

ARCHIPELAGIC STATUS IN THE LAW OF THE SEA WITH SPECIAL
REFERENCE TO JAMAICA

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ABSTRACT

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Part IV of the 1982 United Nations Convention on the Law of the Sea provides the rights and obligations of archipelagic states as well as the criteria, which such a state must meet in order to be granted this special status. Article 47 presents an objective test based on geographical features and empirical fact while Article 46 is more subjective and asserts that an archipelagic state must, "form an intrinsic geographical, economic and political entity, or historically have been regarded as such." This latter test is referred to as the Entity Test.

This thesis considers the claim to archipelagic status on the part of Jamaica and attempts to evaluate its satisfaction of the Entity Test. The study assumes that the initial states, which advocated the archipelagic concept in international law satisfy all criteria in Part IV since they were the first states to be granted special status by the international community. Thus, they are considered ideal archipelagic states. Using the various interpretations of the Entity Tests available as well as a comparison to the unique circumstances of the ideal states, which justified the enclosure of their waters, the Jamaican claim is assessed and examined.

The findings suggest that Jamaica only partially meets the interpretation of political unity, while is unable to significantly satisfy those of geographic and economic unity. Furthermore, aside from its immediate security concerns it is established that Jamaica does not reflect similar circumstances of the ideal states, which precludes the possibility to claim of archipelagic status on parallel grounds. It is concluded that Jamaica does meet the requirements of the Entity Test in its entirety.

Keywords: Simon Peter Jagdhar; archipelagos; archipelagic states; law of the sea