Geology*. 14(3). (1991: 292).

³⁰² American Association of Petroleum Geologists. *Geology and Petroleum: Plate Tectonics*. Available: <http://www.aapg.org/about/petroleum-geology/geology-and-petroleum/plate-tectonics#4372491-about> See also: *Why is oil usually found in deserts and arctic areas?* Scientific American. 2006. Available: <http://www.scientificamerican.com/article/why-is-oil-usually-found/>

gas reserves and that as much as one trillion cubic feet of gas is estimated to be trapped in a border formation in proximity to the earthquake fault.³⁰³ It is said that the 16th U.S. President Abraham Lincoln's consul to the Dominican Republic had reported oil seeps on Hispaniola in 1862.³⁰⁴ Indeed, as per a 1991 paper in the *Journal of Petroleum Geology*, hydrocarbon occurrences were noted on the island and on neighboring Cuba suggesting unexplored petroleum potential in the region.³⁰⁵ The study noted that "the occurrences of oil in both Cuba and Hispaniola attest to the presence of oil source rocks and a thermal maturity level which at some stage passed into the 'oil window,'" ³⁰⁶ and that "existing seismic data identify undrilled prospects" in Hispaniola.³⁰⁷ Neither Haiti nor the Dominican Republic currently produce oil or gas. At the moment, Haiti's national oil company, Petrogaz-Haiti, S.A. (PGH) has licenses to explore for hydrocarbons, and seeks to extract oil and natural gas jointly with the government of Haiti.³⁰⁸

Against this backdrop, the United States' continuing interest and presence—in recent times via a United Nations peace-keeping mission—in Haiti now has a clear context. As of June 2015, there have been nearly 4,900 personnel deployed by the UN Stabilization Mission in Haiti—94 per cent of these are uniformed troops and police force.³⁰⁹ In addition, U.S. President Barack Obama rushed troops and personnel numbering up to 10,000 as well as aircraft and warships to the beleaguered country. *TIME* magazine cleverly describes the enthusiastic aid response of the U.S. government in Haiti as 'a compassionate

³⁰³ Jim Polson. Bloomberg. *Haiti Earthquake May Have Exposed Gas, Aiding Economy*. 2010.

³⁰⁴ Ibid.

³⁰⁵ Mann and Lawrence (292).

³⁰⁶ Ibid. 'Oil window', as referred to by geologists, denotes the temperature range at which oil is formed. Below a minimum temperature, oil remains trapped as kerogen. While, above the maximum temperature, oil converts into natural gas.

³⁰⁷ Ibid. (291).

³⁰⁸ About Petrogaz-Haiti, S.A. Available: <http://www.petrogazhaiti.com/>

³⁰⁹ MINUSTAH - United Nations Stabilization Mission in Haiti. Facts and Figures. Available: <http://www.un.org/en/peacekeeping/missions/minustah/facts.shtml>

invasion’.³¹⁰ Further, it noted sarcastically that Haiti, for all intents and purposes, became the 51st state of the U.S. given how ‘Washington mobilized national resources to rush urgent aid to Haiti’s stricken people’³¹¹ following a 7.0 magnitude earthquake in 2010 that killed at least 100,000 people. More recently in Haiti, a particularly problematic and ethics-related controversy has been brewing as allegations of profiteering from family connections dog the Clintons—the former first family of the United States of America. Tony Rodham, the youngest brother of 2016 U.S. presidential candidate Hillary Rodham Clinton sits on the board of a small American mineral exploration company called VCS Mining that won a rare permit—one of the only two such licenses issued by the Haitian government in more than 50 years—to mine for gold.³¹² The Haitian Senate has termed the gold exploitation project a potential environmental disaster and ‘a waste of resources’.³¹³ The Clintons have been advocating for development in Haiti for long but more so since the earthquake. In 2009, Bill Clinton—a former U.S. President—was named United Nations Special Envoy to Haiti, and following the earthquake in 2010 teamed up with George W. Bush to form the Clinton Bush Haiti Fund. However, the public rating on the Clintons in Haiti has taken a beating recently as ‘Haitians increasingly complain that Clinton-backed projects have often helped the country’s elite and international business investors more than they have helped poor Haitians’.³¹⁴ This simply implies and leads one to wonder whether by portraying their acts of public and humanitarian good, the politically powerful may actually be getting away with personal and monetary gains. Sequentially, it feeds increasing suspicion regarding the motives for the deepening involvement of the American

³¹⁰ Mark Thompson. TIME. *The U.S. Military in Haiti: A Compassionate Invasion*. 2010. Available: http://content.time.com/time/specials/packages/article/0,28804,1953379_1953494_1954326,00.html

³¹¹ Ibid.

³¹² Kevin Sullivan and Rosalind S. Helderman. The Washington Post. *Role of Hillary Clinton’s brother in Haiti gold mine raises eyebrows*. 2015. Available: https://www.washingtonpost.com/politics/role-of-hillary-clintons-brother-in-haiti-gold-mine-raises-eyebrows/2015/03/20/c8b6e3bc-cc05-11e4-a2a7-9517a3a70506_story.html

³¹³ Ibid.

³¹⁴ Ibid.

political leadership, and that of their kin, in Haiti's political affairs and public sector. Haiti has had a long history of foreign intervention and it would not be difficult to imagine if motives and intent for the ongoing more-than-a-decade long UN-US presence in the Caribbean nation are not very different from the American invasion and occupation of Haiti a hundred years ago. For instance, a 2008 cable released by whistle-blowing organisation WikiLeaks shows Ambassador Janet A. Sanderson conveying:

“The U.N. Stabilization Mission in Haiti is an indispensable tool in realizing core USG [United States Government] policy interests in Haiti. ...It is a financial and regional security bargain for the USG. ... The U.S. will reap benefits from this hemispheric security cooperation for years to come—but only if its success is not endangered by early withdrawal.”³¹⁵

It is easy to see that the U.S. finds great geopolitical value in not just uninhabited Navassa but has also been eyeing Haiti. The prolonged contention over Navassa, while mainly between Haiti and the U.S., also affects neighbors. The dispute prevents a definitive delimitation of maritime zones for and among neighboring Jamaica, Cuba and Haiti.³¹⁶

7.3 AVES: MUCH MORE THAN A DENUDED ATOLL

In the case of Isla de Aves or Bird Island—a Caribbean dependency of Venezuela, and whose status as an island is contested by member states of the Organization of Eastern Caribbean States (OECS) —similar unexplored riches are at stake. By declaring the much-denuded protrusion of sand-and-rocks as an ‘island’, Venezuela

³¹⁵ U.S. Embassy, Port-au-Prince. ‘Why We Need Continuing MINUSTAH Presence in Haiti.’ Available: https://wikileaks.org/plusd/cables/08PORTAUPRINCE1381_a.html

³¹⁶ Atlas Caribbean. Maritime Spaces: Available: <http://atlas-caraibe.certic.unicaen.fr/en/page-122.html>

circuitously lays claim to a large swathe of the Caribbean Sea on the grounds of the application of the 200-nautical-mile exclusive economic zone around Bird Island. As per Article 121 of the UN Convention on the Law of the Sea an island is defined as a naturally formed area of land, surrounded by water, ‘which is above water at high tide’. More importantly, ‘rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf’.³¹⁷ To reinforce its assertion that Aves is an island, particularly an inhabited one, Venezuela built a facility—on stilts so as to avoid it from getting submerged during high tides. By averring her claim, Venezuela gets to appropriate about 150,000 square kilometers of exclusive economic zone and territorial sea in the north-eastern Caribbean³¹⁸ and in turn reducing the area of territorial sea that neighboring Dominica and some others would have been able to otherwise claim naturally.³¹⁹ While it would also adversely affect the area of territory claimed by France through its overseas dependencies of Guadeloupe and Martinique, and that of the United States through Puerto Rico, Venezuela has signed treaties with France in July 1980 and the U.S. in March 1978 delimiting boundaries amongst themselves.³²⁰ It is interesting to note that neither Venezuela nor the United States is signatory to the UN Convention on the Law of the Sea. Although France is a signatory, it has recorded a declaration as it desires to ‘strengthen the relations of good-neighbourliness and friendship between the two countries’ as it is ‘aware of the need to delimit precisely and equitably the economic zones situated off the coast of their territories’.³²¹ Venezuela’s neighbors have formally and repeatedly objected to this with little avail.

³¹⁷ UNCLOS. Part VIII. Article 121. Regime of Islands. Available:

http://www.un.org/depts/los/convention_agreements/texts/unclos/part8.htm

³¹⁸ Kenneth Hall and Myrtle Chuck-A-Sang (eds). *Inward Visions: Caribbean Governance and Development*. Trafford: Bloomington. (2013: 210). First published as *CARICOM Options: Towards Full Integration into the World Economy* in 2006 by Ian Randle Publishers, Kingston, Jamaica.

³¹⁹ Venezuela’s territorial sea claims are contested by St. Lucia, St. Vincent, Grenada, St. Kitts and Nevis, and Antigua and Barbuda.

³²⁰ Hall and Chuck-A-Sang. (210-211).

³²¹ Delimitation Treaty between the Government of the French Republic and the Government of the Republic of Venezuela, 17 July, 1980. Available:

Isla de Aves, similar to Navassa, is to some extent important as a site for conservation biology for it is home to various species of birds and is also a nesting place for the green turtle. Additionally, thanks to its isolation, Aves holds potential for astronomical observations, and is estimated to house plenteous hydrocarbon deposits.³²² To reiterate how pro-active Venezuela has been in claiming oil-rich regions, a prime example is that of neighboring Guyana. The two countries are in the midst of a bitter dispute as Venezuela has for long claimed a vast tract of land called Essequibo which makes up nearly 40 per cent of Guyana's present territory.³²³ In fact, Venezuela has made territorial claims against every mainland neighbor of hers, save for Brazil.³²⁴ Earlier this year, Venezuela embarked on a mission to claim territories by decrees. On May 26, 2015, Venezuelan President Nicolas Maduro gazetted a decree creating an 'Atlantic coast of Venezuela' for the purpose of territorial defence. The new law, six pages long and based on philosophical guidelines of the late Venezuelan President Hugo Chavez, comprises coordinates that expands sovereignty over the offshore territorial waters of Guyana's Essequibo, a small area of Suriname's EEZ, and goes on to define the maritime zone to the north of Isla de Aves as coming under Venezuelan control.³²⁵ It references the several delimitation treaties it has signed respectively with the Netherlands, France, the U.S. and Trinidad. The decree effectively ends up extending Venezuela's maritime and defence areas far out into the Caribbean Sea. A map, created along with the decree, suggests that Venezuela now asserts her control over all territorial waters that lie within a 200-nautical-mile range called the 'Areas of Integral Defence of Marine Zones and Islands.'³²⁶ Venezuela's interests

<http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/FR A-VEN1980DT.PDF>

³²² Hall and Chuck-A-Sang. (210).

³²³ David Connett. The Independent. *Guyana and Venezuela in bitter border dispute after oil discovery*. 2015. Available: <http://www.independent.co.uk/news/world/americas/guyana-and-venezuela-in-bitter-border-dispute-after-oil-discovery-a6668651.html>

³²⁴ Hall and Chuck-A-Sang. (212).

³²⁵ David Jessop. Antillean Media Group. *Will CARICOM stand up to Venezuela over its Guyana territorial claims?* 2015. Available: <http://www.antillean.org/guyana-venezuela-border-dispute-286/>

³²⁶ Ibid.

in the Caribbean region seem to be driven by all three motives: money, geopolitics and territorial ambitions. More than half of Venezuela's gross domestic product comes from the petroleum sector and exports of the fossil fuel account for more than 95% of its foreign income.³²⁷ Her economic health greatly suffers at the moment as oil prices have declined.

In her defence, from a geopolitical standpoint, Venezuela could not just sit by and watch as the hulking U.S. flexed its muscles and exerted its diplomatic and military might right in her front yard for decades. Venezuela's aggression, aside from the economic considerations, must also be seen in the context of the relentless and meddlesome shenanigans of the United States in the Caribbean region and the selfish political gains to be had from having a weak coalition of Latin American countries. The U.S. has been accused several times of delegitimizing governments, fueling coups and sponsoring rebellion or terror in countries that it has economic, military and geopolitical stakes in.³²⁸ Take for instance, a 2006 secret cable by then-American Ambassador to Venezuela William Brownfield which outlined a five-point strategy to guide embassy activities in Venezuela. Among the focus points were the tasks of 'Penetrating Chavez' Political Base', 'Dividing Chavismo', and 'Isolating Chavez internationally'.³²⁹ Following the demise of former president Hugo Chavez, relations between Venezuela and the U.S. seemed to start thawing only to be undone just as quickly. As the incumbent Nicolas Madura attained the power to legislate by decree for the remainder of 2015, U.S. President Barack

³²⁷ Nathaniel Parish Flannery. Forbes. *How Bad Is Venezuela's Economic Crisis?* 2015. Available: <http://www.forbes.com/sites/nathanielparishflannery/2015/04/28/how-close-is-venezuela-to-defaulting/>

³²⁸ BBC News. *Reagan and the 'Iran-Contra' affair*. 2004. Available: <http://news.bbc.co.uk/2/hi/americas/269619.stm>
See also: Mark Weisbrot. Al Jazeera America. *WikiLeaks cables shed light on US foreign policy failures*. 2015. Available: <http://america.aljazeera.com/opinions/2015/10/wikileaks-cables-shed-light-on-us-foreign-policy-failures.html>

³²⁹ U.S. Embassy, Caracas. *'USAID/OTI Programmatic Support for Country Team 5 Point Strategy.'* Diplomatic Cable. 2006. WikiLeaks. Available: https://wikileaks.org/plusd/cables/06CARACAS3356_a.html

Obama went on to sign an executive order stating the Latin American country presents an ‘extraordinary threat to the national security’.³³⁰

Although the question of who reigns sovereign over Isla de Aves has been settled by treaties, the tiny denuded atoll represents the power struggle over the vast sea radiating from it. The Caribbean Sea is then a battlefield between an undisputed behemoth and its feisty adversary for domination and sway in the Caribbean. It is surmised that Venezuela’s claim to the extended exclusive economic zone off Aves will continue to prove hazardous for the maritime integrity and security of neighbouring nations and the member states of the Organisation of Eastern Caribbean States.³³¹

³³⁰ Sara Hasan. Al Jazeera America. *US-Venezuela relations sour in new spat*. 2015. Available: <http://america.aljazeera.com/watch/shows/live-news/articles/2015/3/16/us-venezuela-relations-sour-after-recent-spat.html>

³³¹ Hall and Chuck-A-Sang. (216-217).

8 CONCLUSION: A TRAGEDY OF COMMONS

Imperialism is all about projecting power, and the main battle in imperialism is over land. Questions such as who owned the land, who had the right to settle, who had the right to work on it, who kept that land going, who won it back, and who made plans for its future all determine who the land eventually goes to.³³² As an analogy one may quite easily replace ‘land’ with ‘the sea’ and ‘islands’ and the reasoning still rings true. Clearly, the considerations for holding on to islands such as Navassa and Aves have changed from mining bird feces to military securitization and the harvesting of potentially unimaginable economic windfalls. Even when these are technically ‘rocks’ under UNCLOS definition and unsuitable for human habitation, not pushing to define them as ‘islands’ would be foolhardy.

The power-play and bullyboy tactics for dominance over Navassa and Aves—a clash between the so-called big and mighty and the small and struggling—brings to mind Immanuel Wallerstein’s ‘world systems’ theory of development. Wallerstein talks about the dominant West and its capitalistic economy, and its social and political relations with the rest of the world.³³³ The *Modern World Systems* sets forth the idea of the ‘core state’ which emerges as a result of favorable historical conditions.³³⁴ As a geopolitical entity, such core states find themselves in and out of positions of global supremacy. At their height, they control the wealth and resources of the ‘peripheral’ states even though they don’t physically control them.³³⁵ Similar power-play and dominance has been played and replayed countless times, and continues to prevail: these days, it is most notable in the East and South China Sea where a conflict rages on between the People’s Republic of China, Japan and the Republic of China (Taiwan) over who owns the Senkaku-Diaoyu islands—

³³² Said. (Introduction xii-xiii).

³³³ Brenda Gayle Plummer. *Haiti and the Great Powers, 1902-1915*. Baton Rouge and London: Louisiana State University Press. (1988: 8).

³³⁴ Ibid.

³³⁵ Ibid. (8-9).

a cluster of five islets—as well as over the extent of each party’s exclusive economic zone.³³⁶ A dredging project by the People’s Republic of China to reclaim land at six locations in the South China Sea³³⁷ has rattled and spun into military action not just the neighbors but the distant U.S., and forced other peripheral actors such as Australia to put their diplomatic weight behind one of the three main parties in conflict. The South China Sea had been a site of relative tranquil and dormancy when it came to territorial overlapping and sovereignty. At least until the day when oil and natural gas reserves were identified in the seabed surrounding the islands.³³⁸ This mad race has been taking on extreme, unsustainable and dangerous proportions—a tragedy of commons, if you will, whereby the rationalized self-interest of individuals stands against the best interests of the collective by wiping out the planet’s resources and leaving irreversible damage in its wake.

Several other disputes exist that aren’t talked about as much: South Korea and Japan are locked in a stormy dispute over territorial claims to a set of disputed islets that are called *Dokdo* in Korea and *Takeshima* in Japan.³³⁹ It, too, embroils other nations: particularly the United States which considers both South Korea and Japan as its allies. This lurking dispute is one of the several issues among other conflicts between the two nations—such as Seoul seeking damages from Japan regarding comfort women used by the Japanese military during the Second World War. The conflict makes strategic relations trickier for Washington which is friends with both Seoul and Tokyo and seeks to establish a three-way alliance in Asia-Pacific to counter China's rising influence.

³³⁶ The Economist. *Who really owns the Senkaku islands?* 2013. Available:

<http://www.economist.com/blogs/economist-explains/2013/12/economist-explains-1>

³³⁷ Ian McPhedran. News Corp Australia Network. *Tricky diplomacy for Australia in South China Sea impasse*. 2015. Available: <http://www.news.com.au/technology/innovation/military/tricky-diplomacy-for-australia-in-south-china-sea-impasse/news-story/76e94245496dc4ae16b372665cd69049>

³³⁸ Ibid.

³³⁹ Kwanwoo Jun. The Wall Street Journal. *South Korea Denounces Japan's Renewed Claim on Disputed Liancourt Rocks*. 2014. Available: <http://www.wsj.com/articles/SB10001424052702303532704579480660779784426>

In the Caribbean region, as of 2012, there are 39 maritime boundaries in CARICOM outstanding for settlement.³⁴⁰ The problem facing regional organizations such as CARICOM and others elsewhere is how to contain and manage situations that, while not having escalated into a crisis, are prone to turmoil in regional and international affairs.³⁴¹ Perhaps, the worsening of marine boundary-setting is nothing but a counter-intuitive consequence of the UNCLOS. With more nations coveting the resources in the seas, the need for clear boundaries brought about a number of issues based on the provisions of the UNCLOS: these include overlapping boundary claims, likelihood of potential hydro-carbons in relevant delimitation areas, impact on fisheries, transport and dumping of waste, commercial shipping considerations, and environmental impact.³⁴²

Despite what we may want to believe, mankind is not above choosing to use gunboat diplomacy over dialogue even now. The UN Convention on the Law of the Sea stipulates that the seas must be used for peaceful purposes. The reality, though, is that the Caribbean Sea and the larger region comes under the American sphere of influence, which is contested by neighbours such as Venezuela at the other end of the bridge. Author and lawyer Anselm Francis correctly notes: ‘it is a fact of contemporary international relations that international law is subservient to power politics and that morality plays only a minor role on the global stage.’³⁴³ International tribunals are likely to continue to face challenges over setting appropriate maritime delimitation boundaries as can be seen from the South China Sea dispute where not only natural resources are at stake but also crucial trade and shipping routes. Controlling maritime zones is now comparable to the control of national airspace due to the viable revenues the ‘renting’ of such territory provides. We are now in an era of economic colonization of the seas as more and more

³⁴⁰ The Integrationist. *CARICOM Maritime Space: Disputes and Resolution*. Trafford. (2012: 341). Further, any third-party settlement of these boundaries is conservatively estimated to cost each party as much as U.S. dollar 10 million, and each case should involve two parties.

³⁴¹ Ibid.

³⁴² Ibid. (34).

³⁴³ Francis. (105).

nations broaden efforts to garner marine territory and expand their exclusive economic zones. New areas of undersea and island activity have and will further emerge. The increased use and consumption of the oceans and its wealth is probably only going to lead to more friction between nations. It leaves us with a daunting challenge of harmonizing and accommodating everyone without compromising the marine ecosystem, and, more importantly, avoiding any kind of nuclear fallout.

This paper was a confluence of the history, economics, geopolitics, ecology and international relations revolving around islands and the ocean and their equation with mankind and the modern nation-state. As is evident already, the histories of these former guano islands—at first glance easily discarded as irrelevant specks of rock or sand—are important nodes that lead to far bigger and meaningful questions about the future. States must do the best they can because the game between big core states and the smaller peripheral ones may never be fair and balanced when so much more than sovereignty is at stake. The peaceful delimitation of maritime boundaries is going to require a tremendous amount of political goodwill and compromise from each side. Unraveling a noodle bowl of territorial claims is an expensive, tiresome and endless task. Perhaps, we really ought to revisit and follow Grotius’s advice:

“The sea can in no way become the private property of any one, because nature not only allows but enjoins its common use. . . . Nature does not give a right to anybody to appropriate such things as may inoffensively be used by everybody and are inexhaustible, and therefore, sufficient for all.”³⁴⁴

³⁴⁴ Barkenbus. (676).

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ANNEX

Fig. 1. Maritime Zones under International Law

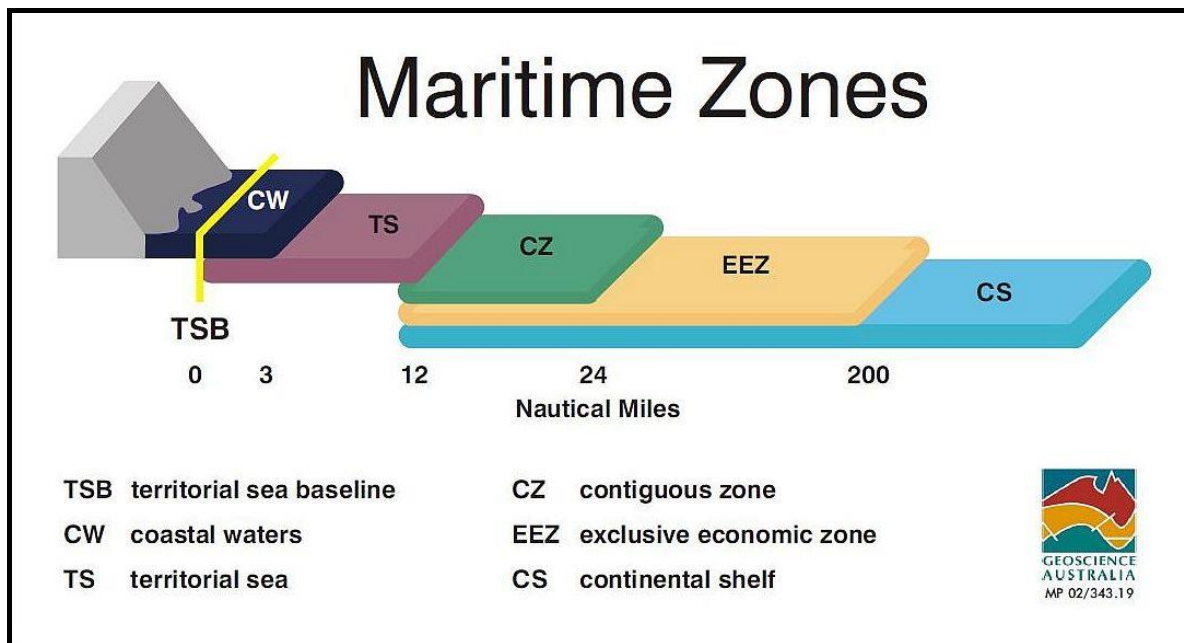
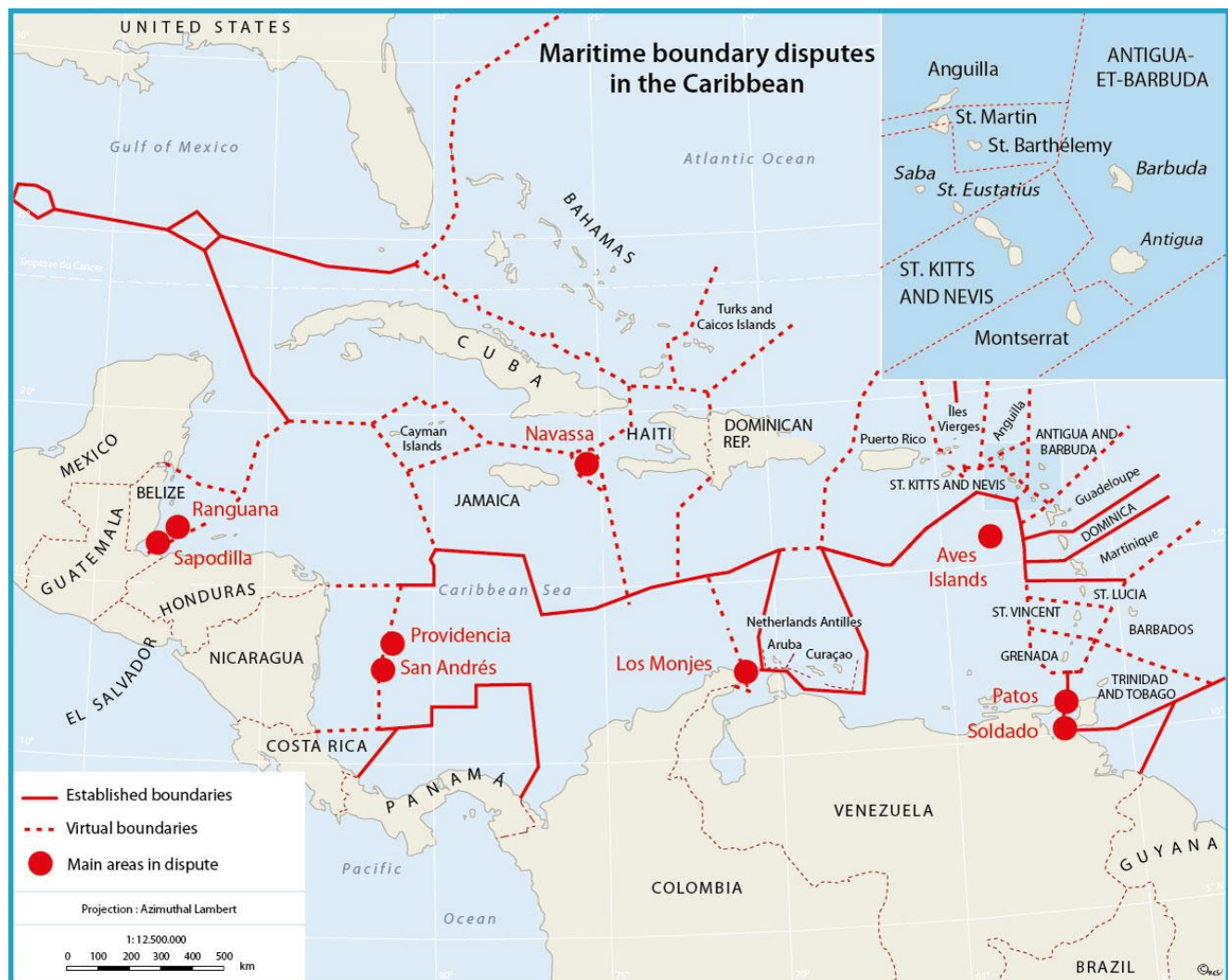


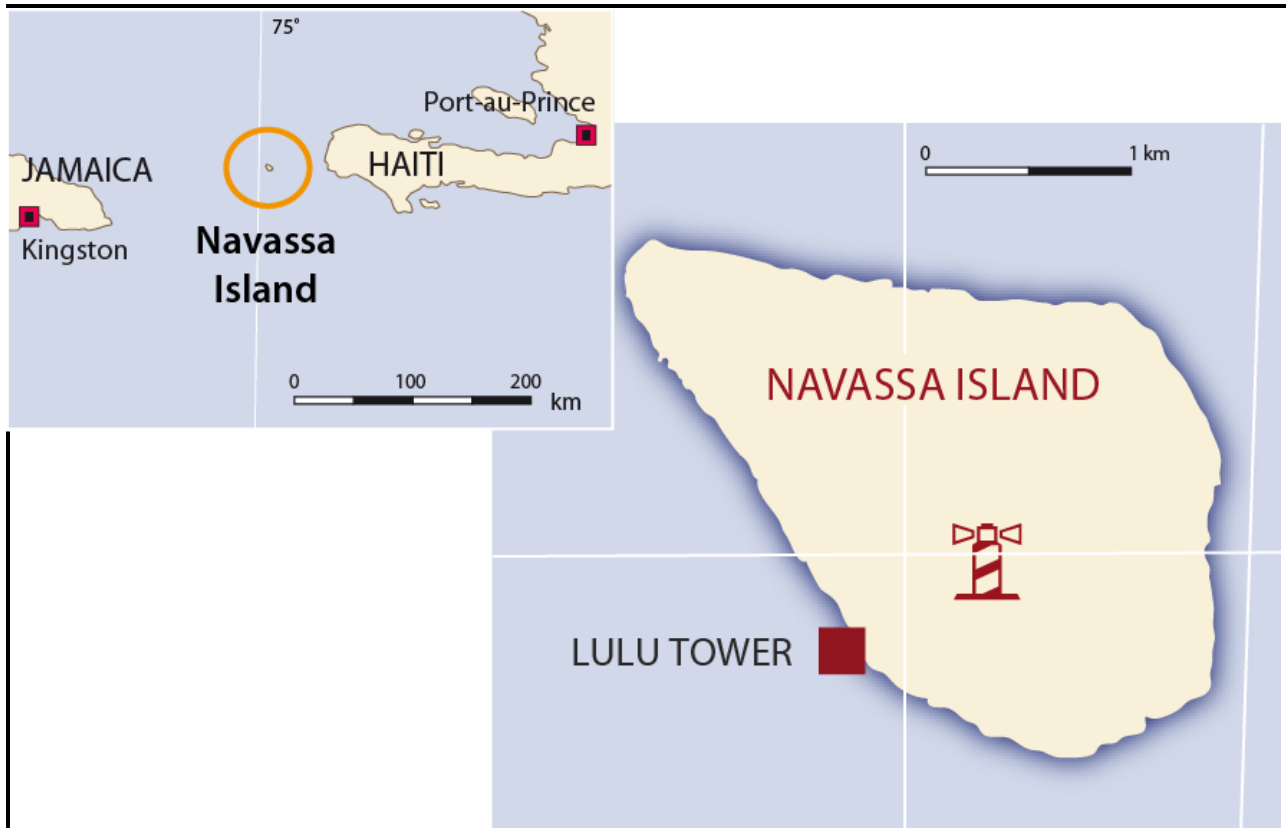
Image Source: Australian Government. *Geoscience Australia*.
Available: http://www.ga.gov.au/image_cache/GA5596.pdf
Last accessed: November 9, 2015.

Fig. 2. Map of Territorial Disputes in the Caribbean Sea



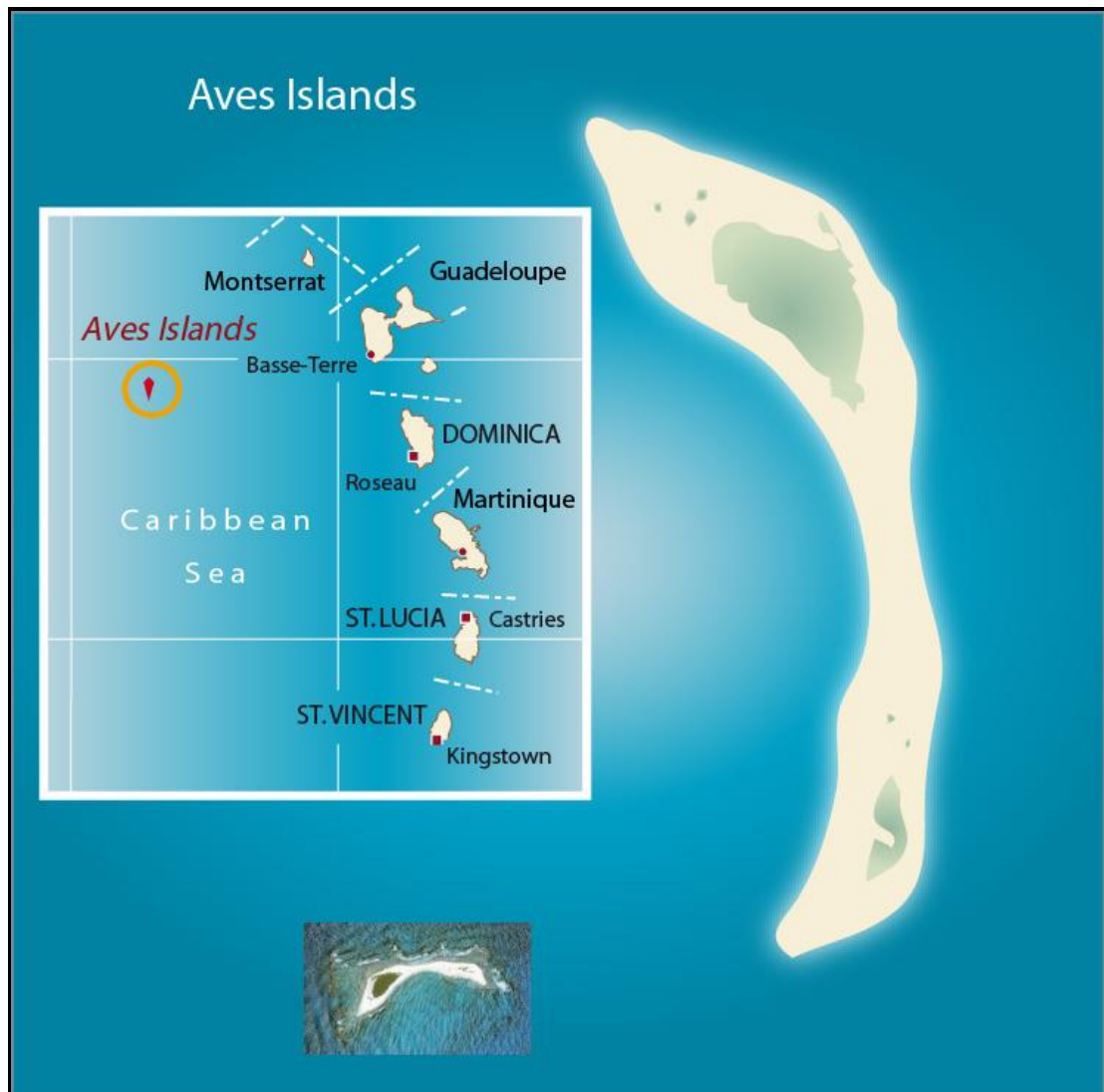
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 Last accessed: October 31, 2015.

Fig. 3. Map of Navassa Island



Source: <http://atlas-caraibe.certic.unicaen.fr/en/page-122.html>
Last accessed: November 19, 2015.

Fig. 4. Map of Aves Island/Isla de Aves



Source: <http://atlas-caraibe.certic.unicaen.fr/en/page-122.html>
Last accessed: November 19, 2015.

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