

**TOWARDS AN OCEAN POLICY FOR INTEGRATED
GOVERNANCE OF THE CARIBBEAN SEA AND THE
SUSTAINABLE DEVELOPMENT OF THE WIDER
CARIBBEAN REGION (WCR): WHAT COULD IT
LOOK LIKE AND HOW WOULD IT WORK?**

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Abstract

Countries of the Wider Caribbean (WCR) have committed to both sustainable development and to ocean governance. In the region, the two pursuits are interlinked. Ocean governance in the WCR is fragmented, a consequence of the geopolitically complex nature of the region and with consequences for the preservation and protection of the Caribbean Sea, its sustainable use and the sustainable development of the entire region. The United Nations Convention on the Law of the Sea (UNCLOS) seeks to address governance of the oceans in an integrated way. It provides an overarching multilateral framework for ocean governance and promotes both national actions and regional cooperation among coastal States in support of its wider objectives. Several States have adopted a regional approach to ocean governance and in particular, have formulated regional ocean policies to provide a broad framework for integrated decision-making with respect to their shared marine resources. This paper suggests that the countries of the WCR follow suit and seek to outline broad proposals for a regional ocean policy for the area, capable of fostering more informed stewardship and innovative use of its marine resources within the wider context of sustainable development. In practice, such a framework would need to be based on a consensus among relevant stakeholders on a vision and mission for ocean governance in the region and the goals and objectives to be pursued to achieve the same. Guiding principles would also be required to inform proposed actions and create a platform for coherent, consistent and integrated policymaking for the Caribbean Sea. Recommendations are made here in this regard. They draw on both theoretical insights into marine regionalism and integrated policymaking as well as the practical experiences of 3 marine regions to suggest the need for strong regional institutions in regional policymaking for the oceans and the imperative of setting clear goals and objectives to be achieved through committed and concerted action. Follow-up is also required to realize policy commitments made and strong leadership and vision, buttressed by sustained financing are necessary to maintain consistent action. Actions at the regional level must be supplemented by national and multilateral efforts and long-term strategic planning is necessary to sustain gains from integrated ocean governance. A framework alone is not sufficient. The necessary institutional arrangements must be put in place to support ocean governance and in

particular, to provide the mechanisms required for decision-making, including on the measures to be adopted to translate plans and programmes into concrete action for the sustainable development of the oceans. Both instruments are critical for effective ocean governance in the WCR.

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Acronyms

ACS	Association of Caribbean States
ASEAN	Association of South East Asian Nations
BPOA	Barbados Programme of Action
CAR/RCU	Caribbean Regional Coordinating Unit
CARICOM	Caribbean Community
CARSEA	Caribbean Sea Ecosystem Assessment
CAST	Caribbean Alliance for Sustainable Tourism
CBD	Convention on Biological Diversity
CCCCC	Caribbean Community Caribbean Climate Change Centre
CCST	Caribbean Council for Science and Technology
CCRIF	Caribbean Catastrophe Risk Insurance
CDEMA	Caribbean Disaster Emergency Management Agency
CEP	Caribbean Environment Programme
CLME	Caribbean Large Marine Ecosystem and Adjacent Areas Project
CO²	Carbon dioxide
CRFM	Caribbean Regional Fisheries Mechanism
CROP	Council of Regional Organizations of the Pacific
CSC	Caribbean Sea Commission
CSI	Caribbean Sea Initiative
CTO	Caribbean Tourism Organization
DG	Directorate-General
DG MARE	Directorate Fisheries and Maritime Affairs
EAF	Ecosystem Approach to Fisheries
EBM	Ecosystem-based Management
EC	European Council
EU	European Union
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organization
FFA	South Pacific Fisheries Forum Agency

FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GEF	Global Environment Facility
GPA	Global Programme of Action for the Protection of the Marine Environment from Land-based Activities
ICJ	International Court of Justice
ICZM	Integrated Coastal Zone Management
IHR	International Health Regulation
IMO	International Maritime Organization
IMP	Integrated Maritime Policy
IMP-MED	Integrated Maritime Policy - Mediterranean
IPCC	Intergovernmental Panel on Climate Change
ISPS	International Ship and Port Facility Security Code
JPOI	Johannesburg Plan of Implementation
LME	Large Marine Ecosystem
LFA	Logical Framework Analysis
MARPOL (73/78)	International Convention for the Prevention of Pollution from Ships
MOU	Memorandum of Understanding
MPA	Marine Protected Area
MSP	Marine Spatial Planning
MSWG	Marine Sector Working Group
NFP	National Focal Point
OAS	Organization of American States
OECS	Organisation of Eastern Caribbean States
ODA	Official Development Assistance
OLDESPECA	<i>Organizacion Latinoamericana de Desarrollo Pesquero</i>
OSPESCA	Organización del Sector Pesquero y Acuícola del Istmo Centroamericano
PIROP	Pacific Island Regional Ocean Policy
PIROFISA	Pacific Islands Regional Ocean Framework for Integrated

	Strategic Action
PAHO	Pan-American Health Organization
PROGOVNET	Strengthening Principled Ocean Governance Networks
RAC	Regional Activity Centre
RAN	Regional Activity Network
RSS	Regional Security System
SAP	Strategic Action Programme
SIDS	Small Island Developing States
SOLAS	Convention for the Safety of Life at Sea
SPC	Secretariat of the Pacific Community
STCW – F	International Convention on Standards of Training Certification and Watch keeping for Fishing Vessels
TEU	Twenty-foot equivalent unit
UK	United Kingdom
UN	United Nations
UNGA	United Nations General Assembly
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
UNESCO	United Nations Education, Scientific and Cultural Organization
USA	United States of America
US\$	United States Dollars
UWI	University of the West Indies
WCR	Wider Caribbean Region
WHO	World Health Organization
WSSD	World Summit on Sustainable Development

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1. Introduction

Countries of the WCR¹ have committed to both sustainable development and to ocean governance. In the region, the two pursuits are interlinked. However, ocean governance in the WCR is fragmented, a consequence of the geopolitically complex nature of the region and with consequences for the preservation and protection of the Caribbean Sea, the prospects for its sustainable use and the overarching sustainable development of the region. The United Nations Convention on the Law of the Sea (UNCLOS) seeks to address governance of the oceans in an integrated way. It provides an overarching multilateral framework for ocean governance and promotes both national actions and regional cooperation among coastal States in support of its wider objectives. Several regions have adopted regional approach to ocean governance and in particular, have formulated policies to facilitate more cooperative and integrated decision-making with respect to their shared marine resources.

1.1. Scope and Objectives

This paper proposes a regional ocean policy for the WCR that provides an integrated framework for ocean governance, at the appropriate level and with the aim of fostering more informed stewardship and innovative use of the shared marine resources of the region, within the overarching context of the goal of sustainable development. A more specific task is the outline of possible policy parameters and content that would fit with the various commitments made by the coastal States of the WCR to both ocean governance and sustainable development. As a prelude to such proposals, this paper first, offers a broad survey of the WCR, as a basis for policy development. Second, an overview of current arrangements for ocean governance in the region is outlined for the purpose of assessing their merits and demerits and issue-areas of relevance to ocean governance in the WCR are outlined to show both their significance and the need for an integrated approach to their consideration and treatment.

¹ The term ‘Caribbean’ is used interchangeably with ‘Greater Caribbean,’ ‘Wider Caribbean Region’ and ‘Region’ throughout this paper. An explanation of the terms and their precise relationship is given within the discussion of the overview of the Caribbean region.

This evaluation is followed by, third, an examination of the theory of marine regionalism and also a comparative analysis of this management framework in 3 specific areas where it has occurred, to gain greater insight and possible lessons learned from these cases that could possibly be useful in formulating a regional ocean policy for the WCR. Such analysis forms the basis of proposals made in the fourth section of the paper, which include a possible mission and vision for ocean governance in the region, guiding principles to inform action, strategic priorities and actions and a set of cross-cutting tools proposed for integrated ocean governance. The paper concludes with a summary of the aforementioned sections and a series of recommendations for areas of future work.

The scope of this research is necessarily broad. The Caribbean, while often perceived as a single space, is not. The precise limits of the Caribbean Sea, including the countries bordering it, are fungible and overall, their definition is subject to the specific context in question. Ocean governance too is complex and involves myriad subjects and actors, although often referenced as a whole. Sustainable development is a polysemous concept and while touted as an overarching framework, within which all States should operate, is dynamic and subject to interpretation. Any analysis of ocean governance in the WCR must take all such factors into account and apply them appropriately to offer proposals for ocean governance in the WCR that is both relevant and appropriate to the circumstances at hand.

1.2. Methodology and Assumptions

The study was conducted primarily, on the basis of desk research and through consultations with experts working towards integrated ocean governance in the WCR. It was pursued on the premise that the WCR is an appropriate level at which to contemplate ocean governance in the Caribbean; that ocean governance in the region is fragmented and further that greater synthesis is needed to integrate its various constituent parts in pursuit of its effectiveness and ultimately, the sustainable development of the WCR. The recognition, by UNCLOS, of the need for integrated ocean governance that benefits humanity, as a whole, supports this assumption. So, too, do the various initiatives for sustainable development, including *Agenda 21* and the *World Summit on Sustainable*

Development (WSSD). The assumption is also made that an ocean policy is of value to ocean governance in the WCR, despite its obvious geopolitical complexities, which can serve to thwart the proposed action. The substantial and ongoing work of the Caribbean Large Marine Ecosystem (CLME) and Adjacent Areas Project, and most notably attempts to devise a framework for principled ocean governance in the WCR, supports this assumption.² A major limitation to this work is time. The fundamental issues involved in ocean governance, sustainable development and regional cooperation are complex and require thorough investigation to establish and connect their various intricacies. This paper seeks to make a contribution to this dynamic process.

1.3. Achievements

This study, though broad and exploratory, has nonetheless offered some important insights. It is now somewhat clearer that the shared marine resources of the WCR are fundamental to its existence and sustainable development and that ocean governance in the region, to be relevant to the preservation and sustainable use of these resources, must be considered in an integrated way, including at the regional level and through integrated decision-making. Furthermore, lessons exist on which the region can draw if collective agreement among stakeholders can be reached for the formulation of a regional ocean policy at the level of the WCR. The pursuit of ocean governance in the WCR presents a functional and useful opportunity for States of the region to work together within a wider framework of Caribbean identity and through effective mechanisms for functional cooperation to preserve and protect an important shared resource.

It is essential that mechanisms established for ocean governance in the WCR be built on the peculiarities of the region, while taking into consideration external threats and opportunities. They must be context-specific, based on strong regional institutions and should be steered through strong and informed leadership, including with multiple stakeholders. Policy commitments can facilitate more informed and focused stewardship of the marine resources of the WCR as well as their innovative and sustainable use.

² Fanning, L., Mahon, R., & McConney, P. (2011). *Towards Marine Ecosystem-based Management in the Wider Caribbean*. Netherlands: Amsterdam University Press.

Commitments made must be supplemented by action, strong leadership and broad participation. Sustainable financing is critical. The matter of integrated ocean governance in the WCR is, ultimately, a matter of societal choice. However, knowledge is required to ensure that such decisions are informed and made in the best interests of all concerned parties.▪

2. Conceptualizing Ocean Governance

Complex issues must be understood, both, as a whole and in terms of the linkages among their constituent parts. Such analysis allows for comprehension of broad concepts and themes and their interconnectedness to the overarching issue. Theoretical deconstruction, of this sort, makes analysis more manageable and provides a framework within which to consider the more substantive commentary to follow. The analytical framework offered here is subjective. It offers one opinion of the dominant themes involved in a consideration of ocean governance in the WCR, namely, sustainable development, ocean governance and regions. The first concept highlights the overarching framework to which all States of the region have agreed to cooperate,³ as does the second within the context of their ocean affairs.⁴ The latter concept of regions is an important construct through which to analyze and understand how varying States organize themselves with the aim of achieving specific objectives.

2.1. The concept of ‘sustainable development’ – what it means and what it entails

Development is a polysemous concept and suggesting that it should be sustainable only adds to this complexity. The term, as used here, is equated with strives towards progress and advancement, with the implication that sustainable development would seek to ensure such efforts support and safeguard the needs of both present and future

³ Member States of the WCR have committed to operate within a framework of sustainable development through intergovernmental processes, such as the United Nations Conference on Environment and Development (UNCED) and the World Summit on Sustainable Development (WSSD).

⁴ The majority of the countries of the WCR are contracting Parties to the UNCLOS – The Republic of Colombia, The Republic of El Salvador, The Bolivarian Republic of Venezuela and The United States of the America are not. See: Division for Ocean Affairs and the Law of the Sea. (2012). *Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements as at 07*

November, 2012. New York: United Nations. Retrieved from:

http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm

generations.⁵ Underlying this concept is the further notion of limits and the understanding that certain thresholds exist, beyond which ecological systems should not be exploited, if they are to maintain their integrity and support human society.⁶ On this basis, an inextricable link exists between the economy, the environment and human society (**Figure 1**). Human aspirations are connected to the natural space within which they take place and must reflect recognition of this intimate link.⁷ They often do not. The Secretary General of the UN, in his remarks at the UN Conference on Sustainable Development (Rio+20), held from June 20 to 22, 2012 in Rio de Janeiro, Brazil, suggests that *the continuous striving for improvement in material welfare is threatening to surpass the limits of the natural resource base unless there is a shift towards more sustainable patterns of consumption and production and resource use.*⁸

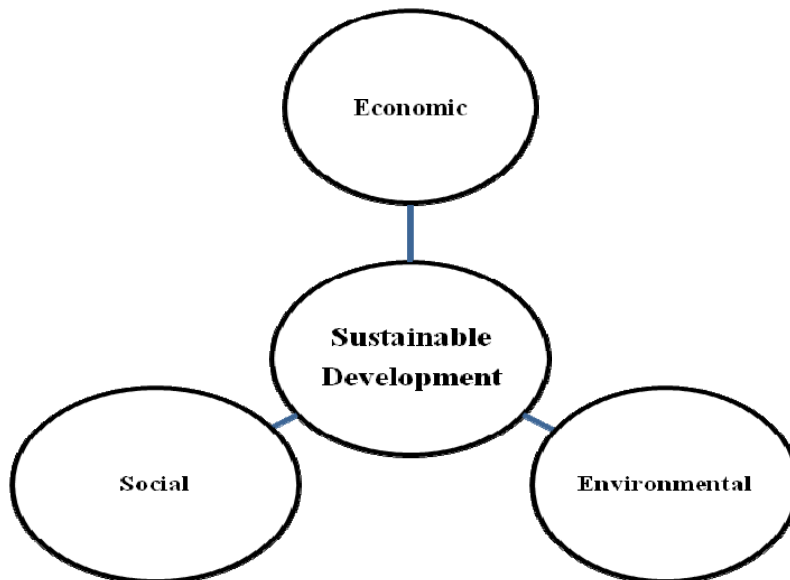


Figure 1 - Dimensions/Process of Sustainable Development

⁵ World Commission on Environment and Development. (1987). *Report of the World Commission on Environment and Development: Our Common Future*. United Nations, 41. Retrieved from: <http://www.un-documents.net/our-common-future.pdf>

⁶ *Ibid.*

⁷ *Ibid.*

⁸ United Nations System Task Team on the Post-2015 UN Development Agenda. (2012). *Realizing the future we want for all: Report to the Secretary-General*. New York: United Nations, i. Retrieved from: <http://www.uncsd2012.org/content/documents/516Realizing%20the%20future%20we%20want.pdf>

It should be added that such paradigm shifts in thinking and behavior must also be reflected with respect to ocean governance and including through integrated policymaking, which consider the marine ecosystems, as there are, as a whole. The abovementioned remarks highlight the lack of progress made by policymakers in considering system-wide implications of policies – including the lack of policies or lack of effective policy enforcement.⁹ A more integrated approach to this process is required to avoid such circumstances and to realize the multiple and often interconnected objectives of societies.¹⁰ Such an approach would require placing sustainability – and policy assessment – at the centre of policymaking and using *sustainable development as a major filter for prioritizing competing issues and for formulating and deciding on policy choices while emphasizing a culture of learning, monitoring and evaluation ... involving stakeholders and managing their dynamics at every stage.*¹¹

The need for integrated policymaking for sustainable development (**Figure 2**) has been expressed via a range of multilateral processes. A number of institutions have also sought to promote this normative framework through their various plans, programmes and processes. The *United Nations Conference on Environment and Development (UNCED)* (“*Earth Summit*”), 1992 and in particular, its work plan, *Agenda 21*, stress the importance of making sustainable development relevant to context to ensure that initiatives undertaken meet identified needs.¹² Chapter 17 of the latter mentioned work plan emphasizes the importance of the marine environment - including the oceans, all seas and adjacent coasts - to the sustainable development of Small Island Developing

⁹ United Nations Environment Programme. (2009). *Integrated Policymaking for Sustainable Development: A Reference Manual*. UNEP, 3. Retrieved from:

<http://www.unep.ch/etb/publications/IPSD%20manual/UNEP%20IPSD%20final.pdf>

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² United Nations Sustainable Development. (2009). *Preamble*. Agenda 21. United Nations Conference on Environment & Development, Rio de Janeiro, Brazil, 3 to 14 June, 1992. New York: United Nations Department of Economic & Social Affairs (UNDESA). Retrieved from:

http://www.un.org/esa/dsd/agenda21/res_agenda21_01.shtml

States (SIDS).¹³ It also outlines the shortcomings of traditional approaches to managing the marine environment for sustainability and the new possibilities offered, under UNCLOS, to integrate ocean governance and ensure its pursuit in a precautionary and sustainable way.¹⁴ The *World Summit on Sustainable Development (WSSD) 2002* built on *Agenda 21* and in particular, highlighted the need for concrete actions and quantifiable targets to implement its work programme.¹⁵ The Summit also identified SIDS as a special case for environment and development and urged the implementation and acceleration of national and regional initiatives to address the range of sustainable development issues highlighted via the UNCED process, including the need for integrated management of the oceans, at various levels, through, among other avenues, the development of policies and mechanisms to achieve this objective.¹⁶

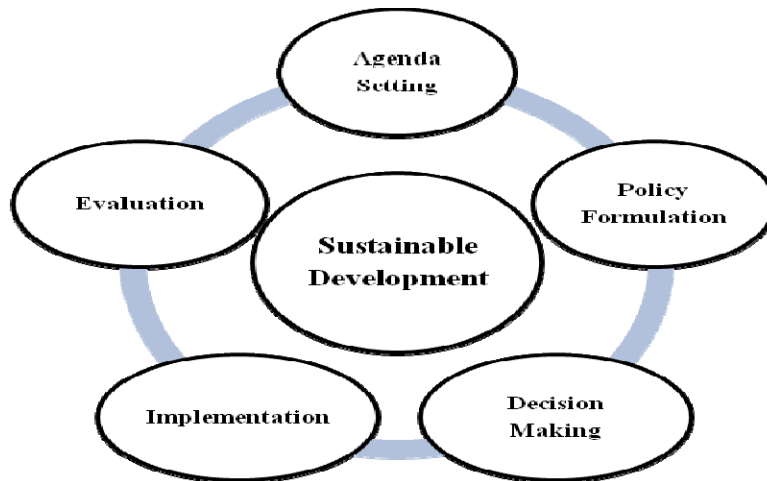


Figure 2 - Integrated Policymaking (Source: UNEP, 2009)¹⁷

¹³ *Ibid*, *Protection of the Oceans all kinds of Seas, Including Enclosed & Semi-enclosed Seas & Coastal Areas & the Protection, Rational Use & Development of their Living Resources*. Section II. Conservation & Management of Resources for Development. Chapter 17. Agenda 21. Retrieved from:

http://www.un.org/esa/dsd/agenda21/res_agenda21_17.shtml.

¹⁴ *Ibid*.

¹⁵ United Nations (2002). *Report of the World Summit on Sustainable Development*. Johannesburg, South Africa, 26 August – 4 September, 2002. Retrieved from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/636/93/PDF/N0263693.pdf?OpenElement>

¹⁶ *Ibid*, 41 – 43.

¹⁷ UNEP (2009), 7.

The pursuit of integrated policymaking requires a commitment to sustainable development and the recognition that alternative approaches may not treat adequately with the risk of isolated decision-making; the organization of resources is required to realize it and investments are required to develop the capacities needed for its actualization and application, consistently.¹⁸ There is no universal model for sustainable development. Rather, States must understand and frame plans and programmes in this regard on the basis of their idiosyncrasies and priorities. Such conceptualization must also be done with the precise recognition that the pursuit of sustainable development is a not a neutral exercise and in fact, may not leave everyone better off.¹⁹

2.2. The concept of ‘governance’ and what it means for managing the oceans

The pursuit of sustainable development requires governance. This is necessary to ensure that efforts undertaken meet goals and objectives set. There is no single meaning of governance; it too, like sustainable development, is a polysemous concept. Literally, governance means to steer.²⁰ More elaborated versions equate it with a range of actions, including government and management. Governance comprises more than is entailed in both concepts. Kooiman (2008) offers a useful conceptualization of the term by suggesting that it captures *the whole of interactions instigated to solve societal problems and to create societal opportunities, including the formulation and application of principles guiding those interactions and care for institutions that enable or control them.*²¹ By this account, governance is a meta-level operation. It emphasizes the

¹⁸ UNEP (2009), 5.

¹⁹ Pinto, C. (1994). The United Nations Convention on the Law of the Sea: Sustainable development and institutional implications. In Peter Bautista Payoyo (Ed.). (1994). *Ocean Governance: Sustainable Development of the Seas*, 5. Tokyo: United Nations University Press.

²⁰ Governance is derived from the Latin word *gubernare*, which means “to steer.” See: Sykes, J.B. (Ed.). (1976). *The Concise Oxford Dictionary of Current English*. Sixth Edition. Oxford: Clarendon Press, 462.

²¹ Kooiman, J., & Jentoft, S. (2008). Meta-Governance: Values, Norms and Principles and the Making of Hard Choices. *Public Administration* 87(4), 820. Retrieved from:
<http://ezproxy.library.dal.ca/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=poh&AN=45694486&site=ehost-live>

superstructure of rule created by both actors and the processes they create through their actions and interactions. Such high-order thinking about governance can also accommodate the power dynamics that it can involve. Governance is not neutral. It is formed and operates in a context and as such is not isolated from wider socio-economic and political paradigms and processes. Kahler and Lake (2008) note, specifically that,

[S]ince institutions shape the politics of choice and the outcomes observed, concerned parties will attempt to shape governance structures to align with their interests. That is, the politics of designing, building and overturning institutions of governance at all levels is really about policy choices.²²

Governance, itself then, needs to be governed to ensure, primarily, its legitimacy and effectiveness.²³ Meta-governance, in turn, must be based on consensus and more precisely on underlying principles and goals with which all relevant stakeholders identify and to which they can all adhere.²⁴ It must be relevant to the context, although it can be argued that fundamental tenets exist to which it must adhere.²⁵ An immediate challenge for the Westphalia state system is to remain relevant amidst burgeoning challenges to its power and authority from a series of non-State actors, all seeking legitimate input into the governance process. Globalization, by fostering greater interconnectedness across territorial boundaries, has also created gaps in traditional power structures. Consequently, while States remain the locus of power and authority within the international community, *this general rule does not hold equally for all states, in all issues, or on all occasions.*²⁶ The fundamental task is to foster modes of governance that are appropriate to context and fit for purpose.

²² Kahler, M. & Lake, D. (2008). *Globalization and Governance: Definition, Variation and Explanation*. Retrieved from: <http://asrudiancenter.wordpress.com/2008/09/25/globalization-and-governance-definition-variation-and-explanation/>

²³ Kooiman, J. & Jentoft, S. (2008), 818.

²⁴ *Ibid*, 46.

²⁵ Scholte suggests of democracy that while people have devised various ways to fulfill the various criteria, the crux of the issues rests in openness and accountability and equal and collective decision-making - which too may be honored in various ways. See: Scholte, J. A. (2000). *Globalization: a critical introduction*. New York: Palgrave, 262-263.

²⁶ *Ibid*, 267.

2.2.1. Ocean Governance

An integrated approach to governing the oceans must be a key component of sustainable development. This is especially so for Small Island Developing States (SIDS), whose ocean space in many cases accounts for the majority of their national territory. Decision-making for the oceans must also include all actors and issues relevant to their sustainable use. Oceans comprise approximately 70% of the surface of the Earth. They support many of its ecosystems and provide an important base for the sustainable livelihoods of its populations. An inclusive and integrated approach to ocean governance must reflect these facts and seek to promote and ensure the health, productivity and sustainability of the oceans for both present and future generations. The broad mandate given to international negotiators participating in the Third Conference on the Law of the Sea was to arrive at a broad treaty for the oceans capable of sustainable development.²⁷ UNCLOS, the final output produced, while not perfect, forms a political consensus among the international community on the key issues at the intersection of ocean governance and sustainable development. It has been described as *unfinished business*,²⁸ but ultimately, it is a packaged deal, outlining the rights and responsibilities of coastal States with respect to the oceans and it requires universal participation.²⁹ Ratification or accession signals the intention of Contracting Parties to abide by its provisions and namely, to pursue its goals and objectives, while not undermining its overall letter and spirit.

²⁷ United Nations General Assembly. (1970). Paragraph 2. Reservation exclusively for peaceful purposes of the seabed and the sea floor and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and use of these resources in the interests of mankind and convening of a conference on the law of the sea. A/RES/2750 C (XXV). United Nations, 25. Retrieved from:

[http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2750\(XXV\)&Lang=E&Area=RESOLUTION](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2750(XXV)&Lang=E&Area=RESOLUTION)

²⁸ Mann Borgese, E. (1986). *The Future of the Oceans: A Report to the Club of Rome*. Montreal: Harvest House, 74.

²⁹ *Ibid.*

Through it and namely, its initial parts (PARTS I – III), States have agreed to a number of maritime boundaries over which they enjoy various degrees of sovereignty and for which they must undertake specific responsibilities.³⁰ A framework of governance is also afforded to coastal States bordering closed and semi-enclosed seas, through which they can pursue cooperation on the basis of common interests.³¹ Parts XI through XV of the Convention have been deemed its more *transformational aspects*,³² to the extent that they seek to institutionalize the principle of the common heritage of mankind,³³ outline a framework for international environmental governance,³⁴ establish a regime for marine

³⁰ For example, UNCLOS grants to all coastal States, sovereignty with respect to the regulation of use of its territorial sea, which measures 12 nautical miles from the baseline. See: United Nations (1982). *Article 19*. United Nations Convention on the Law of the Sea (UNCLOS), 31. Retrieved from: http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf. Beyond and contiguous to the territorial sea of the coastal state and now extending to a limit of 24 nautical miles from the baseline is the contiguous zone, in which States are permitted to enforce national laws for the purpose of preventing violations, but over which they cannot exercise sovereignty. See: *Ibid*, *Article 33 (1) and (2)*, 35. The Convention also recognizes the archipelagic State, with its own territorial sea, based on points along its outer most islands, in close geographical proximity. See: *Ibid*, *Article 40 - 52*, 40 – 42 and the continental shelf, defined as follows: “*the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance*”. See: *Ibid*, *Article, 76 (1)*, 53. The limit of the area must be less than or equal to a distance of 350 miles from the baseline and 100 nautical miles from 2, 500 meter isobaths. *Ibid*, *Article 76 (5)*, 53.

³¹ *Ibid*, *Article 121 – 123*, 66 – 67.

³² Borgese (1986), *Ibid*.

³³ In 1970, the Twenty-Fifth Session of the UNGA declared “*the sea and ocean floor and the subsoil thereof beyond the limits of national jurisdiction – also “the area” – as well as the resources of the area*” the common heritage of mankind, to be used exclusively for peaceful purposes, not subject to appropriation nor the exercise of any right, which are incompatible with the international regime to be established to govern the area. See: United Nations General Assembly. (1970), 24.

³⁴ All States are also obliged to protect and preserve the marine environment, including through the prevention, reduction and control of pollution and through mechanisms fostering regional and global cooperation. See: United Nations (1982). *PART XII*, 98.

scientific research³⁵ and the transfer of technology³⁶ and provide a binding dispute mechanism for the resolution of conflicts between coastal States with respect to various aspects of the law of the sea, respectively.³⁷ UNCLOS is supported by various institutional layers,³⁸ including a number of complementary agreements, which began to lay the groundwork for ocean governance before its entry into force.³⁹ Its implementation depends largely on national and regional action.

The integration of people and interests is at the heart of ocean governance. It is also a fundamental aspect of the ecosystem-based management (EBM), which seeks to place the systemic nature of oceans at the heart of their management and sustainable development. An ecosystem can be thought of as *a dynamic complex of plant, animal and microorganism communities and the nonliving environment interacting as a functional*

³⁵ *Ibid*, Part XIII, 115.

³⁶ *Ibid*, PART XIV, 123.

³⁷ *Ibid*, PART XV, 127.

³⁸ Two basic approaches have been adopted for the implementation of UNCLOS, providing ocean governance with various layers of institutional support. The International Seabed Authority and its associated institution, the Enterprise will facilitate activities with respect to the non-traditional aspects of deep sea-bed mining, while a variety of UN agencies have been tasked with overseeing a plethora of more traditional marine activities which fall within their respective areas of work. The following UN agencies are considered competent *international organizations* for the purpose of implementing UNCLOS. See: United Nations (1982). *Article 278*, 129. Each competent organization is expected to facilitate the settlement of disputes within its particular area and scope exists for the designation of additional competent organizations. *Ibid*, *Annex IX, Article 7*, 194 and *Article 202*, 103. Another layer of support is achieved through “universal membership,” whose functions have direct bearing on marine activities. Among this category of agencies, includes the International Labor Organization (ILO), the World Meteorological Organization (WMO); the International Civil Aviation Organization (ICAO), the International Maritime Satellite Organization (IMSO) and the International Whaling Commission (IWC). Others not considered in this category but whose work contributes to ocean governance include, the membership and organizations falling under the supervision of the Consultative Parties to the 1959 Antarctic Treaty and a number of regional organizations dealing with fisheries, mineral exploitation, preservation of the marine environment and marine scientific research. See: Bautista-Payoyo, P. (1994), 9.

³⁹ Platt McGinn, Anne (1999). Safeguarding the Health of Oceans. *WORLDWATCH PAPER 145*, 48-51.

unit.⁴⁰ Humans are an integral part of ecosystems, which can vary in both size and complexity.⁴¹ EBM seeks to add value to the integrated and sustainable management of natural resources by emphasizing the whole of ecosystems and the need for their management at this particular level - rather than on the scale of territorial jurisdictions (**Figure 3**). It takes into account the resources, their various uses and the impacts of human activity on them as well as the cumulative effects of these interactions.⁴² EBM is critical for ocean governance, given the importance of ecosystems, *the value of the biodiversity that comprises them, the benefits they provide to the people in the form of ecosystem services*⁴³ and ultimately, *their role as the fundamental units for life support on Earth*.⁴⁴

⁴⁰ United Nations Environment Programme. Ecosystem Management. *Fast Facts*, 1. Retrieved from: <http://www.unep.org/ecosystemmanagement/Portals/7/Documents/Ecosystems-Management-Introduction.pdf>

⁴¹ *Ibid.*

⁴² Agardy, T., Davis, J., Sherwood, K., & Vestergaard, O., (2011). *Taking Steps towards Marine and Coastal Ecosystem-Based Management – An Introductory Guide*. United Nations Environment Programme, 10. Retrieved from : http://www.unep.org/pdf/EBM_Manual_r15_Final.pdf

⁴³ Ecosystem services have been described as *the benefits that people obtain from ecosystems, including through provisioning services such as food and water, regulatory services, such as regulation of floods, drought, land degradation and disease, supporting services such as soil formation and nutrient cycling and cultural services such as recreational, spiritual, religious and other non-material benefits*. See: United Nations Environment Programme. Ecosystem Management. *Fast Facts*, 1. Retrieved from: <http://www.unep.org/ecosystemmanagement/Portals/7/Documents/Ecosystems-Management-Introduction.pdf>

⁴⁴ United Nations Environment Programme. (2010). *The Role of Ecosystems in Developing a Sustainable 'Green Economy.'* UNEP Policy Series. Ecosystem Management. Policy Brief 2 – 2010, 2. Retrieved from: <http://www.unep.org/ecosystemmanagement/Portals/7/Documents/policy%20series%202%20-%20small.pdf>

Ecosystems, worldwide, are under threat.⁴⁵ The delicate balance between their constituent parts, which allows them to thrive, is being tipped continuously by a number of pressures, including anthropogenic stresses and extreme natural events.⁴⁶ Under these circumstances the application of EBM becomes critical. There is no single definition of EBM. It must be defined to fit the particular context. There is also no single path to achieving it and EBM can be considered as much an endpoint as a process.⁴⁷ It does not require the abandonment of established frameworks of governance, but *builds on existing knowledge and management structures and develops these further*.⁴⁸

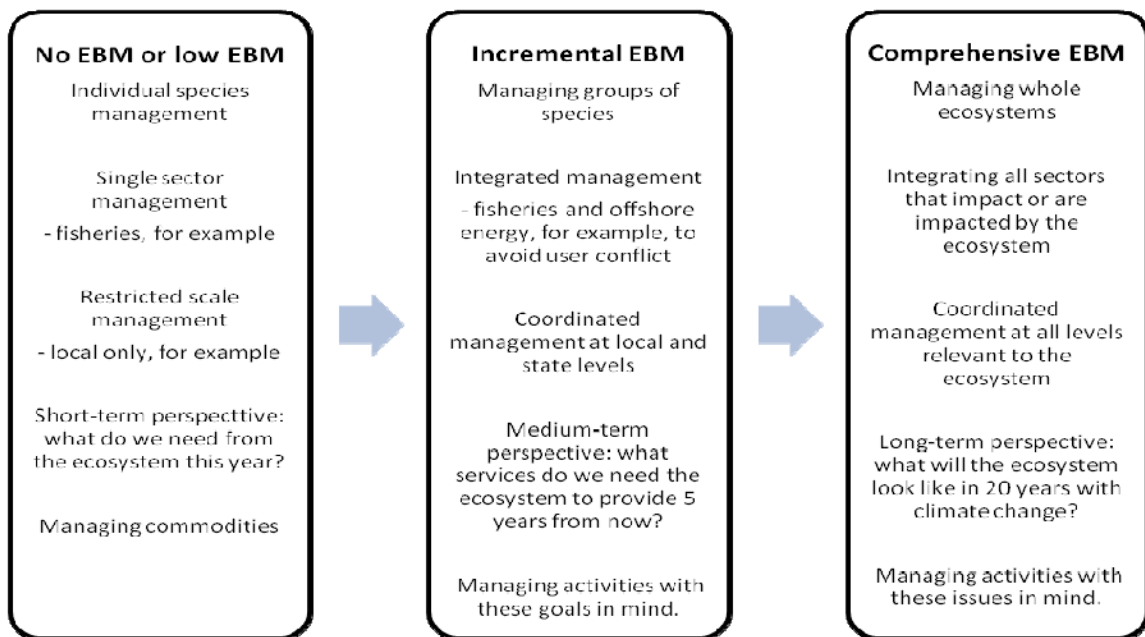


Figure 3 - The EBM Spectrum. (Source: UNEP, 2011)⁴⁹

⁴⁵ *Ibid*, 2.

⁴⁶ National Oceanic and Atmospheric Administration (NOAA). (2013). *Ocean facts*. Retrieved from: <http://oceanservice.noaa.gov/facts/ecosci.html>

⁴⁷ *Ibid*, 12.

⁴⁸ Hoel, A., H., quoted in *Ibid*, 12.

⁴⁹ *Ibid*, 12.

The designation of 64 Large Marine Ecosystems (LME) across the world is but one example of the uptake of an ecosystem approach to ocean governance. Such arrangements also showcase the utility of the regional seas approach to fostering collective action among neighboring coastal States to protect and preserve their shared marine environment. The support of such initiatives by international development funding agencies, such as the World Bank and the Global Environment Facility (GEF) is encouraging and aids in filling a crucial niche left by UNCLOS – the specific gap of funding for ocean governance. The CLME Project, funded by GEF and initiated in May 2009, supports participating countries from the WCR to improve the management of their shared living marine resources through EBM and in line with the WSSD targets set for fisheries.⁵⁰ The overall goal of the project is given as promoting the sustainable provision of the goods and services of the shared living marine resources in the WCR through robust governance.⁵¹ Actions, such as these, at the regional level, are important and must also be supplemented by similar action at the national level to implement the various provisions of UNCLOS. Greater effort must also be exerted at the multilateral level to fill the institutional gaps in global environmental governance, including those present in the intricate governance architecture established to ensure the sustainable development of the oceans.⁵²

2.3. The concept of ‘regions’ as man-made regimes

Regional cooperation is one avenue through which States can pursue common interests, including governance. The makeup of such regional arrangements, however, is not predetermined or automatically dictated by the issues or actors involved. There is no set format to which all regions adhere. As Nair suggests,

⁵⁰ See: Caribbean Large Marine Ecosystem (CLME) Project. (n.d.). *Goals and Objectives*. Retrieved from: http://www.clmeproject.org/About_CLME/Goals_and_Objectives.aspx

⁵¹ *Ibid.*

⁵² Hinds, L. (2003). Oceans governance and the implementation gap. *Marine Policy* 27, 351.

Besides negotiating with contested ideas of a region, the process of regionalism has to grapple with the dynamics that shape it an inclusionary or exclusionary project. This dynamic is the balance each multilateral regional initiative has to find between the depth of its commitments and the breadth of its membership.⁵³

Such functional complexities aside, both the existence and persistence of regional organizations, suggest an underlying belief in regionalism and more specifically, its utility. Admittedly, regional cooperation may not be warranted in every case. Yet, there is no clear or set criterion for when States should pursue it and when they instead, should go it alone. If regions can be considered regimes⁵⁴ of governance created by their actors to fulfill a particular purpose,⁵⁵ then the following analysis applies: Some realist suggests that talk of regions or regimes is simply fiction, which obscures the fundamental power politics and interests at work within the context of regimes.⁵⁶ Others suggest that regimes do matter, but only in certain cases.⁵⁷ Young (1983) considers regimes a pervasive characteristic of the international system, since patterned behavior over time generates a congruent regime.⁵⁸ Haas, Puchala and Hopkins (1983) agree that regimes are suited for a complex and interconnected world and the latter two commentators suggest that regimes are more likely to arise under conditions of complex interdependence.⁵⁹

⁵³ Nair, Deepak (2008). Regionalism in the Asia Pacific/East Asia: A frustrated Regionalism? *Contemporary Southeast Asia* 31(1), 116. doi: 10.1355/cs31-1e

⁵⁴ Krasner describes regimes as “*principles, norms, rules and decision-making procedures around which actors expectations converge in a given issue-area.*” See: Krasner, S. D. (1983). Structural Changes and regime consequences: regimes as intervening variables. In Krasner, S.D. (Ed.). (1983). *International Regimes*, 2. Retrieved from:

<http://books.google.ca/books?id=WYKBNM5zagC&printsec=frontcover#v=onepage&q&f=false>.

Keohane and Nye suggest that regimes are “*sets of governing arrangements*” that include “*networks of rules, norms and procedures that regularize behavior and controls it effects.*” See: *Ibid*, 2, quoting, Keohane, R. O., and Nye, J. S., (1977). *Power and Interdependence*. Boston: Little, Brown, 19.

⁵⁵ *Ibid*, 7.

⁵⁶ *Ibid*, 2.

⁵⁷ *Ibid*, 2. Krasner, offering a modified structural view of regimes, for instance, suggests that regimes matter but “*under certain conditions involving the failure of individual actors to secure optimal outcomes.*”

⁵⁸ *Ibid*, 1.

⁵⁹ *Ibid*, 12.

The matter of the relevance of regimes may be clarified through an understanding of their effectiveness. Young (1983) posits that while attempts to identify the simple effectiveness of regimes are rudimentary, a determination of their efficacy should be assessed in broader terms, since issue-areas are often socially constructed and therefore, subject to interpretation. Any evaluation made under these conditions would, equally, be subject to preconceived notions of what should be.⁶⁰ Young (1983) employs the Socratic Method to make the point:

Is the protection of whales an issue area in its own right, for instance, or is it merely a subset of a broader issue area encompassing human interactions with marine mammals? Alternatively, is there a case for treating marine mammals as one among a number of interrelated concerns arising in large marine ecosystems?⁶¹

Such questions are poignant and warrant careful inspection when seeking not only to define issue-areas to be addressed by regimes, but also the instruments and mechanisms to be established and leveraged under their ambit. Regional governance must match the issues to be addressed. The regime must also be sufficiently stable and resilient to attract the compliance of its membership.⁶² As Krasner (1983) notes however, while effectiveness can be measured at a specific point in time, resilience and stability is a dynamic process that attests to the ability of the system to endure over time as well as the extent to which decisions taken affect the choices to be made by constituents later.⁶³ It is clear then, that while regions matter in terms of providing a collective basis for governance among their constituents, the latter too, must play their role to ensure that the regimes created work.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, 5-6.

⁶² Krasner (1983), 2.

⁶³ *Ibid.*

3. Things as they are – the current framework of ocean governance in the WCR

A regional ocean policy for the WCR must emerge from an assessment of the region. Such an assessment will serve to ensure that policy prescriptions and plans for ocean governance proposed fit with the peculiarities, needs and aspirations of the region and overall, are relevant to its sustainable development. The following commentary offers first, clarification of the region under consideration, the WCR, second, an overview of some of its key features and lastly, a survey of its current state of ocean governance.

3.1. Defining the Caribbean region

There is no one Caribbean. What exist is various and overlapping permutations of countries located in and around the Caribbean Sea. They have been formed for differing reasons and on the basis of a range of criteria, none more accurate than the next. Overall, it is suggested that defining the area depends on the specific context.⁶⁴ This paper adopts a broad view of the region, in two ways. Firstly, it recognizes both the distinctiveness of the Caribbean LME and its connection to adjacent LMEs in the neighboring region.⁶⁵ A subsequent issue becomes the precise coastal States that are to be included within the limits of the area. This paper adopts the WCR as its geographical area and from this position proceeds to offer a broad characterization of the region, which encompasses all countries whose shores are washed by the Caribbean Sea. While primary references are made to the insular region,⁶⁶ secondary mention is also of the countries located in and

⁶⁴ Gaztambide-Geigel, A. (2004). The Invention of the Caribbean in the 20th Century: The Definitions of the Caribbean as a Historical and Methodological Problem. *Social and Economic Studies*, 53(3), 150. Retrieved from: <http://www.jstor/stable/27866381>

⁶⁵ The many ridges and sills of the Caribbean Sea establish it as a separate basin but equally, multiple passages and straits facilitates its interactions and exchanges with the Gulf of Mexico, the Atlantic Ocean and the South American continent. See: Fanning, L., Mahon, R., & McConney, P. (Eds.). (2011), 14.

⁶⁶ The insular Caribbean usually refers to the countries located along the island chain or to those which make up the Anglophone region. See: Payne, A., Sutton, P. (Eds.). (1993). *Modern Caribbean Politics*. Maryland: John Hopkins University, 2. Retrieved from:

<http://books.google.ca/books?id=qJMIv8Q1jX4C&printsec=frontcover#v=onepage&q&f=false>

around the wider Caribbean Basin.⁶⁷

3.2. *An overview of the WCR*

The WCR *extends from the mouth of the Amazon River in Brazil, through the insular Caribbean and Central America, the Gulf of Mexico and along the coast of North America to Cape Hatteras (Figure 4).*⁶⁸ It comprises 3 closely related subdivisions, namely, the reef ecosystem, the open ocean ecosystem and the continental shelf ecosystem and spans approximately 15 million kilometers square. Within it is a combination of 29 States and non-independent territories⁶⁹ with a total estimated population of 152 million.⁷⁰ The basin area, covering approximately, 7.5 million kilometers square, is home to 75 percent of the inhabitants of the region and encompasses eight major river systems.⁷¹

⁶⁷ The idea of the Caribbean Basin forms the geopolitical base of the Association of Caribbean States (ACS), established in 1994 to promote regional cooperation among the countries and territories of the Greater Caribbean. This conceptualization is in line with the geographical area of the *Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region, 1983 (Cartagena Convention)* and the more recently formulated constituency of the CLME Project. Both initiatives consider a broad definition of the region the most appropriate level at which to treat with Caribbean ocean governance and primarily within the context of EBM.

⁶⁸ Fanning, L. Mahon, R. & McConney, P. (Eds.). (2011), 14.

⁶⁹ *Ibid*, 14.

⁷⁰ Excluding populations resident in countries large parts of which are outside the basin area. See: *Ibid*, 14.

⁷¹ *Ibid*, 14.



Figure 4 – Map of the Wider Caribbean Region (WCR) – (Source: The Association of Caribbean States)⁷²

The semi-enclosed sea has a number of highly irregular geological properties, owing to its position on the Caribbean Plate. Its seafloor comprises several basins, separated by many sills, and two oceanic trenches.⁷³ The latter features of the Caribbean Sea contribute to its tectonic instability, both on land and underwater.⁷⁴ Such instability, juxtaposed with the location of the region along the North Atlantic hurricane belt, amplifies its environmental vulnerability and the threats posed to its sustainable development.⁷⁵ The geological irregularities of the Caribbean Sea also extend to the shallow sub-littoral, which can range from wide shelves off the larger islands of the

⁷² Association of Caribbean States. (2012). *Caribbean Sea Commission*. Retrieved from: <http://www.acs-aec.org/index.php?q=csc>

⁷³ The Hispaniola Trench and the Puerto Rico Trench.

⁷⁴ Agard, J.B.R., Cropper, A. (2007). Caribbean Sea Ecosystem Assessment (CARSEA). *Caribbean Marine Studies, Special Edition*, 5.

⁷⁵ It is estimated that during 2005, hurricanes claimed 4, 598 lives, affected 7 million and amassed US\$205 billion in damage in the WCR. See: Pan-American Health Organisation (2007). Health Agenda for the Americas 2008-2017. Presented by the Ministers of Health of the Americas in Panama City, June 2007, 6. Retrieved

from: http://new.paho.org/hq/index.php?option=com_content&view=article&id=1976%3Ahealth-agenda-for-the-americas20082017&catid=1546%3Akey-paho-publications&lang=en

region, adjacent to the South American continent, to narrow insular shelves surrounded by deep water along the island chain.⁷⁶ Its coastlines are highly varied, serrated by a number of gulfs and bays and ranging from coasts with steep cliffs and deeply indented bays adjacent to mountains, to flat sediment-filled coasts off major stable plates.⁷⁷ They are highly productive and are home to some of the most diverse marine habitats in the region.⁷⁸ Most islands and mainlands in the region fall precipitously to depths of 2000 meters and as such, have relatively small coastal areas. These areas, on which many coastal communities depend for livelihoods and sustenance, are at the same time, more open to human impact.⁷⁹ The result has been the degradation of these productive and valuable resources over time.⁸⁰

The coastlines of the Caribbean Sea, combined with its many internal and connecting passages and straits, position the region as a premier highway for international navigation, with cruise ships now competing with cargo vessels for berthing spots at Caribbean ports.⁸¹ It is suggested that sewage from cruise ships *adds significant extra*

⁷⁶ Agard, J.B.R., Cropper, A. (2007), 5.

⁷⁷ *Ibid*, 6.

⁷⁸ Namely beaches, coral reefs, mangroves and seagrass beds, which provide rich feeding grounds for, for example, fish, which tend to be less plentiful offshore. See *Ibid*, 6.

⁷⁹ Caribbean Environment Programme. (n.d.) *Wider Caribbean Region – Profile*, 7-8. Retrieved from: http://www.unep.org/regionalseas/programmes/unpro/caribbean/instruments/r_profile_car.pdf

⁸⁰ It is estimated that the tremendous coral reef formations in the region, which constitute 7 percent of the worldwide average have degraded by 80 percent over the last 20 years at a cost of between US\$350 million and US\$870 million annually up to 2015. Mangrove forests, which perform a number of socio-economic and environmental functions in the region, such as the provision of wood and non-wood products, eco-tourism and coastal protection against wind, waves and water currents, have decreased by about 1% per year since 1980, mainly as a result of high population pressures and infrastructural development, including aquaculture, rice and salt production. See: Agard, J.B.R., Cropper, A. (2007), 12. Dredging, coastal development and pollution from nutrients such as nitrogen have compromised seabed grasses, which, among other things, serve to stabilize sediments and provide nursery habitats for organisms. Environmental degradation and pollution of marine coastal habitats is considered one of the direct factors affecting fisheries resources in the region. See: *Ibid*, 15.

⁸¹ Cargo vessels accounted for 90 percent of the 476 ships that served the region in 2008 and constitute the

*pressure on the marine environment of the Caribbean, and further, that capital investment in Caribbean tourism is the highest in the world, relative to size, with a proportional demand for coastal infrastructure at the expense of valued ecosystems.*⁸² The impact of both events was rated as regional and slow. Ballast water is also a consideration relevant to international shipping in the WCR and particularly, when it provides a ready medium for the introduction of invasive species into its marine space. Increasingly, the latter species have been recognized for the significant threat they pose to indigenous biodiversity, second only to habitat destruction.⁸³ The transshipment of hazardous materials through the Caribbean Sea remains a concern.⁸⁴

primary mode of transport for imports and exports in the region. Competition for docking space and the expanding size of ships has prompted many countries in the region to undertake a number of port development projects, many of which entail dredging coastal channels, with the obvious implications for the marine space. Over 95 percent of ships on order are upwards of 4 000 twenty-foot equivalent unit (TEU), which would render them too large to service the Caribbean. Panama, the largest flag of registration in the world and the flag of registration with the largest fleets, has outlined plans to construct 2 new ports at Balboa and Rodman with material excavated from the Panama Canal, which is set for completion in 2014 at an estimated cost of US\$5.25 billion. Jamaica, which serves as a global hub port, via Kingston, also plans to expand its port to capitalize on the Panama Canal expansion. See: Pinnock, F. H., Ajaguana, I.A., (2012). *The Caribbean Maritime Transportation Sector: Achieving Sustainability through Efficiency. Caribbean Papers 13, 7.* The Centre for International Governance Innovation: The Caribbean Papers. Retrieved from: <http://www.cigionline.org/publications/2012/3/caribbean-maritime-transportation-sector-achieving-sustainability-through-effici>

⁸² Agard, J.B.R., Cropper, A., (2007), 20.

⁸³ Caribbean Environment Programme. (n.d.). *Marine Invasive Species*. Retrieved from: <http://www.cep.unep.org/publications-and-resources/marine-and-coastal-issues-links/invasive-species>

⁸⁴ France and the United Kingdom, which are both legitimate representatives of non-independent territories in the region are also alleged to be engaged in the transshipment of nuclear waste through the Caribbean Sea. Appeals by the region to the USA to facilitate the creation of a nuclear-free zone in the Panama Canal have yet to bear fruit and in fact could create political tensions in the region. See: Caribbean Community. (1999). *Statement on the movement of nuclear material through the Caribbean Sea*. Retrieved from: http://www.caricom.org/jsp/communications/meetings_statements/nuclear_material_caribbean_sea.jsp?menu=communications

Much about the present-day Caribbean can be understood through its past. Varying colonial powers set in place and instituted separate and isolated administrative systems across the relatively small region and together are directly responsible for the motley cultural, legal and governance arrangements that exist in the WCR.⁸⁵ The predominance of *mestizos* and mulattoes seen readily in Cuba, the Dominican Republic and Puerto Rico can be compared to the large East Indian populations in Suriname, Trinidad and Guyana and the preponderance of people of African descent throughout much of the insular region. Fortunately, the overall effect of such a mosaic of cultures is creativity, rather than prejudice. A demographical scan of the area is equally telling. 31 percent of the total population of the region lives in Colombia, 0.2 percent lives in Belize and 0.036 percent inhabit Saint Kitts and Nevis.⁸⁶ Continuous population growth is expected across the region⁸⁷ in the coming years, a trend that will no doubt add to already congested urban areas throughout the WCR.⁸⁸

⁸⁵ Payne, A. Sutton, P. (1993), 4.

⁸⁶ United Nations Economic Commission for Latin America and the Caribbean. (2011). *Statistical Yearbook of Latin America and the Caribbean*, 24. Retrieved from: <http://www.eclac.cl/publicaciones/xml/8/45608/LCG2513b.pdf>

⁸⁷ It is estimated, for instance, that the population of the insular Caribbean will reach 44 000, 000 by 2020. See: *Ibid*, 24. The countries included in this estimate include the following: Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, British Virgin Islands, Cayman Islands, Cuba, Dominican Republic, Grenada, Guadeloupe, Haiti, Jamaica, Martinique, Montserrat, Netherlands Antilles, Puerto Rico, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Turks and Caicos Islands, Trinidad and Tobago and United States Virgin Islands. See *Ibid*, 128.

⁸⁸ More than half of the current inhabitants of the region live in urban areas and this figure is expected to reach 73.5 percent by 2020. The Cayman Islands is considered a large town and 98 percent of Puerto Ricans live in city areas. See: *Ibid*, 33.

The largest segments of the populations across the Caribbean are between the ages of 0-14 and 15-34 years and the number of persons over the age of 50 is steadily rising.⁸⁹ Unemployment in Latin American and the Caribbean, as a whole for 2010, averaged 7.3%. This figure appears surprisingly moderate, especially when considered within the context of the global economic downturn of 2008 and beyond. It also masks the less than impressive unemployment rate of countries of the Caribbean, such as Barbados, Jamaica and Trinidad and Tobago, the unemployment figures for which were given as 10.8%, 12.4% and 5.8% for the 2010.⁹⁰ The WCR has also attracted the unimpressive record of being *one of the most unequal in the world, with social spending still relatively low and in some instances untargeted*.⁹¹

Poverty exists to varying degrees across the region and can be linked to a number of environmental, economic and social factors,⁹² with overall negative consequences for its sustainable development. Crime and violence in the WCR, while continuing to claim lives, also poses a significant threat to good governance in the region.⁹³ The well networked passages and straits of the Caribbean are constantly infiltrated by criminals smuggling, among other things, cocaine, between South America and North America and increasingly, European borders.⁹⁴ The illegal drugs trade is not strictly extra-

⁸⁹ *Ibid*, 33.

⁹⁰ *Ibid*, 46.

⁹¹ World Bank (n.d.). *Latin America and the Caribbean Regional Brief*. Retrieved from: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/0,,contentMDK:20340156~menuPK:258561~pagePK:146736~piPK:146830~theSitePK:258554,00.html>

⁹² PAHO (2007) considers the health of the region to be related closely with a range of socio-economic and environmental determinants, such as poverty and state of the natural environment. It also views the degenerative outcomes of crime and violence, which are also related to poverty, to be in competition with a number of communicable diseases afflicting the people of the region.

⁹³ World Bank (n.d.).

⁹⁴ It is estimated that approximately 90 percent of the cocaine entering the US, arrives via Central America from Mexico - frequently guised in containers as legitimate cargo. See: International Narcotics Drugs Control Board (2011). *Report of the International Narcotics Board for 2011*. United Nations, 55. Retrieved from: http://www.incb.org/pdf/annual-report/2011/English/AR_2011_English.pdf.

regional.⁹⁵ Many of these operations involve complex networks and techniques that capitalize on deficiencies in the border security of especially, the small islands scattered along the porous and largely unmanned borders of the Caribbean Sea and can be aided by or engendered in some instances, by corruption.

The WCR is a geopolitically complex region. Political independence, like colonialism, was conducted according to the traditions and preferences of the presiding external power. Consequently, *all countries developed parochial cultures beyond their natural insularity*⁹⁶ and a number of metropolitan and imperialist powers still exercise a measure of influence in the region. While the WCR is noted for its large number of democracies,⁹⁷ the highly centralized nature of these systems has largely precluded the establishment and institutionalization of more networked forms of governance.⁹⁸ Geo-political complexities at the national level are mirrored in the intricate web of regional governance institutions. Pockets of multiple and often overlapping regional arrangements are common in the region, reinforcing its crisis of identity and generating inefficiencies that squander scarce resources and dilute effort that could otherwise reflect its numerical strength and solidarity.⁹⁹

⁹⁵ In 2010, a vessel carrying 541 kilograms of cocaine and 3 Bahamians on board was intercepted in Cuba as it departed for Jamaica en route to its final destination, the Bahamas. Drug trafficking is also related to the illegal trade in small arms and light weapons and what some have dubbed the modern slave trade, human trafficking. See: *Ibid*, 55.

⁹⁶ *Ibid*, 5.

⁹⁷ Edie, Carlene, J. (Ed.) (1994). *Democracy in the Caribbean: Myths and Realities*. Connecticut: Praeger, 1. Retrieved from: <http://www.questia.com/library/3853328/democracy-in-the-caribbean-myths-and-realities-by-carlene-j-edie?qlid=CMO73uKAq7ICFUG8KgodeDcAhQ>

⁹⁸ See for example: Caribbean Community. (2001). *Defining the role of Civil society in Caribbean Development – A National Perspective*. Retrieved from: http://www.caricom.org/jsp/community/regional_issues/National%20Consultation%20-%20Trinidad%20and%20Tobago.pdf and Commonwealth Secretariat. (n.d.). *Good Governance in the Commonwealth Caribbean*. Retrieved from: <http://www.thecommonwealth.org/files/207717/FileName/LocalDemocracyandGoodGovernanceintheCaribbean.pdf>

⁹⁹ To illustrate, CARICOM, which is seen as the most mature form of regionalism in the Commonwealth

Such fragmentation is easily responsive to external influence. The threat of United States hegemony and ultimately, intervention is both perceived and real in the region, which is not to be overshadowed by brewing concerns regarding an increasingly unpredictable neighbor, Venezuela. Stagnant and emerging internal threats portend further fractures in regional arrangements. Longstanding boundary disputes continue to occupy space on regional policy agendas,¹⁰⁰ while the delimitation of maritime boundaries, which thus far, has resulted in at least two states utilizing the dispute settlement mechanism of UNCLOS,¹⁰¹ is yet to be addressed by the region, as a whole.

Caribbean also includes a sub-regional grouping of the Eastern Caribbean States, the Organisation of Eastern Caribbean States (OECS), of which the most easterly country Barbados is not a member. CARICOM also has wider expression in the form of CARIFORUM – the Caribbean Forum of African, Caribbean and Pacific (ACP) States – in which it is lumped together with Cuba, the Dominican Republic and before July 2002, Haiti, which before this date was not a member of CARICOM, for the administrative convenience of coordinating matters of trade with the European Union. With respect to the latter point see: Caribbean Community. (n.d.) *The Caribbean Forum (CARIFORUM) of Africa, Caribbean and Pacific States (ACP)*. Retrieved from: http://www.caricom.org/jsp/community_organs/cariforum/cariforum_main_page.jsp?menu=cob In 1994, CARICOM became a founding member of the Association of Caribbean States (ACS) to facilitate cooperation among countries whose shores are washed by the Caribbean Sea. More recently, in February, 2010, it helped to establish the Community of Caribbean and Latin American States, CELAC, which also includes Argentina, Brazil, Chile, Peru, Paraguay and Uruguay; aims to engender greater integration among the countries of the Americas and, purportedly, reduce US influence in the region.

¹⁰⁰ See: Caribbean Community. (2012). *Communiqué Issued at the Conclusion of the Fifteenth Meeting of the Council for Foreign Community Relations (COFCOR), 3-4 May, 2012, Paramaribo, Suriname*. Press Release 12/2012 (04 May, 2012). Retrieved from:

http://www.caricom.org/jsp/pressreleases/press_releases_2012/pres121_12.jsp

¹⁰¹ The Governments of Barbados and Trinidad and Tobago have already made use of the dispute settlement mechanism under UNCLOS to settle their conflicting maritime claims. See: United Nations. (2008). *Reports of the International Arbitral Awards Arbitration between Barbados and the Republic of Trinidad and Tobago, relating to the delimitation of the exclusive economic zone and the continental shelf between them, decision of 11 April, 2006*. XXVII, 147-251. Retrieved from: http://untreaty.un.org/cod/riaa/cases/vol_XXVII/147-251.pdf

Matching political independence with sustainable economic development is a perennial preoccupation of governments of the region. Their more specific aim is to transform the largely small, open and vulnerable economies through economic growth and underlying through innovation and value-added.¹⁰² The options available to them in this regard are few, given the limited natural resource base in the region.¹⁰³ It is this stark reality that led Knight and Palmer (1989) to conclude that *most of the territories possess nothing more valuable than beautiful beaches, marvelously variegated seas and a pleasant climate conducive to the promotion of international tourism.*¹⁰⁴ Yet, even in this regard, the fortunes of the countries of the region vary and overall, the calculus needs to be done to compare tourism investments and receipts with environmental damage done. The precarious state of tourism in the region was well captured in a snapshot of its performance during the period 2010 - 2011.

The Caribbean tourism industry is holding its own, remaining afloat and resilient amidst turbulence in the marketplace. Tourist arrivals to the Caribbean region remained buoyant in 2011, continuing the recovery process which began in 2010. Still, there were signs that we are not yet out of the woods, the figures revealed uneven growth among the destinations and revenue continued to lag arrivals.¹⁰⁵

For many reasons tourism in the WCR must be made sustainable. While agriculture, industry and increasingly services are said to constitute the central pillars of Caribbean economies, within the insular Caribbean especially and perhaps with the exception of Guyana, agriculture has ceased to be an engine of economic growth.¹⁰⁶ Small-scale

¹⁰² Taken as a percentage of Gross Domestic Product (GDP), the degree of openness of Caribbean economies can range from 33.6 percent in the case of Colombia, to 62.0 percent in the case of Mexico and 117 percent with respect to the economy of Saint Lucia. See: UN ECLAC (2011), 89.

¹⁰³ Knight, W., Palmer, Colin A. (Eds.) (1989). *The Modern Caribbean*, 3. Retrieved from: <http://books.google.ca/books?id=w6zg5sYCHpAC&printsec=frontcover#v=onepage&q&f=false>

¹⁰⁴ *Ibid.*

¹⁰⁵ Caribbean Tourism Organization. (2012). *Remarks by Sean Smith, Statistical Specialist CTO*. State of the Industry News Conference, CTO Headquarters, 15 February, 2012, 1. Retrieved from: <http://www.onecaribbean.org/statistics/annualoverview/>

¹⁰⁶ In 2010, agriculture - as an aggregate together with hunting, forestry and fishing – contributed only 1461.4 million dollars to the GDP of the region, as compared to the contribution made by manufacturing, 2499.3 million and services (wholesale and retail trade, hotels and restaurants, repair of goods), 7731.0

fisheries continues to be an important provisioning service within the Anglophone area¹⁰⁷ and technological developments have allowed some countries to diversify away from heavily exploited coastal fisheries to explore the largely underutilized offshore pelagics.¹⁰⁸ But outside of these developments, the approximately 2,205,470 kilometers square maritime space - compared to the overdeveloped total land area of 484,716 kilometers square - at the disposal of this sub-region is largely underutilized.¹⁰⁹ At the same time, the manufacturing sector across the region struggles to *build value into commodity exports, while addressing production capacity, modernizing infrastructure and boosting innovation.*¹¹⁰

While differences exist in the capacities and resources of States across the WCR, in general, they continue to lag behind in terms of science and technology. It has been noted that the plantation economy did not *promote technological development whether indigenously or through technology transfer mechanisms.*¹¹¹ However, the post-colonial Caribbean State has not made the necessary, minimum investments (5 percent of GDP) in

million. See: ECLAC (2011), 87.

¹⁰⁷ Agard, J.B.R, Cropper, A. (2007), 22. In 2008 Guyana, Suriname and Jamaica combined to produce an estimated 134, 138.3 tons of fish with Guyana accounting for 40.7 percent of that total. See: Caribbean Agribusiness. (n.d.). *Fisheries*. Retrieved from: <http://174.123.68.234/primary-dropdown/fisheries>. Further, Haughton suggests that fish production can contribute approximately 8 percent to the GDP of some States and within the CARICOM region provide jobs for approximately 182,000 people. See: Haughton, Milton O. (n.d.) *Fisheries Subsidy and the Role of Regional Fisheries Management Organizations: The Caribbean Experience*, 3. UNEP. Retrieved from: <http://www.unep.ch/etu/Fisheries%20Meeting/submittedPapers/MiltonHaughton.pdf>

¹⁰⁸ [Fanning](#), L., Mahon, R. and McConney, P. (2011). (Eds.), 15 -16, for example, note the shift in some countries from the use of open, outboard-powered vessels, averaging 5-12 meters in length to the use of more *modern, mid-size vessels in the 12-15 meter range, particularly for large pelagics, deep-slope fisheries and lobster and conch on offshore banks.*

¹⁰⁹ *Ibid*, 1.

¹¹⁰ World Bank. (n.d.).

¹¹¹ Economic Commission for Latin America and the Caribbean. (2002). *The Development of Science and Technology Indicators in the Caribbean*, 2. Retrieved from: <http://www.eclac.org/publicaciones/xml/6/12366/lcarg696.pdf>

science and technology.¹¹² As a result, innovation in the productive sectors is generally absent in the region.¹¹³ At the same time, economic recession continues to beset it, adding to its struggles with low growth,¹¹⁴ high debt,¹¹⁵ skewed Foreign Direct Investment (FDI)¹¹⁶ and the decreasing likelihood of receiving Official Development Assistance (ODA).¹¹⁷ Economic downturn in the WCR will undoubtedly place increasing pressure on its already limited natural resource base, including the Caribbean Sea. An integrated approach to governance is required to ensure this does not occur and in particular, that the economic and environmental concerns of the WCR can be pursued in tandem and sustainably for the benefit of the people of the region (**Figure 5**).

¹¹² This percentage was encouraged via the 1979 UN Programme for Science and Technology for Development. *Ibid*, 3. In 2007, the average rate of investment in research and development in Latin America and the Caribbean was 0.67 percent of GDP. See: Lemarchand, G. (Ed.) (2010). National Science, Technology and Innovation Systems in Latin America and the Caribbean. *Science Policy Studies and Documents in Latin America and the Caribbean 1*, 7-10. United Nations Educational, Scientific and Cultural Organization (UNESCO): Regional Bureau for Science in Latin America and the Caribbean., Retrieved from: <http://unesdoc.unesco.org/images/0018/001898/189823e.pdf>

¹¹³ Inter-American Development Bank. (2010). *Science, Technology and Innovation in Latin America and the Caribbean: A Statistical Compendium of Indicators*. IADB Science and Technology Division Social Sector Vice-Presidency for Sectors and Knowledge, 5. Retrieved from: <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=35384423>

¹¹⁴ In 2010, the rate of growth in the WCR was -0.5 percent as opposed to 4.9 percent in Latin America. See: ECLAC (2011). 89.

¹¹⁵ In 2010, the debt to GDP ratio in the region was estimated at 34.5 % with rates as low as Mexico at 18.3 percent and as high as Barbados, 109.1 percent. See: *Ibid*, 90.

¹¹⁶ All countries in the region have current account deficits and are surpassed by the wider Latin America region in terms of their ability to attract Foreign Direct Investment (FDI). *Ibid*, 93-94.

¹¹⁷ While countries such as Guyana and Haiti continue to benefit from official development assistance, such resources are either not open to other countries in the region or they are increasingly being closed off from them to be put in reserve for more needy countries. *Ibid*, 118.

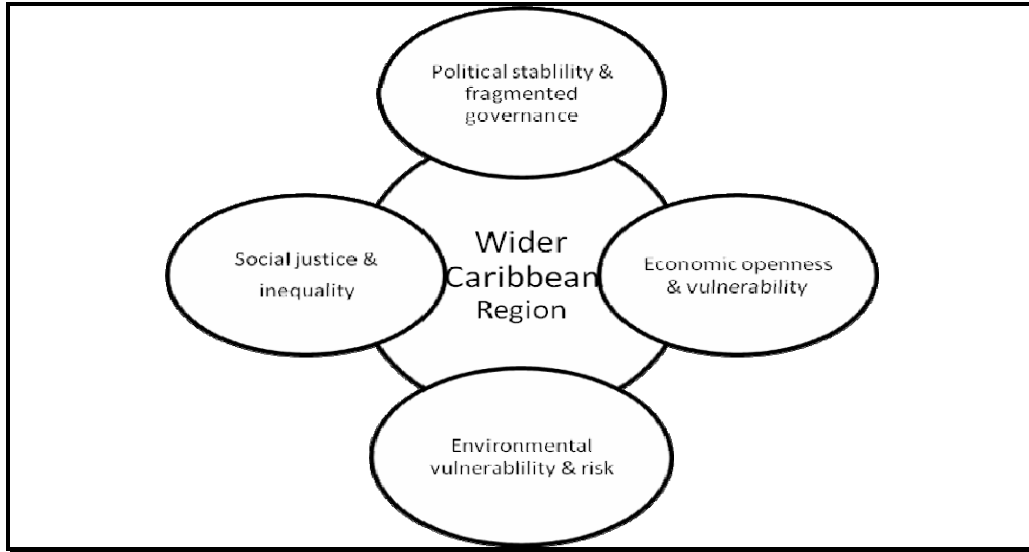


Figure 5 – Dimensions of the reality of the WCR. (Compiled by author)

3.3. *The current state of ocean governance in the WCR*

The geopolitical complexities of the WCR are reflected in its ocean governance arrangements. Myriad institutions and arrangements have been established separately to deal with various components of the Caribbean Sea on a sectoral basis. The result is a slew of related but complex, and largely disconnected actions that are often duplicated. Cumulatively, they are ineffective in adequately addressing the issues of ocean governance in the WCR, in a coherent and integrated way.¹¹⁸

¹¹⁸ Centre for Resources Management and Environmental Studies. (2011). The Emerging ocean governance regime in the Wider Caribbean Region. *Policy Perspectives*, 1. Retrieved from: https://mail-attachment.googleusercontent.com/attachment/?ui=2&ik=1c288007d6&view=att&th=138a5572ec47e1af&attid=0.1&disp=inline&safe=1&zw&saduie=AG9B_P-hWexVBC0cLDI4LmZLrIR_&sadet=1349095242925&sads=bZXsdUQ8zXrsiFQ89Oi1-zOeAsk&sadssc=1

3.3.1. The regional framework for environmental governance in the WCR

The Cartagena Convention, including its three *Protocols*¹¹⁹ treating with combating oil spills, specially protected areas and land-based sources of pollution and activities in the WCR, together form the overarching framework of environmental governance in the region. It provides the juridical basis for implementing the Action Plan of the Caribbean Environment Programme (CEP) of 1981, which established the WCR as one of 13 Regional Seas Programmes under the auspices of the United National Environment Programme (UNEP) and outlines the primary environmental concerns to be addressed by the region.¹²⁰ The CEP seeks to promote regional cooperation for the protection and sustainable development of the marine environment of the WCR.¹²¹ Its principal objectives in this regard are two-fold: 1) to minimize environmental problems through assessments and the development of appropriate management initiatives; and 2) to provide a framework for regional cooperation and capacity-building for sound environmental management. The main area in which it operates includes land-based pollution, fisheries management, critical habitats, urbanization and coastal development, agriculture and forestry, sustainable tourism, oil spills and capacity-building.¹²²

¹¹⁹ Namely, the *Protocol Concerning Co-operation in Combating Oil Spills in the WCR*, adopted in 1983 and entered into force, 11 October 1986; the *Protocol Concerning Specially Protected Areas and Wildlife (SPA) in the Wider Caribbean Region*, adopted 18 January 1990, entered into force, 18 June 2000 and the *Protocol Concerning Pollution from Land-based Sources and Activities*, adopted 6 October, 1999 and entered into force, 13 August, 2010. See: Caribbean Environment Programme. (n.d.) *About the Caribbean Environment Programme*. Retrieved from: <http://www.cep.unep.org/>

¹²⁰ United Nations Environment Programme. (n.d.) *About*. Retrieved from: <http://www.unep.org/regionalseas/about/default.asp>

¹²¹ Caribbean Environment Programme.(n.d.). *About the Caribbean Environment Programme*.

¹²² *Ibid.*

The CEP comprises a complex network of 4 financially autonomous Regional Activity Centers (RACs)¹²³ and a network of technical institutions and individuals that comprise Regional Activity Networks (RANs). These networks function to provide supervision, technical guidance and administrative oversight for the implementation of the various Protocols established under the Convention in the latter case and they also provide input, peer review and technical assistance to the various RACs.¹²⁴ A number of guidelines have been developed to guide the establishment and operations of both RACs and RANs.¹²⁵ Despite the apparent complexity of this organizational structure, both RACs and RANs are viewed by the CEP as essential for realizing the goals and objectives of the Convention *in a systematic manner, facilitating the exchange of information and technical expertise and providing the resources required for implementing project activities.*¹²⁶ The *Cartagena Convention*, though, while wider than its specific protocols, is still quite narrow in its remit for ocean governance. Further, its coordination does not take place within a wider policy framework. Lastly, its Action Plan, while still encapsulating critical issues of environmental governance in the WCR, needs to be updated, including into a more current and strategic document.

3.3.2. The case of sectoral governance in the WCR

Ocean governance in the WCR is, for the most part, fragmented. This is the case even with regards to some of the most pressing issues of the region. What follows is one

¹²³ The 4 RACs are the Regional Marine Pollution Emergency Information and Training Centre for the Wider Caribbean (REMPEITC – Caribe); the Centre for Emergency and Environmental Management of Coasts and Bays; the Institute of Maritime Affairs and the Regional Activity Centre for Specially Protected Areas and Wildlife. The RACs are located in Cuba, Curacao, Guadeloupe and Trinidad and Tobago. See: Caribbean Environment Programme.(n.d.). *About the Caribbean Environment Programme*.

¹²⁴ RANs are coordinated by the RAC in the respective area of operation, in accordance with the Memorandum of Understanding (MOU) governing relations between UNEP Caribbean Regional Coordinating Unit (CAR/RCU) and the relevant RAC. A number of guidelines have been developed to guide the establishment and operations of both RACs and RANs. See: *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ Caribbean Environment Programme. (n.d.). *Regional Activity Centres & Networks*. Retrieved from: <http://www.cep.unep.org/about-cep/regional-activity-centres>

account of such issues. Their relevance to the region can be tested by their connection to its sustainable development. Living marine resources are critical to the food security and sustainable livelihoods of the people of the WCR, but their stocks are also dwindling.¹²⁷ The costs of tourism development in the region threaten to overrun its socio-economic benefits. Disasters and climate change, while not subject to human control, pose significant threats to the existence, development and security of the WCR. The delimitation of maritime boundaries in a semi-enclosed area as condensed as the Caribbean Sea is important, but potentially messy and requires a collaborative approach to ensure balanced development, equity, peace and stability in the WCR. This list is by no means complete. It has been shortened for the purpose of brevity.

3.3.2.1. Living Marine Resources

Governance of the living marine resources of the WCR can be analyzed across 3 distinct marine ecosystems: reef ecosystems, continental shelf ecosystems and open sea or pelagic ecosystems.¹²⁸ A number and variety of institutional mechanisms and policy frameworks exist - from the national to the global level - relevant to the governance of these resources within the reef ecosystem and particularly fisheries.¹²⁹ It is normal within the WCR for Member States to designate specific Ministries with the primary responsibility of resource assessment, research, management and the regulation of these resources. However, at the level of CARICOM and the Central American sub-region and in the case of the Spanish-speaking countries within the region, resource assessment is generally undertaken at the regional level through the designated intergovernmental

¹²⁷ Fanning, L., Mahon, R., & McConney, P. (2011), 16 -17.

¹²⁸ Mahon, R., Fanning, L., & McConney, P. (2011). *Sustainable Management of the Shared Living Marine Resources of the CLME & Adjacent Regions: CLME Fisheries Ecosystems Governance: Transboundary Diagnostic Analysis*. CLME TDA Update for Fisheries Ecosystems: Governance Issues Prepared for the Caribbean Large Marine Ecosystem and Adjacent Areas (CLME) Project, Cartagena Colombia, p. 6.

Retrieved from:

<http://www.clmeproject.org/documentos/DOCUMENTATION%20CENTER/ENVIRONMENTAL%20ANALYSES/TRANSBOUNDARY%20DIAGNOSTIC%20ANALYSES/CLME%20Governance%20TDA%20with%20cover%20page.pdf>

¹²⁹ *Ibid*, 6-7.

organization.¹³⁰ It is interesting to note that the geographical scope of these organizations allows Belize to manage its reef resources through its membership in all three entities.

Research and monitoring of living marine resources is done mainly by national and regional universities and intergovernmental organizations, while integrated living marine resource management is embryonic.¹³¹ There is an absence of mechanisms to facilitate communication and collaboration among stakeholders involved in the management of transboundary living marine resources in the region, a situation exacerbated by the fragmented nature of its ocean governance.¹³² Most countries in the WCR have enacted national legislation applicable to the exploitation and management of reef fisheries, but in general, fisheries management is pursued within the context of international frameworks such as *UNCLOS*, the *UN Fish Stocks Agreement* and the *Food and Agriculture Organization (FAO) Code of Conduct*. Marine protected areas can be found across the region and a range of initiatives exist that focus on conservation, some specific only to the Spanish-speaking or English-speaking countries.¹³³

Brazil, Guyana, Suriname, Trinidad and Tobago, Venezuela and the French *department*, French Guiana, are the main countries involved in exploiting living marine resources within the continental shelf ecosystem, namely shrimp and groundfish. As such, these countries are the main participants in governance of continental shelf fisheries in the

¹³⁰ With the exception of Colombia and Cuba and namely, through namely the Caribbean Regional Fisheries Mechanism (CRFM), *Organización del Sector Pesquero y Acuícola del Istmo Centroamericano* (OSPECA) and the wider *Organizacion Latinoamericana de Desarrollo Pesquero* (OLDESPECA), respectively. See: *Ibid*, 6-7.

¹³¹ Mahon, R., Fanning, L., & McConney, P. (2011). p.7.

¹³² Centre for Resources Management and Environmental Studies. (2010). '*Ocean Governance in the WCR: Communication and Coordination Mechanism by which States Interact with Regional Organisations and Projects. The Caribbean Ocean Governance Linkages (COGLinks) Project*. Technical Report No. 40. Retrieved from: http://acuns.org/wp-content/uploads/2012/05/Mahon_2010_Ocean_governance_in_the_Wider_Caribbean_CTR_40.pdf

¹³³ Mahon, R., Fanning, L., & McConney, P. (2011), 7.

region.¹³⁴ However, the geopolitical differences between them contribute to the fragmented nature of their arrangements for coastal and marine resources management. Despite being Contracting Parties to several international environmental agreements, such as the *Convention on Biological Diversity (CBD)*, *UNCLOS* and the *Convention on Wetlands, 1971*, there is little cooperation and coordination among their efforts at marine ecosystem management and development.¹³⁵ Monitoring, control and surveillance of fisheries usually falls within the purview of the navy, air force, army or coast guard, in collaboration with the relevant national fisheries administration and executive ministry under a cooperative agreement.¹³⁶

The entry into force of *UNCLOS* in particular and the existence of a number of related binding¹³⁷ and non-binding instruments, together seek to promote an ecosystem-based approach to fisheries management. Countries are encouraged to develop and implement plans and programmes in this regard and take steps to revise national legislation where and as appropriate.¹³⁸ Further support is needed to build strong alliances in the areas of

¹³⁴ *Ibid*, 8.

¹³⁵ *Ibid*, 8.

¹³⁶ *Ibid*, 9.

¹³⁷ Two examples of binding instruments are the *1993 Convention on Biological Diversity (CBD)* and the *1995 UN Fish Stocks Agreement*. The 3 main objectives of the CBD are the 1) conservation of biological diversity; 2) sustainable use of the components of biological diversity; 3) fair and equitable sharing of benefits arising out of the utilization of genetic resources. See; *Convention on Biological Diversity*. (n.d.). *Introduction*. Retrieved from: <http://www.cbd.int/intro/> The *UN Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea of 10 December, 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* sets out the principles for the conservation and management of those fish stocks, including that they should be managed in accordance with the precautionary approach and through the use of the best available scientific evidence. See: Division for Ocean Affairs and the Law of the Sea. (2012). *UN Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea of 10 December, 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*. United Nations. Retrieved from: http://www.un.org/depts/los/convention_agreements/convention_overview_fish_stocks.htm

¹³⁸ Mahon, R., Fanning, L., & McConney, P. (2011), 10. It should be reaffirmed, here, that Colombia and Venezuela are not Contracting Parties to *UNCLOS*.

assessment and management, the harmonization of fisheries legislation, the development of a data and informational system for fisheries management, stronger monitoring, control and surveillance and greater stakeholder engagement and public awareness.¹³⁹ While in general, most countries of the WCR have legislation pertaining to the exploitation and management of living marine resources, few have adopted provisions specific to large pelagic species. As such, governance of this fishery is pursued by the region, primarily through international environmental governance frameworks.¹⁴⁰ But the commitments made by the countries here too are fragmented and overlap.¹⁴¹ In addition and despite these many efforts, the continuing exploitation of pelagic fisheries in the region has been deemed, unsustainable, with urgent attention being called to address this issue, which not only affects other fish stocks but also sustainable livelihoods and food security in the WCR.¹⁴²

¹³⁹ *Ibid*, 11.

¹⁴⁰ *Ibid*, 12.

¹⁴¹ Intergovernmental fisheries management organizations such as the International Convention for the Conservation of Atlantic Tuna (ICCAT) and the International Whaling Commission (IWC) are especially relevant to the governance of large pelagics in the WCR. 11 countries in the region are party to efforts to conserve tunas and tuna-like species in the Atlantic Ocean and its adjacent areas - 14 countries in total if, US, France and UK are included as representatives of overseas territories. See: International Convention for the Conservation of Atlantic Tuna (ICCAT). (n.d.). *ICCAT Contracting Parties*. Retrieved from: <http://www.iccat.es/en/contracting.htm>. A number of these countries are simultaneously a part of parallel efforts to conserve and tuna in the eastern Pacific Ocean through the Inter-American Tropical Tuna Commission, which also has responsibility for implementing the International Dolphin Conservation Program. See: Inter-American Tropical Tuna Commission. (2012). *Inter-American Tropical Tuna Commission*. Retrieved from: <http://www.iattc.org/HomeENG.htm>. Belize, Colombia, Costa Rica, France, Guatemala, Mexico, Nicaragua, Panama, United States and Venezuela are party to the Commission. Different countries across the region have different interests with respect to whale conservation and whaling. Perspectives range from those which emphasize and seek to promote conservation, for example, as part of wider eco-tourism thrust, while others are party to calls for an increase in quotas allowed for aboriginal subsistence.

¹⁴² Heileman, Sherry (2011). *Sustainable Management of the Shared Living Marine Resources of the Caribbean Sea Large Marine Resources of the Caribbean Sea Large Marine Ecosystem (CLME) and Adjacent Regions. Consultancy to deliver the CLME Project Causal Chain Analysis (CCA) revision, CCA gap analysis and the update of the Reef and Pelagic Ecosystem Transboundary Diagnostic Analysis (TDA)*.

3.3.2.2. Sustainable Tourism

The major role played by tourism within the context of Caribbean economies and societies dictates that it receives overwhelming attention, including from policymakers. It also means that the industry is given primordial concern in development policy and heavy investments are made, constantly, to upgrade and diversify the tourism product. The institutional structures set up to manage and promote tourism in the WCR are vast and complex. Most countries of the region have well-established national administrations dedicated to overseeing plans and activities pertaining to tourism specifically, but also to tourism-related activities such as culture, international business and transportation.¹⁴³ Nonetheless, there is the view that tourism in the Caribbean has not reached, yet, its full potential and worst, has been the cause of much environmental degradation and social alienation within societies.¹⁴⁴ Environmental phenomena, such as hurricanes and sea-level rise, are set to play an increasing role in decision-making with respect to the industry, especially within the context of burgeoning climatic changes and challenges of social justice are sure to arise where communities are asked to bear the costs of tourism development. The idea of sustainability is imperative to tourism in the region.

Prepared for the Caribbean Large Marine Ecosystem (CLME) and Adjacent Areas Project. Cartagena, Colombia.

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=7&ved=0CEgQFjAG&url=http%3A%2F%2Fwww.clmeproject.org%2Fdocumentos%2Ffreef-and-pelagics-ecosystem-tda.doc&ei=aDBbUNvIAanm0QGwl4FY&usg=AFQjCNH47bnC1Y6dnT_xjuKKzh-wW39XOw&sig2=WNYeVY1pb8QH0Vg25wckcg

¹⁴³ Caribbean Tourism Organization . (2012). *List of Ministers & Commissioners of Tourism in CTO Member Countries*. Retrieved from: <http://www.onecaribbean.org/aboutus/cbbtourismoffs/>. It also common for States to have separate statutory and, or private sector authorities and associations mandated to pursue the product development and marketing and promotional aspects of tourism. See: Caribbean Tourism Organization. (2012). *List of Directors of Tourism in CTO Member Countries*. Retrieved from: <http://www.onecaribbean.org/aboutus/cbbtourismoffs/>

¹⁴⁴ Clayton, A. and Karagiannis, N. (2008). Sustainable Tourism in the Caribbean: Alternative Policy Considerations, *Tourism and Hospitality Planning and Development*, 5(3), p. 197. Retrieved from: <http://dx.doi.org/10.1080/14790530802550344>

Governments of the WCR have endorsed the pursuit of sustainable tourism through a number of multilateral initiatives¹⁴⁵ and a number of regional efforts are also ongoing in this regard.¹⁴⁶ In most instances however, the tourism industry in the region is typified by a degree of political autonomy and where government implementation and regulation is absent or has failed, non-governmental entities have lent assistance and industry has taken the initiative to self-regulate.¹⁴⁷ A major challenge to the governance of sustainable

¹⁴⁵ The UN Conference on the Environment and Development (UNCED), 1992, endorsed the need to protect the marine and coastal environment and their resources. The Global Conference on the Sustainable Development of Small Island Developing States (SIDS) recognized the need for tourism to be properly and carefully managed, particularly through its compatibility with land-use, water management, coastal zone management and the development of parks and protected areas. See: United Nations General Assembly. UNGA. (1994). *Report of the Global Conference on the Sustainable Development of Small Island Developing States (SIDS)*. Global Conference on the Sustainable Development of Small Island Developing States (SIDS) Bridgetown, Barbados, 25 April – 6 May, 1994. Retrieved from: <http://www.un.org/documents/ga/conf167/aconf167-9.htm>. Also, the International Conference on Sustainable Tourism in Small Island Developing States (SIDS) and Other Islands, held jointly by the UN World Tourism Organization (WTO) and UNEP from 25-28, October, 1998 in Lanzarote, Spain, agreed on the need for environmental regulations, voluntary industry codes, exchange of good practices, capacity-building and resource mobilization at the regional level. See: World Tourism Organization. (1998). *Final Report*. International Conference on Sustainable Tourism in SIDS and Other Islands, Lanzarote, Spain, 25-28 October, 1998, 4. Retrieved from: <http://sdt.unwto.org/sites/all/files/docpdf/lanzarote.pdf>

¹⁴⁶ In 1989 the Caribbean Tourism Organization (CTO) was established as a forum for both governmental and nongovernmental entities interested in improving and promoting the Caribbean tourism product. See: Caribbean Tourism Organization. (2012). *CTO Objectives and benefits*. Retrieved from: <http://www.onecaribbean.org/aboutus/ctobenefits.aspx>. The primary objective of the CTO is to “provide to and through its members the services and information necessary for the development of sustainable tourism for the economic and social benefit of the Caribbean people.” *Ibid*. In June 1996, by decree of the Heads of Government of the Organization of American States (OAS), a tourism programme was established to “undertake activities and programs to strengthen support and promote tourism development in the Hemisphere.” See: Organization of American States. (2012). *Sustainable Development Program – Mandate*. OAS. Retrieved from: <http://www.oas.org/en/sedi/dedtt/tourism/mandates.asp>

¹⁴⁷ Mycoo, M. (2006) Sustainable Tourism Using Regulations, Market Mechanisms and Green Certification: A Case study of Barbados, *Journal of Sustainable Tourism*, 14(5), 491. Retrieved from: <http://dx.doi.org/10.2167/jost600.0>. For example, the Caribbean Hotel Association (CHA), through its Caribbean Alliance for Sustainable Tourism (CAST) initiative, launched in 1997, embarked on a

tourism in the WCR is limiting its environmental impact. A more specific challenge is, understanding these impacts within the limitation that *few scientific tools exist to detect the more subtle changes*¹⁴⁸ in the natural environment. Overall, there is need for greater coordination among ongoing processes and stakeholders and stricter compliance. Clayton and Karagiannis (2008) suggests that,

Caribbean governments have a range of policies and legislation to protect the environment, including protected areas, land-use planning and obligatory environmental impact analysis but sometimes these are inconsistently enforced. More could be done to encourage effective coordination between governments and to encourage new approaches such as cleaner production strategies.¹⁴⁹

3.3.2.3. Disaster Management & Climate Change

The sustainable development of the WCR cannot be divorced from the broader recognition of its increasing risk to natural hazards and disasters, as a consequence of its exposure and vulnerability to these events.¹⁵⁰ The commitment shown by stakeholders in

programme to train hoteliers on how to better utilize local natural and cultural resources while simultaneously, impressing consumers with their Green Globe Certification. See: Green Globe. (n.d.). *Green Globe Certification Standard*. Retrieved from: <http://greenglobe.com/register/green-globe-certification-standard/>. The cruise industry has also taken steps to promote sustainable tourism in the region and in particular, has undertaken action to address the issue of waste management, including through the development of environment policy guidelines. See: McHardy, P. (2000). *Sustainable Tourism Policy Framework*. Caribbean Tourism Organization, 17. Retrieved from: <http://www.google.com/url?sa=t&rc=j&q=&esrc=s&source=web&cd=3&ved=0CDMQFjAC&url=http%3A%2F%2Fwww.onecaribbean.org%2Fcontent%2Ffiles%2FSTPolicyFramework.doc&ei=x2RbUOriCqyw0QHx4IDACg&usg=AFQjCNFWZxIQNKbUmC2osXDRaf16928cGw&sig2=TMk7EwxijxGmIKySoiYQ6w>. The challenge is however, that not all Caribbean States are party to the *International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)*, and therefore are not obligated to provide the waste disposal facilities mandatory for all Contracting Parties.

¹⁴⁸ Quote from Boo, E. (1992) in Island Resources Foundation. (1996). *Tourism and Coastal Resources Degradation in the Wider Caribbean*. Retrieved from http://www.irf.org/mission/planning/Coastal_degradation.pdf

¹⁴⁹ Clayton, A. and Karagiannis, N. (2008), 199.

¹⁵⁰ UNISDR considers risk in terms of *the combination of the probability of an event and its negative consequences*. Natural hazards: *a natural process or phenomenon that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption or*

the region to addressing this particular issue, through efforts to build resilience and to prevent, mitigate, prepare for and offer constructive responses to disasters, is bolstered by the increasing acknowledgement that climate change will affect, significantly, the nature and effect of these phenomena. There is also greater awareness that public investment decisions matter to the impacts disasters have in any particular locality and as such, factoring in and applying disaster risk into governance is critical. The *Hyogo Framework of Action 2005-2015*, to which the governments of the region have agreed, forms a fundamental pillar for many disaster management initiatives in the region. The *Framework* emphasizes in particular, building resilience to disasters and more specifically, mainstreaming and integrating such efforts, upfront, into disaster management¹⁵¹ programmes and strategies.

environmental damage. Disasters: a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts which exceeds the ability of the affected community or society to cope using its own resources. Exposure entails people, property, systems or other elements present in hazard zones that are thereby subject to potential losses. Vulnerability consists of the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard. Resilience: the ability of a system, community, or society exposed to hazards to resist, absorb or accommodate to and recover from the effects of a hazard in a timely and efficient manner, including the preservation and restoration of its essential basic structure and functions. Mitigation: the lessening or limitation of the adverse impacts of hazards and related disasters. Preparedness: the knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current hazard events or conditions. Early warning systems: the set of capacities needed to generate and disseminate timely and meaningful warning information to enable individuals, communities and organizations threatened by a hazard to prepare and to act appropriately and in sufficient time to reduce the possibility of harm or loss. See: United Nations Office for Disaster Risk Reduction. (n.d.). Terminology. Retrieved from: <http://www.unisdr.org/we/inform/terminology>.

¹⁵¹ Disaster Management: “*the organization and management of resources and responsibilities for dealing with all humanitarian aspects of emergencies in particular, preparedness, response and recovery, in order to lessen the impact of disasters.*” See: International Federation of Red Cross and Red Crescent Societies. (n.d.). *About Disaster Management*. Retrieved from: <http://www.ifrc.org/en/what-we-do/disaster-management/about-disaster-management/>

The *CARICOM Regional Programme Framework 2005-2015* for disaster management recognizes this link and is informed by multilateral initiatives such as the *Barbados Programme of Action (BPOA)*, the *International Declaration for Natural Disaster Reduction*, the *Yokohama Strategy and Plan of Action for a Safer World* and the principles for comprehensive disaster loss and reduction, outlined in the *Johannesburg Plan of the Implementation (JPOI)* of the WSSD. The Framework was devised by the Caribbean Disaster Emergency Management Agency (CDEMA) of CARICOM, as part of its mandate to *make an immediate and coordinated response to any disastrous event affecting any Participating State, once the State requests such assistance*¹⁵² and gives attention to both natural and technological hazards.¹⁵³ It has links to a range of sectors, including sustainable tourism¹⁵⁴ and is complemented by an updated framework whose goal is *regional sustainable development enhanced through Comprehensive Disaster Management*.¹⁵⁵

¹⁵² Caribbean Disaster Emergency Management Agency. (2012). *CDEMA. About us*. Retrieved from: http://www.cdema.org/index.php?option=com_content&view=article&id=46&Itemid=59

¹⁵³ CDEMA concerns itself with both natural and manmade hazards, ranging from H1n1, earthquakes, epidemics, tsunamis and tropical storms to technological events such as accidents due to the production and transport of materials and technological system failures. UNISDR considers technological hazards to be: “a hazard originating from technological or industrial conditions, dangerous procedures, infrastructure failure or specific human activities that may cause loss of life, injury, illness or other health impacts, property damage, loss of livelihoods and services, social and economic disruption or environmental damage.” See: United Nations Office for Disaster Risk Reduction. (n.d.). *Terminology*.

¹⁵⁴ In February 2007 CDEMA, then CDERA entered into a formal agreement with the Inter-American Development Bank (IDB) for a grant of US\$800, 000 in support of project to establish a regional disaster management strategy for sustainable tourism. See: Caribbean Disaster Management Agency. (2012). *Comprehensive Disaster Management*. Retrieved from:

http://cdema.org/index.php?option=com_content&view=category&layout=blog&id=62&Itemid=81

¹⁵⁵ Caribbean Disaster Emergency Management Agency. (2012). *Enhanced Comprehensive Disaster Management Programme Framework 2007 – 2012*. Retrieved from:

<http://www.cdema.org/publications/CDMFrameworkInfoSheet.pdf>

Among the targeted outputs of this new approach include the establishment of a Regional Disaster Risk Reduction Network, which encompasses a Disaster Risk Reduction Centre and other centers of excellence for knowledge acquisition and sharing; the creation and enhancement of mechanisms for evidence-based decision-making and science-policy interface and the integration of disaster risk reduction into sectoral policies, laws and development planning and operations.¹⁵⁶ CDEMA has also developed model legislation for disaster risk reduction in its constituency and monitors the adoption and enforcement of the relevant laws.¹⁵⁷ There is no indication that the prescribed legislation has yet been adopted by Participating States and it is fair to assume that CDEMA faces a challenge of implementation. Nonetheless, the Member States of CDEMA are also engaged in a number of other regional arrangements, which seek to address in various ways, the issue of disasters¹⁵⁸ and the wider challenge of climate change.

The Caribbean Catastrophe Risk Insurance Facility (CCRIF) represents a mechanism to spread the risk of disasters on a regional basis, to limit the financial impact of catastrophes and provide short-term liquidity to governments when a policy is triggered.¹⁵⁹ Premiums are paid by governments in exact proportion to the amount of risk

¹⁵⁶ *Ibid.*

¹⁵⁷ Caribbean Disaster Emergency Management Agency. (2012). *About us*.

¹⁵⁸ For example, the Caribbean Catastrophe Risk Insurance Facility (CCRIF) represents a mechanism to spread the risk of disasters on a region-wide basis to limit the financial impact of catastrophes and provide short-term liquidity to governments when a policy is triggered. Premiums are paid by governments *in exact proportion to the amount of risk it is transferring to the CCRIF.*” See: The Caribbean Catastrophe Risk Insurance Facility (CCRIF) has 16 participating countries, namely, Anguilla, Antigua and Barbuda, The Bahamas, Barbados, Belize, Bermuda, Cayman Islands, Dominica, Grenada, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago and Turks and Caicos Islands. See: Caribbean Catastrophe Risk Insurance Facility. (2012). *About us*. Retrieved from: <http://www.ccrif.org/content/about-us>.

¹⁵⁹ The CCRIF has 16 participating countries, namely, Anguilla, Antigua and Barbuda, The Bahamas, Barbados, Belize, Bermuda, Cayman Islands, Dominica, Grenada, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago and Turks and Caicos Islands. See: *Ibid.*

transferred to the facility.¹⁶⁰ The Caribbean Community Climate Change Centre (CCCCC) was established in 2005 by CARICOM as a Centre of Excellence to support the region in its attempts to adapt to climate change including through *the provision of timely forecasts and analyses of potential hazardous impacts of both natural and man-induced ... and the development of special programmes for sustainable development.*¹⁶¹ In addition to the conduct of relevant projects, the CCCCC also provides data and policy advice and guidelines to CARICOM through its Secretariat and is recognized by the international community as the Focal Point within the region for all matters pertaining to climate change.¹⁶² The actions of the Centre are guided by a strategic framework and an implementation plan, which further informs its planning for climate compatible development in CARICOM.¹⁶³ The unpredictable and mercurial nature of climate change makes planning for its effects, both, necessary and difficult. The reality, too, for the countries of the WCR is that such planning while necessary, cannot adequately take into account the behavior of people in countries elsewhere and the impact that such activity could have on regional initiatives. Such uncertainty makes the CCRIF a vital instrument in the region. Undoubtedly, international assistance will also be required to supplement such a mechanism with the full understanding that all States of the region can do to address climate is seek to moderate and adjust their actions, especially with respect to their production patterns.

3.3.2.4. Maritime Security

Governance of the oceans is also about ensuring maritime safety and security. Through the International Maritime Organization (IMO) and its relevant suite of instruments, Governments, ships and ports involved in international maritime navigation have undertaken commitments to safeguard maritime transportation and travel by, among other

¹⁶⁰ *Ibid.*

¹⁶¹ Caribbean Community. (2011). *Caribbean Community Climate Change Centre (CCCCC)*. Retrieved from: <http://www.caricom.org/jsp/community/ccccc.jsp>

¹⁶² *Ibid.*

¹⁶³ *Ibid.*

things, seeking to protect ships, their passengers and crew from various unlawful acts.¹⁶⁴ Most Member States of the WCR have consented to be bound by such provisions, including through, their ratification of the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988*¹⁶⁵ and the *Protocol for the Suppression of unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, 1988*.¹⁶⁶ The region has also undertaken commitments with respect to the *Convention for the Safety of Life at Sea (SOLAS), 1974*,¹⁶⁷ the primordial instrument on maritime safety and security and its subsequent amendments enshrined in the *International Ship and Port Facility Security Code (ISPS)*.¹⁶⁸ The SOLAS Convention

¹⁶⁴ Including piracy and the smuggling of illegal drugs. See: International Maritime Organization. (2011). Maritime Security and Piracy. Retrieved from:

<http://www.imo.org/OurWork/Security/Pages/MaritimeSecurity.aspx>

¹⁶⁵ Contracting Parties to the Convention from the WCR comprise: Antigua and Barbuda, The Bahamas, Barbados, Brazil, Costa Rica, Cuba, Dominica, Dominican Republic, France, Grenada, Guatemala, Guyana, Honduras, Jamaica, Mexico, Netherlands, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago and the United States. The ratification of the United Kingdom is not applicable to its territories in the region. See: International Maritime Organization. (2012). *Status of Multilateral Conventions and Instruments in respect of which the IMO or its Secretary General Performs Depository or Other Functions as at 31 August 2012*, 405 – 407. Retrieved from:

<http://www.imo.org/About/Conventions/StatusOfConventions/Documents/Status%20-%202012.pdf>

¹⁶⁶ *Ibid.*

¹⁶⁷ Contracting Parties comprise: Antigua and Barbuda, The Bahamas, Barbados, Belize, Brazil, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Netherlands, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United Kingdom, United States and Venezuela. See: International Maritime Organization. (2012). *Status of Multilateral Conventions and Instruments in respect of which the IMO or its Secretary General Performs Depository or Other Functions as at 31 August 2012*, 18 - 20.

¹⁶⁸ The ISPS Code devised in the aftermath of the terrorist attacks of 11 September, 2001, seeks to enhance the security of international navigation by providing augmented measures for the security of ships and the ports at which they are received.¹⁶⁸ The Code, which came into force in July, 2004 details a number of mandatory requirements for Governments, ports and ships as well as guidelines for their implementation. See: International Maritime Organization. (2011). *SOLAS XI-2 and ISPS Code*. Retrieved from:

http://www.imo.org/OurWork/Security/Guide_to_Maritime_Security/Pages/SOLAS-XI-

provides the overarching framework for maritime safety and in this regard, Member States of the WCR have also consented to adopt global standards for international collisions, seafarers and search and rescue.¹⁶⁹

CARICOM, via its *Revised Treaty* has agreed to cooperate in the area of maritime search and rescue *bearing in mind such machinery as may exist for the overall coordination*¹⁷⁰ of the activity. The operational aspect of this agreement is carried out by the Regional Security System (RSS), which establishes a collective security mechanism between Barbados and the Member States of the OECS.¹⁷¹ It is noteworthy that the budget of the RSS for the period 2009 – 2010, totaled US\$4,780,848, that its total personnel was estimated at 9,300 persons in 2010¹⁷² and further, that its mandate includes a multiplicity of tasks¹⁷³ and therefore, is not limited, strictly, to the conduct of search and rescue operations.¹⁷⁴ Its activities however serve a vital function in CARICOM, where Coast Guard capacity is low and where maritime security is carried out through a number of

[2%20ISPS%20Code.aspx](#)

¹⁶⁹ International Maritime Organization. (2011). *Maritime Safety*. Retrieve from:

<http://www.imo.org/OurWork/Safety/Pages/Default.aspx>. In the latter case, governments, in conjunction with ships, must act to provide assistance to persons rescued at sea, including illegal migrants, in accordance with national and international law. See: SOLAS – Chapter V (Safety of Navigation) obligates the master of a ship to provide assistance to persons in distress at sea while the SAR Annex to the Convention places equal responsibility on Contracting Parties to assist masters of ships in the discharge of their responsibilities regarding persons in distress at sea. See: International Maritime Organization. (2011). *Trafficking or transport of illegal migrants by sea/Persons rescued at sea*. Retrieved from:

<http://www.imo.org/OurWork/Facilitation/IllegalMigrants/Pages/Default.aspx>

¹⁷⁰ Caribbean Community. (2001). *Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy*. CARICOM). Secretariat, 87. Retrieved from:

http://www.caricom.org/jsp/community/revised_treaty-text.pdf.

¹⁷¹ Regional Security System. (n.d.). *Operations*. Retrieved from: <http://www.rss.org.bb/Operations.htm>

¹⁷² Red de Seguridad y Defensa de América Latina.(n.d.). *The Caribbean: Defense and Security in the Anglophone Caribbean. The Roads to Cooperation. Special Edition*, 123. Retrieved from:

<http://www.resdal.org/atlas/atlas10-ing-09-the-caribbean.pdf>

¹⁷³ Including disaster relief and internal security. See: Regional Security System. (n.d.). *Operations*.

¹⁷⁴ Regional Security System. (n.d.). *Operations*.

collaborations with Third States and competent international organizations.¹⁷⁵ The conundrum faced by the countries of the region with respect to maritime security has been summarized, by one commentator, as follows:

The affordability consideration has ... been a constant in defense policy formation... Anglophone Caribbean countries, constrained as they are by their limited resources, have always had leaders who view alleviating the social conditions of their peoples as a foremost priority area of action... The general trend is that defense budgets have been low.¹⁷⁶

It is noteworthy that protection is now afforded to seafarers under the *International Convention on Standards of Training, Certification and Watch-Keeping for Fishing Vessel Personnel (STCW-F)*,¹⁷⁷ which entered into force on 29 September, 2012.¹⁷⁸ The document, which was signed in July 1995, seeks to provide minimum standards for the activities covered under its ambit, which Contracting Parties are expected to meet or exceed.¹⁷⁹ No Member State of the WCR has either signed or ratified the *STCW-F Convention*.¹⁸⁰ The challenge here for the region perhaps, is honoring its commitments

¹⁷⁵ *Ibid.* The United States provides technical assistance to the Anglophone Caribbean and Central America in the area of maritime security through the Caribbean Basin Security Initiative and the Central American Security Initiative, respectively. Countries also undertake capacity-building exercises among themselves. Of particular note in this regard include the Tradewinds exercises conducted between the Bahamas, Barbados, Belize, Dominica, Dominican Republic, Guyana, Haiti, Honduras, Jamaica, Nicaragua, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United Kingdom and the United States as well as the Panamax Allied Forces initiative between among others, Argentina, Belize, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Netherlands, Nicaragua, Mexico, Panama, Paraguay, Peru, United States and Uruguay in cooperation with the Central American Armed Forces Conference (CFAC). See: Red de Seguridad y Defensa de América Latina. (n.d.), 126.

¹⁷⁶ Red de Seguridad y Defensa de América Latina (RESDAL).(n.d.), 128.

¹⁷⁷ This Convention complements the *Convention on Standards for Training, Certification and Watchkeeping, 1978*.

¹⁷⁸ International Maritime Organization. (2011). *International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F)*. Retrieved from: <http://www.imo.org/OurWork/HumanElement/Pages/STCW-F-Convention.aspx>

¹⁷⁹ *Ibid.*

¹⁸⁰ International Maritime Organization. (2012). *Status of Multilateral Conventions and Instruments in*

under the Convention and namely, acting to ensure the security of both fishing personnel and their vessels, while simultaneously seeking to preserve the livelihoods of those dependent on the trade. The OECS have plans to develop a framework for *minimum safety-at-sea standards and a common approach to their implementation through technical exchange and a harmonized system of fisheries rules and regulations in relation to fishing vessels*.¹⁸¹ Technical assistance, including training, is vital to the development of maritime security in the WCR but the resources to fulfill this function are limited. As the IMO indicates,

Only a limited number of Caribbean States have established formal administrations with a nucleus of well-trained personnel. ... Accordingly, there is considerable variance in the levels of administrative, legal and technical expertise for the fulfillment of maritime responsibilities.¹⁸²

Ensuring maritime security is also a matter of international public health. In this regard, Member States of the WCR¹⁸³ have undertaken to *prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks and which avoid unnecessary interference with international traffic and trade*¹⁸⁴ under the *International Health Regulations (IHR), 2005* of the World Health Organization (WHO). The legally binding instrument, which entered into force in June, 2007, mandates Contracting Parties to

respect of which the IMO or its Secretary General Performs Depository or Other Functions as at 31 August 2012, 18 - 20.

¹⁸¹ Organisation of Eastern Caribbean States - Environment and Sustainable Development Unit. (2007).

OECS Interventions related to Maritime Security and Safety. OECS, 3. Retrieved from:

http://www.un.org/Depts/los/consultative_process/mar_sec_submissions/oecs.pdf

¹⁸² *Ibid.*

¹⁸³ Contracting Parties from the WCR comprise: Antigua and Barbuda, The Bahamas Barbados, Belize, Brazil, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, France, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Netherlands, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States and Venezuela. See: World Health Organization. (2005). *States Parties to the International Health Regulations 2005*. Retrieved from: www.who.int/ihr/legal_issues/states_parties/en/index.html.

¹⁸⁴ World Health Organization. (2005). *International Health Regulations 2005*. Second Edition, 10.

Retrieved from: http://whqlibdoc.who.int/publications/2008/9789241580410_eng.pdf

assess various public health risks and to notify the WHO *in the event of a single case of a disease that could threaten global public health security*.¹⁸⁵ Member States are expected to incorporate the various regulations into their national legislation, improve the capacities of their national health systems to function, adequately, within the global network of public health institutions and appoint National Focal Points (NFP) to cooperate with the WHO.¹⁸⁶

Countries of the WCR continue to work with the respective Pan-American Health Organization (PAHO) Offices across the Americas to implement the requirements outlined by IHR; optimize the financial and technical resources provided to build national health capacities and familiarize themselves with their rights and obligations under the legal instrument.¹⁸⁷ Such work is reflected in the programs and strategic documents designed by States under the rubric of the IHR and supported by PAHO/WHO through dedicated sub-regional work plans.¹⁸⁸ As PAHO notes however, such work is challenged by the fact that *the diverse governmental mechanisms, organizational structures and technical expertise of the sub-regional initiatives continue to be characterized by lack of clarity as for their roles and responsibilities vis-à-vis the IHR*.¹⁸⁹ There exists substantial variation in the capacity to implement IHR adequately across the region as well as differences in approaches to the implementation process.¹⁹⁰ Priority setting remains a

¹⁸⁵ *Ibid*, 12.

¹⁸⁶ World Health Organization. (2007). *A Safer Future. Global Public Health Security in the 21st Century*.

The World Health Report 2007, xiii - 64. Retrieved from:

www2.paho.org/hq/dmdocuments/2010/WHO_WHR2007.pdf

¹⁸⁷ Pan-American Health Organization. (2012). *Implementation of the International Health Regulations*, 35.

Retrieved from:

http://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fnew.paho.org%2Fhq%2Findex.php%3Foption%3Dcom_docman%26task%3Ddoc_download%26gid%3D17758%26Itemid%3D&ei=AJZIUKqPDsbv0gG2w4HICQ&usq=AFQjCNFc9Wqz7L96amQ219CplDL8kyVJ1A&sig2=aCAFSaHOQB007Tu60Ez6rw

¹⁸⁸ *Ibid*.

¹⁸⁹ *Ibid*.

¹⁹⁰ *Ibid*.

challenge as does integrating plans within national health strategies and monitoring and evaluating the success or failure of what is being implemented.¹⁹¹ Notwithstanding such challenges, 412 ports of 20 States¹⁹² within the WCR that are party to the IHR are authorized to issue Ship Sanitation Certificates as of 31 March, 2012.¹⁹³ Such accreditation, while useful, obfuscates the overwhelming reality that much attention within the WCR with respect to ports is focused primarily on port development, within the context of sustaining maritime commercial activities.¹⁹⁴ While such a focus is no doubt essential to enhance the efficiency and promote the international competitiveness

¹⁹¹ *Ibid.*

¹⁹² The relevant ports are located in Antigua, The Bahamas, Barbados, Brazil, Colombia, Cuba, Dominica, Dominican Republic, France, Guatemala, Guyana, Jamaica, Netherlands, Nicaragua, Panama, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Trinidad and Tobago, United Kingdom, United States. See: World Health Organization. (2012). *IHR Authorized Ports List*. List of ports and other information submitted by the States Parties concerning ports authorized to issue ship Sanitation Certificates under the International Health Regulations (2005), 2-95. Retrieved from: http://www.who.int/ihr/training/ihr_authorized_ports_list.pdf

¹⁹³ Pan-American Health Organization. (2012). *Implementation of the International Health Regulations*, 40.

¹⁹⁴ Both the ACS and the OAS have established work programmes treating with the ports in their respective constituencies and both agendas tend to favor, heavily, the commercial aspects of the sector. The ACS for example is seeking to enhance the international competitiveness of ports in its geographical area in high anticipation of the completion of upgrades to the Panama Canal, scheduled for 2014. See: Association of Caribbean States. (2012). *Launch of the Project: Port and Maritime Strategy of the Greater Caribbean – 21st Meeting of the Special Committee on Transport*. Retrieved from: <http://www.acs-aec.org/index.php?q=press-center/releases/2012/launch-of-the-project-port-and-maritime-strategy-of-the-greater-caribbean>. Another important project being undertaken via the ACS is the *Map of Maritime Routes of the Greater Caribbean*, which offers an updated map to commercial agents through which they can track goods and the various persons involved in international trade. See: Association of Caribbean States. (2012). *Maps of Maritime Routes of the Greater Caribbean*. Retrieved from: <http://www.acs-aec.org/index.php?q=transport/projects/maps-of-maritime-routes-of-the-greater-caribbean>. Through the OAS, the WCR is also engaged in a number of cooperative agreements which seek to enhance the ports of the America. While such agreements do include some provisions for facilitating joint efforts in port security, the overall focus of the OAS with respect to ports is geared towards their more operational aspects and primarily, keeping them functioning, including in tandem with modern technologies. See: Organization of American States. (2012). *Ports*. Retrieved from: <http://www.oas.org/en/topics/ports.asp>.

of ports in the region, such economic ambitions will hardly be attained under insecure and precarious conditions.

3.3.2.5. Maritime boundary delimitation

It can be argued that maritime boundary delimitation is, principally, a national issue.¹⁹⁵ In reality however, the close geographical proximity of States - many of which are engaged in building regional communities - and the transboundary nature of maritime affairs, makes maritime boundary delimitation one of many issues requiring inter-State consultation and cooperation, even if in a limited way. Maritime delimitation cannot be isolated and reduced to broad mathematical formulas, which do not take into account the broader context in which they are being devised. As *UNCLOS* recognizes, the apportioning of maritime boundaries, more importantly than being precise, must be fair.¹⁹⁶ It is suggested that such equity can be determined, equally, through regional

¹⁹⁵ UNCLOS permits States to claim and exercise sovereignty, sovereign rights and jurisdiction over various portions of maritime space, for which it has set broad limits and for which States also have some responsibility to protect. The resources and potential portended by these maritime zones can no doubt imbue maritime boundary delimitation between neighboring coastal States with some degree of territoriality and competition.

¹⁹⁶ Article 74(1) of the United Nations Convention of the Law of the Sea (UNCLOS) for instance, states that *The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice in order to achieve an equitable solution.* Division of Ocean Affairs and the Law of the Sea. (2001). *United Nations Convention on the Law of the Sea*. United Nations, 52. Retrieved from: https://www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm. In turn, Article 38 of the Statute of the International Court of Justice states that *The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply: a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states; b. international custom, as evidence of a general practice accepted as law; c. the general principles of law recognized by civilized nations; d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.* See: International Court of Justice. (n.d.). *Statute of the Court*. Retrieved from: http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0#CHAPTER_II. Article 15 of UNCLOS sets out that the territorial sea, for example, shall be determined on the basis of equidistance, *except where it is necessary by reason of historic title or other special circumstances to delimit the*

consultation as it can be achieved through third party arbitration. It is both curious and unsurprising that the majority of maritime boundaries delimited thus far by CARICOM are between States of the Community and metropolitan powers and other Caribbean States.¹⁹⁷ No maritime boundaries have yet been set between CARICOM and the OECS or between the latter two sets of States – despite them being part of one regional grouping.¹⁹⁸ Also of interest is the fact that such occurrences are not limited to the region. Within the South Pacific, maritime boundary delimitation is considered an *unresolved maritime issue*¹⁹⁹ to the extent that while nearly all possible maritime boundaries overlap and require delimitation,²⁰⁰ agreements have only been reached between the island States and *their more affluent neighbors*.²⁰¹ To this end and given the capacity and power differentials among these countries, the South Pacific islands have adopted a joint approach to the delimitation of maritime boundaries.²⁰²

territorial sea of the two States in another way. See: Division of Ocean Affairs and the Law of the Sea. (2001). *United Nations Convention on the Law of the Sea*, 30.

¹⁹⁷ Caribbean Community. (n.d.) *Delimitation of Maritime Boundaries within CARICOM. Development of Relevant Rules for the Delimitation of Maritime Boundaries, Including Practical Illustrations of the Operations of such Rules*, 16. Retrieved from: http://www.caricom-fisheries.com/website_content/publications/documents/Delimitation_of_Maritime_Boundaries_within_CARICOM.pdf

¹⁹⁸ *Ibid.*

¹⁹⁹ Tsamenyi, M. B. (1995). South Pacific Island States and the New Regime of Fisheries: Issues of Law, Economics and Diplomacy. In James Crawford (Ed.) (1995). *The Law of the Sea in the Asian Pacific Region: Developments and Prospects*, 138. Retrieved from: http://books.google.ca/books?id=HF1UngEPYQgC&printsec=frontcover&dq=law+of+the+sea+in+the+asia+and+pacific+region&source=bl&ots=Lu_xTdFfO9&sig=z-KLt1-wkYJRY0_kku9VGdrrHVY&hl=en&sa=X&ei=n298UIDsOqf20gGbiICwDw&ved=0CDEQ6AEwAA#v=onepage&q=law%20of%20the%20sea%20in%20the%20asia%20pacific%20region&f=false

²⁰⁰ *Ibid.*

²⁰¹ *Ibid.*

²⁰² *Ibid.*, 131 and 139. Efforts to delimit maritime boundaries are coordinated by the South Pacific Forum Fisheries Agency (FFA), which provides technical advice to the relevant States.

In some ways then, maritime delimitation can also be a matter of regional concern. Nonetheless, States of the WCR have adopted a largely national approach to the issue. The *Revised Treaty* of CARICOM provides that the Community shall collaborate with Member States in the delimitation of maritime boundaries.²⁰³ On the other hand, the *Treaty of Basseterre* empowers the OECS with legislative competence with respect to maritime jurisdiction and maritime boundaries.²⁰⁴ While *UNCLOS* indicates that States bordering enclosed or semi-enclosed seas should cooperate, it does not direct said States to act, jointly, with regard to the delimitation of their maritime boundaries. It can be argued, though, that the need for a regional approach to maritime boundary delimitation particularly, in State-congested seas is more a matter of practical necessity. The OECS has signaled the issue of maritime delimitation as a means, rather than an end, to achieving sustainable development and the protection of maritime spaces under national jurisdiction.²⁰⁵ The transboundary nature of the maritime space in the region makes a regional discourse, if not consensus, on such issues a practical course of action.²⁰⁶ A

²⁰³ Caribbean Community Secretariat. (2001). *Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy*, 39. Retrieved from: http://www.caricom.org/jsp/community/revised_treaty-text.pdf

²⁰⁴ Organisation of Eastern Caribbean States. (2012). *Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States*, 14-15. Retrieved from: <http://www.oecs.org/doc-lib/treaties-a-agreements>

²⁰⁵ Ministry of Foreign Affairs. (1996). *Report on the OECS Maritime Boundary Delimitation Process Regional Symposium Ocean Management related to Maritime Zones*. St. Lucia, July 24-25, 1996. Retrieved from: <http://hostings.diplomacy.edu/barbados/Documents/OECS.htm>

²⁰⁶ A strictly bilateral approach to maritime boundaries delimitation in the region has left a patchwork of results. If the Yucatan Channel is used as a geographical limit, some 78 maritime boundaries exist in the WCR, 23 of which have been delimited fully and 4 of the latter have been agreed, but not yet enforced. See: Carleton, C. (n.d.). *Maritime Delimitation in Complex Island Situations: A Case Study on the Caribbean Sea*. Unresolved Maritime Boundary Problems in the Caribbean. Harte Research Institute for Gulf of Mexico Studies. Texas A & M University, 11. Retrieved from: <http://losi.tamucc.edu/Panels/Panelist%20Presentations/Presentation%20-%20Mr.%20Chris%20Carleton.pdf>. Nicaragua and Honduras/Colombia have maritime boundary disputes pending before the International Court of Justice (ICJ) and the same applies to Belize/Guatemala-Honduras before the Organization of American States (OAS). *Ibid*, 11. Within the CARICOM sub-region, 8 maritime

number of maritime boundary disputes exist in the region, a plethora of negotiations have commenced to settle various delimitations, with no successful conclusion to date and a range of preparations to begin negotiation of maritime boundaries are ongoing, after being jumpstarted some time ago.²⁰⁷ Such uneven results suggest either a challenge with respect to the capacity of States to negotiate maritime boundaries, the occurrence of stalemates in relation to the deals to be brokered or both. Either way, some form of regional cooperation could facilitate progress. The agreements that have been concluded between States in the region thus far are not uniform, neither is that the expectation.²⁰⁸ An equitable result however, needs to be a livable outcome and this is where a regional opinion on the framework of equity within which maritime boundary delimitation among the States of the region should take place could prove useful. Overall, decisions taken with respect to agreements reached between States of the region could have implications for pending agreements.²⁰⁹

boundaries treaties have been concluded by independent States and 5 treaties have been concluded by the United Kingdom (UK) on behalf of its Associate Members in the Community. See: Caribbean Community. (n.d.) *Delimitation of Maritime Boundaries within CARICOM. Development of Relevant Rules for the Delimitation of Maritime Boundaries, Including Practical Illustrations of the Operations of such Rules*, 10-11.

²⁰⁷ *Ibid*, 10-16.

²⁰⁸ For example, one of the early agreements between Haiti and Cuba in 1977 used equidistance as a guiding principle and did not include the contentious issue of Navassa Island. Trinidad and Venezuela brokered an agreement which included limits to the continental shelf in 1990 and Jamaica and Colombia established an agreement in 1993, which entered into force in 1994, which created a Joint Regime Area, delimited with respect to Third States. See further: Caribbean Community. (n.d.) *Delimitation of Maritime Boundaries within CARICOM. Development of Relevant Rules for the Delimitation of Maritime Boundaries, Including Practical Illustrations of the Operations of such Rules*, 11-15.

²⁰⁹ The decision taken to derogate from the equidistance principle in the France (Guadeloupe/Martinique)/Dominica case was used as an argument by Trinidad and Tobago in its dispute resolution settlement with Barbados on the basis that former case “*entailed recognition of a departure from the equidistance line in order to avoid a cut-off.*” It was held this the same rule did not apply in the case of Trinidad and Tobago and Barbados. See: United Nations. (2007). *Reports of International Arbitral Awards, Volume 27*, 237-238. Retrieved from:

http://books.google.ca/books?id=JkDG8aa_Z4cC&pg=PA237&lpg=PA237&dq=decision+maritime+delimitation+france+dominica+martinique+guadeloupe+equidistance&source=bl&ots=YUdZiUgRlv&sig=dfxX

3.3.3. In pursuit of the sustainable development of the Caribbean Sea

In 1999, Member States of the WCR tabled a draft Resolution in the UN General Assembly (UNGA) seeking international recognition of the Caribbean Sea as a ‘*special area*’ within the context of sustainable development.²¹⁰ The proposal sought to articulate a vision for governance of the LME [*N*]ot by reference to any single mode of use or abuse of that sub-oceanic basin, but in the comprehensive context of sustainable development²¹¹ (Figure 6). It was a clear recognition of the lack of coordinated effort to manage the Caribbean Sea, despite a plethora of national and regional mechanisms established for this purpose.²¹² The instrument sought to build on both the *Cartagena Convention* and the special area designation of the Caribbean Sea under *MARPOL 73/78*, which on a whole were considered useful, but too narrow in scope to craft

A modern, comprehensive instrument that would establish the special area ... with all its appurtenant elements in both legal as well as operational term ... and would meet the requirements of defining the concept, the management of common resources and resolving shared problems.²¹³

The broad idea was grounded in the *BPOA* and in particular, its paragraph 25 on the oceans, informed by the *Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA)* of UNEP and framed within the context

[3cBscZmlhiTBNWX6_UXqB4&hl=en&sa=X&ei=nF18ULzDM4mu0AGdiICICA&ved=0CDIQ6AEwAw#v=onepage&q=decision%20maritime%20delimitation%20france%20dominica%20martinique%20guadeloupe%20equidistance&f=false](https://www.eclac.org/publications/3cBscZmlhiTBNWX6_UXqB4&hl=en&sa=X&ei=nF18ULzDM4mu0AGdiICICA&ved=0CDIQ6AEwAw#v=onepage&q=decision%20maritime%20delimitation%20france%20dominica%20martinique%20guadeloupe%20equidistance&f=false)

²¹⁰ Economic Commission for Latin America and the Caribbean. (2002). *Proposal for the Caribbean to be recognized as a special area in the context of sustainable development of Caribbean countries*. ECLAC, 1. The “Special Area” means “*the semi-enclosed sea, including its resources and appurtenant coastal areas, which for acknowledged technical reasons relating to its oceanographic and ecological conditions requires the adoption of special measures, which are consistent with international law, for its preservation and sustainable development, with due regard to economic, social and environmental parameters.*” See: Association of Caribbean States. (2007). *Operating Statutes and Rules of Procedure of the Caribbean Sea Commission*, 1.

²¹¹ ECLAC (2002), 3.

²¹² Ramphal, S. (1994). *Time for Action: Report of the West Indian Commission*. Kingston: University of the West Indies Press, 37.

²¹³ ECLAC (2002), 7.

of *UNCLOS* and its Article 123 on cooperation among coastal States bordering semi-enclosed seas. The proponents of the draft resolution were certain of key factors concerning it from the outset: A practical approach to the management of the Caribbean Sea would *construe islands and the marine areas under their jurisdiction as a single unit*²¹⁴ for development purposes; the concept desired would need to be further defined; costs would need to be budgeted; a plan of action drafted and the necessary political support garnered to realize the goal of the special area. Opinions vary on the merits and demerits of the special area proposal and the reasons for its rejection by the international community. From the perspective of the UNGA, while an integrated approach to management of the Caribbean Sea was required, a special area designation was unnecessary.²¹⁵

Excerpt from UNGA RES/65/155

Cognizant of the importance of the Caribbean Sea to present and future generations and to the heritage and the continuing economic well-being and sustenance of people living in the area and of the urgent need for the countries of the region to take appropriate steps for its preservation and protection, with the support of the international community.

Recognizes that the Caribbean Sea is an area of unique biodiversity and a highly fragile ecosystem that requires relevant regional and international development partners to work together to develop and implement regional initiatives to promote the sustainable conservation and management of coastal and marine resources, including the consideration of the concept of the Caribbean Sea as a special area in the context of sustainable development, including its designation as such in accordance with international law.

Figure 6 - Excerpt from A/RES/65/155, 'Towards the Sustainable Development of the Caribbean Sea for present and future generations'

Since 1999 and the adoption of UNGA Resolution *A/RES/54/225, Promoting an integrated management approach to the Caribbean Sea within the context of sustainable development*, on December 20, 1999, 8 iterations of the resolution have been adopted by the General Assembly. Only slight modifications have been made to the various instruments and the special area designation is yet to be granted. Via the adoption of Resolution, *A/RES/63/214, Towards the sustainable development of the Caribbean Sea*

²¹⁴ ECLAC (2002),7.

²¹⁵ Ministry of Foreign Affairs and Foreign of Barbados. (1994). *Brief on the Caribbean Sea Initiative*, 3.

for present and future generations, in 2008, the ACS reports to the UNGA on the work done to further develop the special area concept and in particular, outline its legal and financial implications. The region is yet to complete this task, although efforts to do so are ongoing.

3.3.3.1. Caribbean Sea Commission (CSC)

The CSC was established in 2008 by the Ministerial Council²¹⁶ of the ACS as a structured mechanism through which work to promote and develop the CSI could be pursued.²¹⁷ More precisely, it aims to foster greater public awareness of the importance of the Caribbean Sea, its resources and potential to the development of the region; establish a forum to discuss issues pertaining to its uses and related activities; enhance the social and economic development of the region through a policy for integrated ocean management and design the legal framework for regional and international acceptance of the special area for the Caribbean Sea.²¹⁸ Its priority fields of cooperation include marine science, ocean services and marine technology, living resources, non-living resources, ocean law, policy and management, tourism, marine transport and communication, marine environment and other fields relevant to co-operation in marine affairs.²¹⁹ It comprises both national representatives and expert members and it reports directly to the Ministerial Council on progress made with respect to its mandate.²²⁰ Since its establishment, the Commission has developed a suite of structures and arrangements to support it in its operations.²²¹ These include 3 Sub-Commissions – established in the

²¹⁶ The Ministerial Council of the ACS is the principal Organ for policymaking and direction of the ACS. See: Association of Caribbean States. (2012). *Convention Establishing the ACS*. Retrieved from: <http://www.acs-aec.org/index.php?q=about/convention-establishing-the-association-of-caribbean-states>

²¹⁷ Association of Caribbean States (2007). *Operating Statutes and Rules of Procedure of the Caribbean Sea Commission (CSC)*, 2.

²¹⁸ *Ibid*, 2.

²¹⁹ *Ibid*, 3.

²²⁰ *Ibid*, 3 and 6.

²²¹ Association of Caribbean States. (2009). *Draft Rapporteur's Report*. Conference on the Institutionalisation of and International Cooperation by the Caribbean Sea Commission, Port of Spain, Trinidad and Tobago, August 6-7, 2009.

scientific and technical, governance, public information and outreach and legal spheres – whose main function is to acquire and synthesize information relevant to ocean governance in the region.

Together, it is envisaged that they will enable the Commission to fulfill a key policy function within, but also at the pinnacle of, the regional ocean governance architecture of the WCR, thereby helping to form *a framework of nested policy cycles, at multiple levels and with linkages among them* (Figure 7)²²²

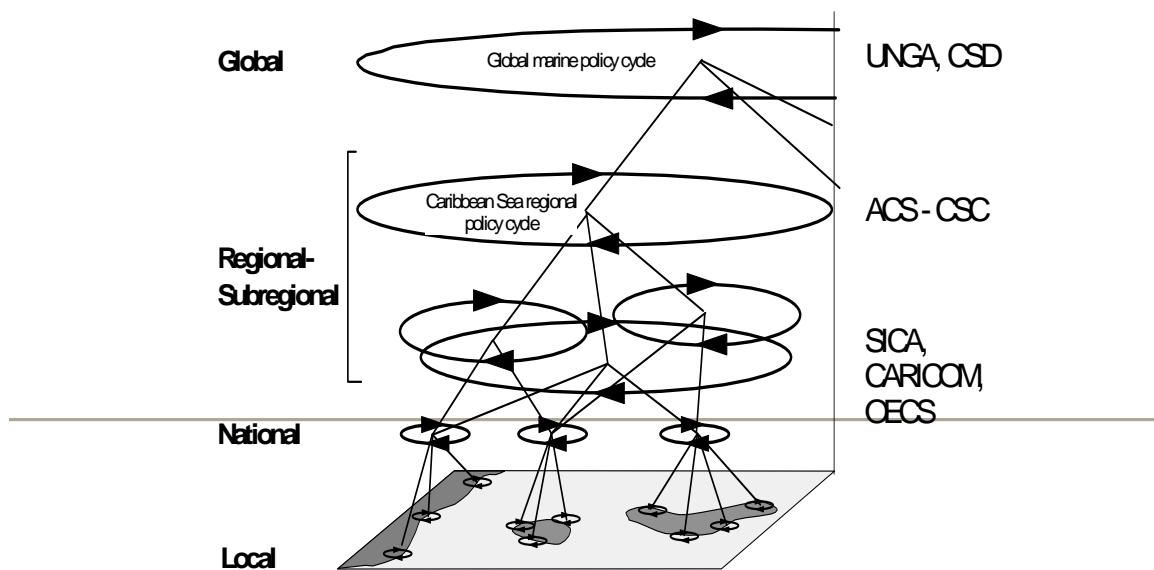


Figure 7 - The concept of a multi-scale governance framework for Caribbean ocean governance showing the position of the CSC as a regional policy cycle²²³

A major challenge for the Commission is to operationalize itself, fully. In particular, its membership must empower it to function to consider pertinent issues of ocean governance in the WCR and provide the policy advice required for Ministers to take the

²²² Centre for Resources Management and Environmental Studies. (2011). *Operationalisation of the Caribbean Sea Commission*. A Concept Paper for procurement of funding for the first four years of operation. Prepared for the Association of Caribbean States, 2.

²²³ Source: *Ibid.*

appropriate action, with feedback on decisions made to stakeholders in the region.²²⁴ It is proposed that the implementation of the CSC be pursued through an initial project of 4 years, with a preliminary focus on living marine resources and with linkages to other sectoral linkages.²²⁵ 3 major actions are required, including the establishment of the Secretariat for the CSC, a Data and Information function and a science-policy interface.²²⁶

These critical steps together focus on engaging policymakers and providing them with the information and advice required for effective policy-making for the oceans.²²⁷ Overall, the CSC is aimed at making *best use of the full range of information and expertise available to the region by creating an effective network.* (Figure 8)²²⁸

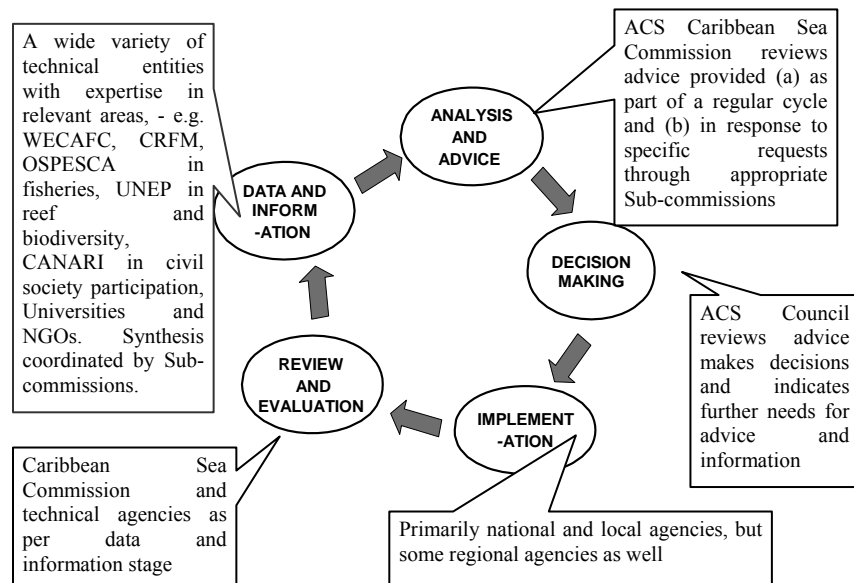


Figure 8 - The regional level policy cycle formed by the CSC and the ACS Ministerial Council²²⁹

²²⁴ *Ibid*, 1.

²²⁵ Such as fisheries, tourism and considerations of climate change. See: *Ibid*, ii.

²²⁶ *Ibid*.

²²⁷ *Ibid*, ii – iii.

²²⁸ *Ibid*, 1. Such networking can be used to foster greater linkages among the various functional work programmes of the ACS and between these areas and the work of the CSC, as well. Connecting the operations of the Association in this way could provide a rationalization of functions and the coherence and relevance required to enhance the relevance of the ACS to its Member States.

²²⁹ Source: *Ibid*.

The estimated cost of operationalizing the Commission is US\$ 1.5 million and includes the implementation of its various components (**Figure 9**).²³⁰ Regional stakeholders have considered and endorsed the institutional structure proposed for the CSC and have also provided ideas on how its value can be enhanced for more effective ocean governance in the region.²³¹ Such endorsement will need to be broad-based, including international partners of the region, to ensure the effective functioning and overall sustainability of the CSC. The imperatives of both intra-regional and international cooperation in the governance of the Caribbean Sea has been realized, given the multiple actors and interests involved in ocean governance in the WCR.²³² Regional cooperation and international diplomacy, therefore, form an important pillar of the work of the CSC.

²³⁰ *Ibid*, iii.

²³¹ *Ibid*, ii. Such input was garnered via the ‘Experts consultation on operationalizing the Caribbean Sea Commission (CSC),’ held July 7-9, 2010 at the University of the West Indies, Cave Hill Campus, Barbados. Conclusions reached by participants included that 1) The Caribbean Sea is a common shared resource and that the function of the CSC should be to oversee and promote its sustainable use as a whole; 2) considerable expertise and information is available with various groups present but seldom used by decision-makers; 3) the likely reason is that many sources are unconnected to science-policy interfaces; 4) there is the need for a regional science-policy interface; 5) the CSC should focus on the connection between science, policymaking and policy coherence at the regional level; 6) the proposed structure was work with modifications; 7) they were committed to working together to build this interface. Recommendations made included: 1) the CSC can promote cooperation at both regional and national levels by facilitating networking among existing formal bodies and promoting mechanisms needed to build consensus at national and regional levels; 2) national level inputs and engagement are critical for success; 3) clear planning is required; 4) legal arrangements are important, including a legally binding instrument; 4) dedicated financial and human resources are essential; 5) several key principles are required for success, including: transparency, open access to/sharing information, inclusivity, efficiency and effectiveness; 7) distributed rather than a centralized repository for information is required; 8) communication will be key for success and 9) capacity-building is essential for success. See: Association of Caribbean States. (2010). *Expert Consultation on Operationalization of the Caribbean Sea Commission (CSC). Building a science-policy interface for ocean governance in the Wider Caribbean*, 3-4.

²³² Association of Caribbean States (2009). *Draft Rapporteur’s Report*. Conference on the Institutionalization of, and International Cooperation by the Caribbean Sea Commission, Port-of-Spain, Republic of Trinidad and Tobago, August, 6-7, 2009, 11.

Activity	Year 1	Year 2	Year 3	Year 4	Total
Establish operate Secretariat					
Executive Secretary	80,000	80,000	80,000	80,000	320,000
Secretary	40,000	40,000	40,000	40,000	160,000
Information/communications Officer	70,000	70,000	70,000	70,000	280,000
General operating costs	12,000	12,000	12,000	12,000	48,000
Equipment/furnishings	30,000	2,000	2,000	2,000	36,000
Establish operate data network	80,000	10,000	10,000	10,000	110,000
Travel	8,000	8,000	8,000	8,000	32,000
Subtotal	320,000	222,000	222,000	222,000	986,000
Sub- commission meetings					
<u>Technical/scientific</u>					
Meetings	25,400	25,400	25,400	25,400	101,600
Technical inputs	10,000	10,000	10,000	10,000	40,000
<u>Governance/communications</u>					
Meetings	25,400	25,400	25,400	25,400	101,600
Technical inputs	10,000	10,000	10,000	10,000	40,000
<u>Legal</u>					
Meetings	25,400	25,400	25,400	25,400	101,600
Technical inputs	10,000	10,000	10,000	10,000	40,000
Subtotal	106,200	106,200	106,200	106,200	424,800
CSC meetings					
Technical participation	20,400	20,400	20,400	20,400	81,600
Overall total	446,600	348,600	348,600	348,600	1,492,400
Cofinancing inputs					
Sub-Commission inputs (members time)					
Technical	80,000	80,000	80,000	80,000	320,000
Governance/communications	44,000	44,000	44,000	44,000	176,000
Legal	32,000	32,000	32,000	32,000	128,000
CLME Commitment	30,000	30,000	30,000	30,000	120,000
Partners providing data/information					>2,000,00
	>500,000	>500,000	>500,000	>500,000	0
Subtotal					>2,744,00
	>686,000	>686,000	>686,000	>686,000	0

Figure 9 - Projected estimated cost in US\$ of establishing and operating the CSC data and information mechanism for an initial four-year period²³³

²³³ Source: Centre for Resources Management and Environmental Studies. (2011). *Operationalization of the Caribbean Sea Commission*, 4.

3.3.4. Emerging Issues

Ocean governance in the WCR must also treat with a number of issues whose importance may not be clear, immediately. The particular topics mentioned here are considered ready for the attention of policymakers either because they take on a nuanced form of traditional issues or because they form new uses of the marine environment and therefore hold the potential for policy debate in the near future.²³⁴ Ocean fertilization, carbon sequestration, renewable energy and submarine cables²³⁵ may all have implications for the region and therefore require some consideration.

3.3.4.1. Geo-engineering

The first two issues can be classified as subthemes of larger concerns regarding geo-engineering. While dealt with separately in some quarters, they together constitute human attempts to deliberately intervene in and manipulate the planetary environment to the extent and scale capable of counteracting, or at least mitigating, the effects of increasing climate change.²³⁶ While emerging as a topic of much international public policy discussion, the reality is that there are mixed emotions with respect to such techniques.²³⁷

²³⁴ The issues here have also been identified by the Secretary General of the UN in this 2011 report on the oceans and the law of the sea as new uses of the marine environment. See: United Nations General Assembly. (2011). *Oceans and the law of the Sea. Report of the Secretary General of the United Nations*. A/66/70, 23. Retrieved from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/273/37/PDF/N1127337.pdf?OpenElement>

²³⁵ *Ibid*, 24-27.

²³⁶ Secretariat of the Convention on Biological Diversity. (2012). *Geo-engineering in Relation to the Convention on Biological Diversity: Technical and Regulatory Matters*. Technical Report No. 66, 8. Retrieved from: <http://www.cdb.int/doc/publications/cdb-ts-66-en.pdf>. Geo-engineering, so construed, is seen as a third option for tackling global warming, complementing the more conventional approaches of mitigation and adaptation.

²³⁷ Proposals in favor of ocean fertilization, for example, which offer to *stimulate plant production and hence CO² uptake from the atmosphere and the deposition of carbon in the deep ocean*, (See: *Ibid*, 9) must be considered in tandem with findings, which suggest that such intervention transform, in unpredictable and unintended ways, the structure of ecological communities, with wider implications for the food web. See: Howarth, R., Anderson, D., Cloern, J., Elfring, C., Hopkinson, C. Lapointe, B., Malone, T. ... Walker, D. (2000). *Nutrient Pollution of Coastal Rivers, Bays and Seas*. (7), 4. Retrieved from:

Nutrients have been ranked as the second most important form of pollutant source category in the WCR. Large portions of the Gulf of Mexico, which have been overwhelmed by hypoxia, are now considered dead zones.²³⁸ Efforts to address such issues in the WCR are pursued under the *Cartagena Convention* and its relevant *Protocols*, but there is no international convention providing an overarching framework for ocean fertilization – unless a consensus can be reached on it being a source of pollution. There is general concurrence that effective human intervention into the atmosphere of the Earth is not an option, as yet and further, that *there is no single geo-engineering approach that currently meets all three basic criteria for effectiveness, safety and affordability*.²³⁹

The UNGA has indicated, clearly, the need for a precautionary approach to proposals for geo-engineering, suggesting that said proposals should be analyzed on an individual basis; that they should be subject to a regulatory framework and undertaken only on the basis of scientific evidence.²⁴⁰ Notwithstanding such cautioning, there remains unilateral interest in pursuing geo-engineering techniques. Such desires, and specifically those pertaining to carbon sequestration, have been enabled via an amendment to Article 6 of the *Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 and 1996 Protocol Thereto (London Protocol)*. The new language of the *Protocol* outlines that *the export of carbon dioxide streams for disposal in accordance with Annex 1 may occur, provided that an agreement or arrangement has been entered into by the countries concerned*,²⁴¹ and notwithstanding paragraph 1, which stipulates

<http://cfpub.epa.gov/watertrain/pdf/issue7.pdf>

²³⁸ Caribbean Environment Programme. (n.d.). *Nutrients*. Retrieved from :

<http://www.cep.unep.org/publications-and-resources/marine-and-coastal-issues-links/nutrients>

²³⁹ Secretariat of the Convention on Biological Diversity. (2012). *Geo-engineering in Relation to the Convention on Biological Diversity: Technical and Regulatory Matters*. Technical Report No. 66, 9. Retrieved from: <http://www.cdb.int/doc/publications/cdb-ts-66-en.pdf>

²⁴⁰ United Nations General Assembly. (2011). *Oceans and the law of the Sea. Report of the Secretary General of the United Nations*, 24.

²⁴¹ International Maritime Organization (2011). *Resolution LP. 3 (4) on the Amendment to Article 6 of the London Protocol (adopted 30 October 2009) The Fourth Meeting of Contracting Parties to the 1996*

that *Contracting Parties shall not allow the export of wastes or other matter to other countries for dumping or incineration at sea.*²⁴²

It can be argued that geo-engineering, in some sense, has been legitimized as a feasible and appropriate approach to global environmental governance, soon to be followed, no doubt by more far-reaching attempts to test the merits of its various techniques. Such probabilities raise concerns with respect to global governance. It is not likely that the small states of the WCR will be either sponsoring or participating in geo-engineering exercises and if such powers remain concentrated at the unilateral level, it is not unrealistic to propose that they will nonetheless, be affected by these events over which, they have little to no control and for which they is yet no regulatory framework.

3.3.4.2. Ocean-related energy

While geo-engineering may not be an immediate option for the States of the WCR, they continue to play their part to find strategies to mitigate and adapt to climate change. In particular, efforts are ongoing to find sustainable paths to cleaner energies. Oceans and in particular, tidal, wave and ocean thermal energy have been proposed among the mix of viable alternatives available to the region. Traditionally, the development of renewable energy in the WCR has been limited largely to harnessing and exploiting solar energy. However, emerging trends suggests that countries are interested in utilizing the differential in seawater temperatures for conversion into energy.²⁴³ 2 plants have been proposed for construction in The Bahamas and a number of countries have surveyed the technology to identify its appropriateness for adoption in their specific locale.

Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972. Retrieved from:

<http://www.imo.org/OurWork/Environment/SpecialProgrammesAndInitiatives/Pages/London-Convention-and-Protocol.aspx>

²⁴² *Ibid.*

²⁴³ Caribbean Council for Science and Technology. (1999). *Renewable Energy in the Caribbean: Where we are; Where we should be.* Economic Commission for Latin America and the Caribbean, 5. Retrieved from: <http://www.eclac.cl/publicaciones/xml/3/10253/carg0565.pdf>

It is understandable that these countries would seek to exploit their ocean space as a source of energy. In many cases, their marine resources are vast or at least larger than their terrestrial counterparts and are freely available for exploitation. Countries of the region are facing high energy prices, which are expected to increase by 40% over the next 2 decades.²⁴⁴ The debilitating effects of fossil fuels on the natural environment are also known and are a major force behind the search for cleaner, more competitive and sustainable forms of energy. The challenge is that most of these technologies are still in the nascent stage, with the potential to diversify the global energy mix, but with little data regarding their impact on their environment and even less knowledge about the appropriate regulatory frameworks required to ensure their prudent development.

There is also the issue of funding.²⁴⁵ Renewable energy development is expensive and even where public-private partnerships are possible, the investment climate must be fitting and financing secured must be for the long-term, given the long gestation period of pilot projects. It has been suggested that a roadmap for the development of renewable energy is required, one that outlines the vision and mission of the region and provides practical mechanisms for resource mobilization and project implementation.²⁴⁶ It would also need to be supported by the accompanying regulatory reforms, which support ocean-based energies as legitimate policy options.²⁴⁷ The fact that the marine environment does not feature prominently in the array of renewable energy sources deemed viable by policymakers in the region, until now, could reflect a conscious decision against such possibilities or a lack of awareness of such opportunities. The latter appears to have been

²⁴⁴ United Nations General Assembly. (2012). *Oceans and the law of the sea. Report of the Secretary General*. United Nations, 11. Retrieved from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/284/79/PDF/N1228479.pdf?OpenElement>

²⁴⁵ Haraksingh notes however, the challenge to the adoption of any mix of renewable energies in the region is a matter of funding rather than policy options. See: Haraksingh. I. (2001). Renewable energy policy development in the Caribbean. *Renewable energy* 24, 647 – 655. Retrieved from: http://ac.els-cdn.com/S0960148101000519/1-s2.0-S0960148101000519-main.pdf?_tid=a69a0f70-123a-11e2-b862-00000aacb362&acdnat=1349805568_d280f05a5f39d01096c15c15a5c28931

²⁴⁶ Murphy, M. (2009), 11.

²⁴⁷ *Ibid.*

the case. The point has been made that *decision-makers in many governments are often faced with deciding whether a given technology is suitable for their country. In many cases, they do not know enough about the technologies to make such a decision.*²⁴⁸ The science-policy interface proposed for the CSC therefore has an immediate function. It should be used to provide an open forum for policymakers and scientists to deliberate the issue of marine renewable energy, starting with the development of OTEC in the region, which seems to be technology of choice for harnessing ocean-based energy.

3.3.4.3. Submarine Cables

The issue of submarine cables is a traditional, yet emerging issue of concern for ocean governance. The laying of submarine cables dates back to the 1850s and international law on the subject can be traced to the *International Convention for the Protection of Submarine Cables, 1884*, which among other things, outlined the freedom of States to lay, maintain and repair submarine telegraph cables beyond their territorial sea and obliged them to adopt both criminal and civil laws to sanction the willful and negligent damage of said infrastructure.²⁴⁹ Today, more than 1 million kilometers of submarine fiber optic cable span the ocean, constituting one of the most important infrastructural components of modern society and the world economy.²⁵⁰ There are a number of other realities. The installation of submarine cables and pipelines is considered a reasonable use of the marine environment and all States, regardless of status, depend on and benefit

²⁴⁸ Caribbean Community Secretariat (2011). *Renewable Energy*. Retrieved from:

http://www.caricom.org/jsp/projects/credp_renewable_energy.jsp

²⁴⁹ International Cable Protection Committee. (2008). *International Convention of March 14, 1884 for the Protection of Submarine Cables*. Retrieved from: <http://www.iscpc.org/>

²⁵⁰ Carter L., Burnett D., Drew S., Marle G., Hagadorn L., Bartlett-McNeil D., & Irvine N. (2009). *Submarine Cables and the Oceans – Connecting the World*. UNEP-WCMC Biodiversity Series No. 31. ICPC/UNEP/UNEP-WCMC, 3. Retrieved from: http://www.iscpc.org/publications/icpc-unep_report.pdf. Over 95 percent of international data traffic and almost all transoceanic Internet activity are now carried affordably, reliably and effectively around the world by this method. Networked pipelines are responsible for the worldwide distribution of oil and gas, at relatively cheap rates and new discoveries, particularly where located at great distances or within landlocked States, are sure to require more or enhanced underwater infrastructure. See: *Ibid*.

from these installations. But, the laying and maintenance of, especially pipelines is damaging to the marine environment. While cables may simply disturb their benthic surrounding through interaction, pipelines impact the oceans at multiple levels, from installation to operation.²⁵¹ Such impacts can range from noise and habitat destruction to toxic waste pollution, difficulties in navigation and fishing and construction hazards.²⁵² The *CBD* is silent on this issue,²⁵³ as is the overarching regional environmental Convention in the WCR. Simultaneously, growing and intensifying human activity in the oceans threatens to disturb submarine infrastructure, with bottom trawling being the most hazardous activity to date.²⁵⁴

Modern international law regarding submarine cables, as enshrined in *UNCLOS*, seeks to balance the benefits and risks associated with underwater installations with the rights of coastal States and the interests of all States. Under the Convention, States can set the conditions for laying and operating submarine cables and pipelines in their territorial seas and where relevant, their archipelagic waters, but maintain only sovereign rights and jurisdiction over the same within the EEZ or on the continental shelf.²⁵⁵ Within the latter two instances, coastal States may only object to preserve the right to explore and exploit its natural resources and prevent, reduce or control pollution with the relevant areas.²⁵⁶ There are 28 registered in-service cables within the Caribbean Sea and more are proposed in the coming years adding to the infrastructural upgrades proposed by incumbent operations.²⁵⁷ Within the Eastern Caribbean a new oil and gas pipeline is also proposed

²⁵¹ Mudric, M. (n.d.). *Rights of States regarding Underwater Cables and Pipelines*, 241. Retrieved from: http://www.academia.edu/328436/Rights_of_States_Regarding_Underwater_Cables_and_Pipelines.

²⁵² *Ibid*, 242.

²⁵³ Carter L., Burnett D., Drew S., Marle G., Hagadorn L., Bartlett-McNeil D., & Irvine N. (2009), 29.

²⁵⁴ *Ibid*.

²⁵⁵ Division of Ocean Affairs and the Law of the Sea. (2001). *United Nations Convention on the Law of the Sea*, 37, 41 and 42 and 55 - 57.

²⁵⁶ *Ibid*.

²⁵⁷ International Cable Protection Committee. (1999 – 2009). *Caribbean Region*. Retrieved from: http://www.iscpc.org/cabledb/Caribbean_Cable_db.htm

linking the natural resources of Trinidad and Tobago with the island chain.²⁵⁸ In some instances, environmental assessments are required for such activities, but this depends largely on the regulatory processes governing the project.²⁵⁹ Unresolved issues however arise where such projects span multiple jurisdictions, invoking multiple national laws. There is also the issue of enforcement and whether countries of the WCR are capable of monitoring and protecting these vast investments and pursuing the relevant legal proceedings against those who willfully or negligently damage submarine cables or pipelines.²⁶⁰ The importance of such infrastructure to the Caribbean region, added to the high cost of such developments and the small and concentrated nature of the Caribbean Sea, suggests the need for at least a review of and discussion on this particular issue.

²⁵⁸ Organization of American States. (2012). *Energy policy and sector analysis in the Caribbean, 2010 – 2011. Assessing Antigua and Barbuda, the Bahamas, Dominica, Grenada, Saint Lucia, Saint Kitts and Nevis and Saint Vincent and the Grenadines*, xvi. Retrieved from:

http://www.ecpamericas.org/data/files/Initiatives/lccc_caribbean/LCCC_Report_Final_May2012.pdf

²⁵⁹ Carter L., Burnett D., Drew S., Marle G., Hagadorn L., Bartlett-McNeil D., & Irvine N. (2009), 30.

²⁶⁰ *Ibid*, 30.

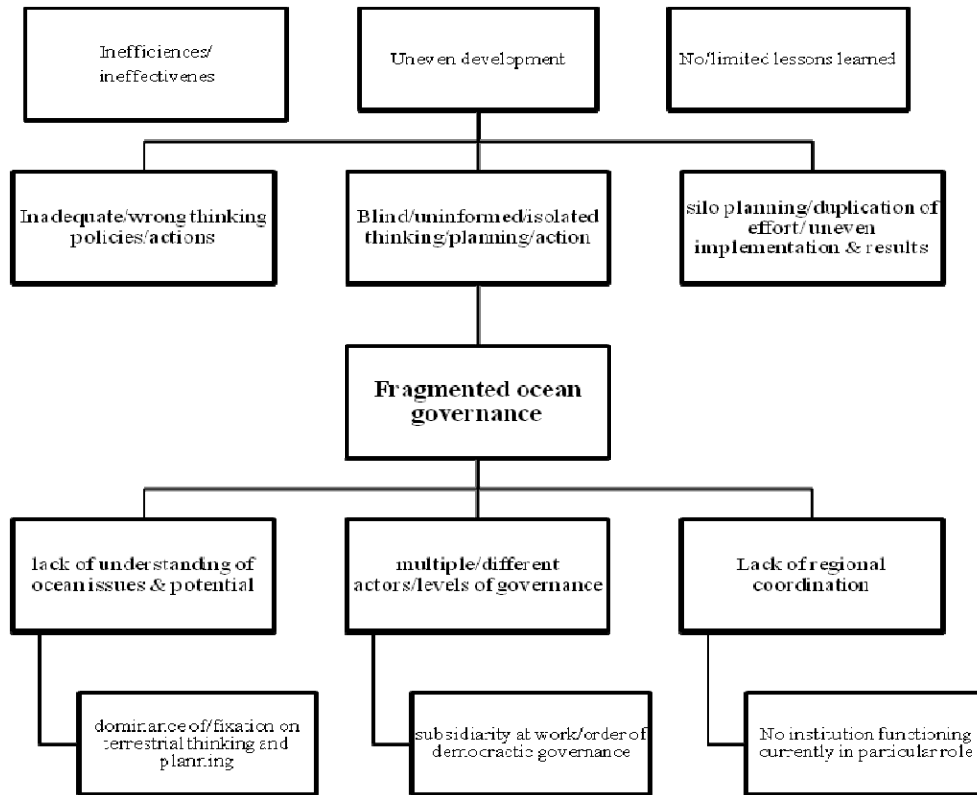


Figure 10 - Root causes and effects of fragmented ocean governance in the WCR

The regional framework for environmental governance in the WCR is important, but not sufficient to treat comprehensively with the peculiarities of ocean governance in the region. The *Cartagena Convention*, though broad, is still too narrow in its scope and function to address both traditional and emerging issues of ocean governance in the WCR, including at the level of policy-making. While a number of issues will require specific treatment, this cannot be the general rule, since such an approach fosters fragmented governance (**Figure 10**). A broad policy framework within issues of ocean governance can be framed and through which actions to be taken in its pursuit can be filtered to determine their coherence and consistency with ocean governance as whole and their correlation with sustainable development.

4. Planning ahead: towards a more integrated approach to ocean governance in the WCR

The preceding commentary makes clear the following points: the marine environment is a defining and pivotal element of the WCR. It is also increasingly at risk and vulnerable to a range of, especially, anthropogenic threats, which serve to compromise its integrity and the sustainable livelihoods of those who depend on it. Regional arrangements for ocean governance exist, but these are not comprehensive and overall, they do not operate within an overarching framework of ocean governance. The largely small, island States of the region, in particular, are limited in their efforts at ocean governance by their relatively scarce resources. More effective ocean governance is required in the region (**Figure 11**). There must be greater integration of efforts and information to promote the sustainable development of the Caribbean Sea.

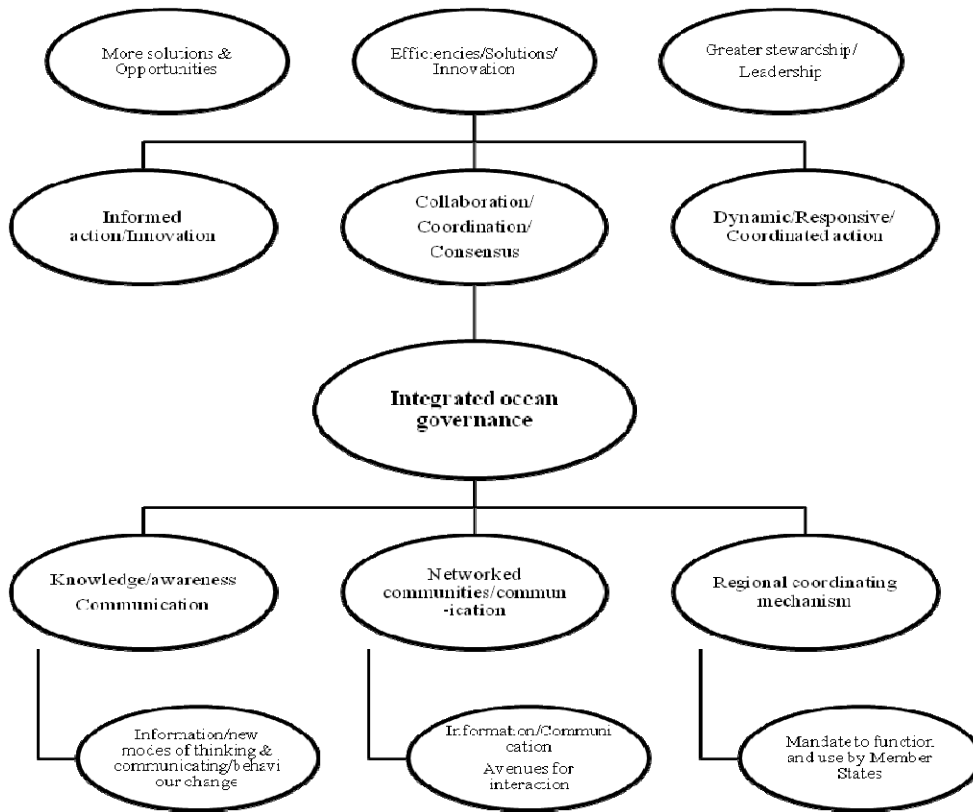


Figure 11 - A framework towards more integrated regional ocean governance in the WCR

For this to happen, ocean governance in the WCR must be based on open and greater communication networks among all relevant stakeholders and it must facilitate regional coordination on selected issues. Such informed and coordinated decision-making, if consistent, will lead ultimately to more effective ocean governance in the WCR, by providing a mechanism for generating regional solutions to transboundary challenges and avenues for exploiting various opportunities for the collective benefit of the region. All this will ensure better stewardship of the marine resources of the region and will also have spill-over effects – greater regional cooperation and a more prominent leadership role for the region in multilateral fora. The inputs required to realize such potential are present in the region and opportunities exist in the international community that can be leveraged for more effective ocean governance in the WCR. The challenge is to coordinate all such endeavors within a broad framework based on the best available

information, including regarding the needs and future prospects of the region with respect to the Caribbean Sea.

4.1. The theory of marine regionalism

A central premise of this paper is that ocean governance in the WCR is largely sectoral and therefore fragmented. A new approach should seek, then, to address this particular issue. That ocean governance in the WCR should be based on a regional, integrated, policy approach is therefore a reasonable proposal. Concerns regarding the precise scale of such an approach should not be problematic, since regimes are man-made and the use of EBM dictates the ecosystem as the appropriate area for management of the resource. The merits of regionalism are widely accepted and in the WCR it has become State practice. Marine regionalism is becoming popular and has legitimacy under UNCLOS. This is not to suggest that every issue of ocean governance should be subject to regional governance, but simply that *where logical ecosystem-based units of ocean management converge with international institutional arrangements is at the regional level.*²⁶¹

Marine regionalism can be examined on two levels: regions and their regional arrangements for ocean governance.²⁶² The former can be organized in various ways, including in relation to the geographical configuration of coastal areas, within the confines of issue-areas determined and defined for collective action, or as the specific

²⁶¹ Kimball, L. *International Ocean Governance* (IUCN, 2003) as cited in Agardy, T., Davis, J., Sherwood, K., & Vestergaard, O. (2011). *Taking Steps towards Marine and Coastal Ecosystem-Based Management – An Introductory Guide*, 15.

²⁶² Dang, V. H. (2010). *Approaches for the Implementation of regional cooperation activities in the South China Sea*. Program for East Asian Studies, 3, quoting Lewis A. (1977). Regional at Sea: Concept and Reality. In Johnston, D. (Ed.). (1977). *American Journal of International Law*, 71 and Morgan, J. The Marine Region (1994). *Ocean Management* 24, 51. http://southchinaseastudies.org/en/conferences-and-seminars-/second-international-workshop/605-approach-for-the-implementation-of-regional-cooperative-activities-in-the-south-china-sea-an-analysis-by-vu-hai-dang#_ftnref57.

operational sites outlined by official regional treaties and arrangements.²⁶³ A combination of the three methods is also possible. The possibilities available for regional arrangements are equally broad and can range from simple and relatively informal joint efforts to coordinated activities to common policies and positions with the requisite enforcement mechanisms.²⁶⁴ It is proposed that fitness of purpose be the ultimate guide to deciding among the various options, with consideration given to, for example, the geographical area to be covered, the scope of activities involved, membership and the most appropriate management framework.²⁶⁵ The right architecture for ocean governance is necessary, but not sufficient. Content is equally important and a regional approach to ocean governance must provide for integrated consideration of its constituent parts.

The issue then becomes the precise nature of such integration. Underdal (1980) suggests that an integrated ocean policy exists where *constituent elements are brought and made subject to a single, unifying conception*.²⁶⁶ How, exactly? By applying ‘three basic requirements’ to any purported integrated policy, which correlate with three stages of policy-making: (i) comprehensiveness of inputs; (ii) aggregation of inputs and (iii) consistency of outputs.²⁶⁷ Comprehensiveness is a matter of policy scope and can be measured along the dimensions of time, space, actors and issues.²⁶⁸ As such, integrated policies focus on both short and longer-term goals; extend to the geographical expanse most relevant for decision-making; involve the necessary ‘reference groups’²⁶⁹ and capture, within their ambit, the right mix of issue-aspects.²⁷⁰ It is not critical that the policy captures every issue possible, but that *all significant consequences and implications of policy decisions are recognized as premises in the making of these*

²⁶³ *Ibid.*

²⁶⁴ *Ibid.*

²⁶⁵ *Ibid.*

²⁶⁶ Underdal, A. (1980). Integrated Marine Policy. What? Why? How? *Marine Policy*, July 1980, 159.

²⁶⁷ *Ibid.*

²⁶⁸ *Ibid.*, 160.

²⁶⁹ Defined as *the group from whose perspective policy options are being evaluated*. *Ibid.*

²⁷⁰ *Ibid.*

decisions.²⁷¹ An integrated policy should also be *based on some aggregate evaluation of consequences*²⁷² and emerge from an ‘overall perspective’²⁷³ - rather than from the perspective of individual sectors. One can assume here that some level of consensus would be required for the formulation of such a grand view. Such agreement would help to ensure that an integrated policy for ocean governance is consistent, both across various policy levels and viewpoints.²⁷⁴ A fundamental point to be made here is that consistency does not mean equalizing, but rather setting an agreed standard of operation.²⁷⁵

The concept of ‘policy’ also needs to be deconstructed. The term can be used to mean many things, including both formal and informal and codified and performed stances taken on a range of issues.²⁷⁶ This paper proposes the adoption of a formal policy for ocean governance in the WCR, but its scope is broad enough to accommodate less formal instruments as well. The emphasis here is on appropriateness and value. One advantage of proposing a formal policy for the WCR is that it would compel a regional dialogue on ocean governance and the formulation of a consensus and vision needed to advance the process in the region. An obvious disadvantage is that such a process can require much negotiation and the desired outputs are not immediate. Policy-making is a multi-level, multi-faceted exercise. It can take different forms in response to often conflicting ideas about whether an issue exists, whether it is solvable, the potential solutions, their relevance and costs and benefits as well as their implementation and degree of

²⁷¹ *Ibid.*

²⁷² *Ibid.*, 161.

²⁷³ Underdal does not settle on a definition of this phrase suggests that it be interpreted in various ways, with none of them without criticism, to connote the notion of outcome of weighing costs and benefits since policy, for him, is not merely a technical exercise but also agenda-setting. See further, *Ibid.*, 161.

²⁷⁴ *Ibid.*, 162.

²⁷⁵ *Ibid.*

²⁷⁶ Birkland, T. A., (2011). *An Introduction to the Policy Process: Theories, Concepts and Models of Public Policymaking*. Third Edition, 9. Retrieved from:

http://books.google.ca/books?id=giw8dRLqX74C&printsec=frontcover&dq=policy&source=bl&ots=BXFdtXEY3D&sig=Peo-vkwKLg9ojUs7P9rEtgRmPOE&hl=en&sa=X&ei=800AUPCXEY-F0QHg0ICYCO&redir_esc=y#v=onepage&q=policy&f=false

effectiveness.²⁷⁷ It requires pertinent information and the involvement and understanding of relevant actors; the delicate crafting of an intricate mix of goals and objectives, based on well-defined visions and missions and underlying principles and often all within the context of scarce resources and overarching political dynamics.²⁷⁸

It is suggested that governments - and other stakeholders too – operate and are often circumscribed by certain tendencies and preferences, certain ‘*modes*’ or ‘*policy regime logics*,’²⁷⁹ which shape policy and, which policy must no doubt reflect to be noticed and to gain traction. Resources placed at the disposal of policy must be used with particular care for considerations of effectiveness, efficiencies and equity. Policy implementation, too, is not easy; interpreting and translating policy objectives into concrete and effective action can be hard. And there is no perfect organization or combination of this array of complex activity. The realities of policymaking should not be allowed to dull the utility of the process as an essential component of governance, however, but it is important that the theory of policymaking be substantiated in practice. Otherwise, decision-makers are left with a world of possibilities and few feasible options. It is this understanding that informs the following comparative analysis of 3 marine regions and their regional ocean policy-making processes. The purported value of this approach is that it *provides new ways of thinking about the case studies whilst at the same time allowing for the theories to be tested, adapted and advanced.*²⁸⁰

²⁷⁷ Howlett, M. (2009). Governance modes, policy regimes and operational plans: A multi-level nested model of policy instrument choice and policy design. *Policy Sciences*, 42(1), 73. Retrieved from: Doi: <http://dx.doi.org/10.1007/s11077-009-9079-1>

²⁷⁸ *Ibid.*

²⁷⁹ These include *the nature of the particular set of political actors, ideas and institutional rules which are prevalent in the jurisdiction at the moment at which policy deliberation and decision-making takes place*, as well as *governments preferences for certain types of tools along with a more or less general set of overall policy objectives*, which great distinct tendencies. See *Ibid.*, 79-81.

²⁸⁰ Breslin, S., Higgott, R., (2000). Studying regions: Learning from the old, constructing the new. *New Political Economy*, 5(3), 341. Retrieved from: <http://search.proquest.com/docview/216982051?accountid=10406>

4.2. Comparing policy-making for the oceans in the European Union, the Pacific Islands and the Mediterranean Region

This study aims to test the theory of marine regionalism against the practical experiences of three marine regions: the European Union (EU), the Mediterranean Region and the Pacific Communities. It does so with the goal of testing and concretizing the proposition that adopting a regional ocean policy is one avenue through which countries of the WCR could seek to pursue an integrated approach to ocean governance. Questions can be asked of the proposed analysis. Speculation can arise regarding the comparability of the units of analysis. Regions are not well defined entities and even where defined may vary, making policy approaches to their activities unique and peculiar to the specific context. All such observations are true, but the position adopted here is that although regions and their policy-making processes may differ in some respects, in other respects they are also similar (**Figure 12**).

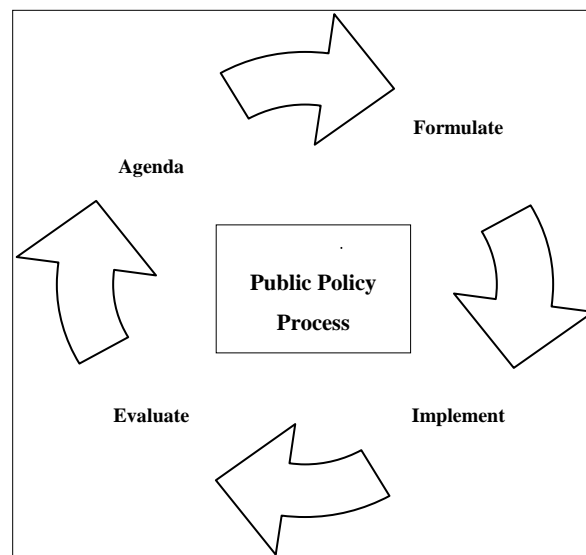


Figure 12 – The Policymaking process.²⁸¹

²⁸¹ Adapted from an interpretation of the Public Policy Cycle outlined by Jones, C. (1984). *An Introduction to the Study of Public Policy*. Belmont, CA: Wadsworth, by Hayes, W. (2004). *The Public Policy Cycle*. The Public Policy Web Site. Prof Work. Retrieved from: <http://profwork.org/pp/study/cycle.html>. The diagram is useful to the extent that it provides a general illustration of a broad framework through which to analyze the process of making public policy. The cycle outlined by the cited reference includes a budget component, which is not included as a separate component here but is mentioned within discussions of

The challenge is to identify those elements that are comparable across entities and processes and seek to elucidate, as clearly as possible, areas of sameness or similarity and difference. Analysis of all such aspects can convey important lessons and ultimately, it is such variation that makes comparative analyses useful. To illustrate, comparisons made between regional ocean governance arrangements comprising SIDS would allow for the cross-examination of the ways in which the island states of the WCR and those of the Pacific have agreed to address the challenges and opportunities presented by the sustainable use of their marine resources. There may be a useful lesson here. SIDS may or may not approach ocean governance and in particular regional ocean governance differently to larger more developed States. And the nature of the regionalism at work may be a deciding factor. Strong or weak regional mechanisms may produce varying forms of governance and may affect their overall effectiveness. The EU and the Mediterranean Region can also offer insights in this regard, in addition to adding their own peculiar value. The EU is well known for its advanced regionalism, which no doubt has also influenced its ocean governance arrangements. On the other hand, regional cooperation in the WCR is more flexible than the EU arrangement and questions can be asked of seeking to create a regional policy framework for ocean governance where the idea of ‘region’ is neither singular nor well consolidated.

The EU also comprises a mix of developed and developing countries, which may or may not have a direct correlation to how it goes about its ocean affairs. While the development gap between countries in the WCR is not pronounced, there are variances in development status, which prompt notions of common but different rights and responsibilities. The fact that the Mediterranean Region has its own ocean policy – and a range of other ocean governance frameworks²⁸² – while still participating in the EU policy framework is

policy implementation. While policy segments are used here for the purpose of this study, it is also understood that such clear divisions do not exist in actual making of public policy. The cycle is therefore only a guide or a tool to use for the purpose of analysis.

²⁸² Including the *Convention for the protection of the Mediterranean Sea against Pollution, 1976*; the *Strategic Action Programme to Address Pollution from Land-Based Sources and Activities, 1980*; *Specially Protected Areas and Biodiversity, 1982*. See: United Nations Environment Programme. (n.d.). *Regional*

instructive and adds the sub-regional dimension to the comparative analysis. This dimension is useful in the way that it provides a basis for observing the relationship between multiple and overlapping regions in a single area and further, how this particular dynamic unfolds and helps or hinders coherent and effective regional governance across regional boundaries, including regional policy cycles. Examination of such flexibility in ocean governance may provide lessons for the WCR and the various sub-regions it comprises. Any range of criteria can be suggested for the proposed analysis. Those to be considered here are not exhaustive. They are however distinctive features of the regional areas proposed in one case and generally accepted stages of the policymaking process in the other. Time is acknowledged as a crucial dimension in the comparison of regions, so too is the overarching climate within which regions are formed and operate. The various regional arrangements mentioned have evolved along different trajectories and are at different stages of development. Also, policymaking processes may not adhere to a linear in every case. With the abovementioned factors and criteria for analysis in mind, an attempt will be made to analyze the [*Integrated Maritime Policy of the European Union \(IMP\), 2007*](#), the [*Integrated Maritime Policy of the Mediterranean Region \(IMP – MED\), 2009*](#), and the [*Pacific Islands Regional Ocean Policy \(PIROP\), 2005*](#). Plans and institutional frameworks established in pursuit of these policies will also be analyzed.

4.2.1. Regional Profiles

For the purpose of this paper, the EU (**Figure 13**) is construed as that unique economic and political partnership among 27 countries that, together, span much of the European continent.²⁸³ The region boasts a combined land mass of 4,423,147 kilometers square and a coastline of approximately 70,000 kilometers square. It spans 2 Oceans²⁸⁴ and 4

Seas Programme – Mediterranean. UNEP. Retrieved from:

<http://www.unep.org/regionalseas/programmes/unpro/mediterranean/default.asp>

²⁸³ European Union (EU). (n.d.) *Basic Information on the European Union*. Retrieved from:

http://europa.eu/about-eu/basic-information/index_en.htm

²⁸⁴ The Atlantic Ocean and the Arctic Ocean. See: Commission of the European Communities. (2007). *An*

Integrated Maritime Policy for the European Union. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region. Brussels. COM (2007) 575 final, 4. Retrieved from: <http://eur->

Seas.²⁸⁵ The estimated population of the EU is 500 million. Its GDP is upwards of US\$17.6 trillion dollars.²⁸⁶ The maritime region accounts for some 40 percent of its GDP and overall population.²⁸⁷ Ship-building, port facilities and fisheries are among the key economic activities of the region and coastal and maritime tourism generate massive revenues.²⁸⁸ The EU is expected to derive even greater productive capacity from its maritime area in the coming years, pending the necessary capital investment in a range of emerging ‘blue’ industries.²⁸⁹ The maritime area also provides a range of recreational, aesthetic and cultural goods and services.



Figure 13 - Map of Europe (Source: EUROPA)²⁹⁰

lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0575:FIN:EN:PDF

²⁸⁵ The Baltic Sea, the North Sea, the Mediterranean Sea and the Black Sea. See Policy, 4.

²⁸⁶ *Ibid.*

²⁸⁷ *Ibid.*

²⁸⁸ *Ibid.*

²⁸⁹ *Ibid.* Namely through the exploitation of mineral resources, aquaculture production, blue, high-technology industries.

²⁹⁰ EUROPA. (n.d.). Retrieved from: <http://europa.eu/abc/maps/>

It is the recognized maritime heritage of the EU and the importance of the maritime environment to both its present-day and future needs that provided the basis for its search and formulation of an integrated maritime policy,²⁹¹ which could support the economic bases of the marine environment and safeguard its health and integrity. For the EU, *all matters relating to Europe's oceans and seas are interlinked and ... sea-related policies must develop in a joined-up way ...to reap the desired benefits.*²⁹² The EU 'Blue Book'²⁹³ was therefore an exercise in the institutionalization of a more integrated and coherent form of ocean governance to treat with, among other things, the growing coastal vulnerability and environmental degradation of the region and its search for economic competitiveness.

The EU process played an instrumental role in the rethinking and reorientation of maritime governance in the Mediterranean and ultimately, it led to the formulation and adoption by the wider region – including the 22 coastal States of its southern region - of an integrated maritime policy for better governance of the 2.5 million kilometer square semi-enclosed Mediterranean Sea.²⁹⁴ The EU considers the Mediterranean a 'prime example' of an area where economic productivity and prosperity can coexist in harmony, with environmental integrity and sustainability, with the proper governance.²⁹⁵

²⁹¹ *Ibid.* 2.

²⁹² *Ibid.*

²⁹³ The Integrated Maritime Policy of the EU is also referred to as the 'Blue Book.'

²⁹⁴ EUROPA. (2012). *Mediterranean Sea Policy*. Maritime Affairs. Retrieved from:

http://ec.europa.eu/maritimeaffairs/policy/sea_basins/mediterranean_sea/index_en.htm

²⁹⁵ Commission of the European Communities. (2009). *Towards an Integrated Maritime Policy for better governance in the Mediterranean*. Communication from the Commission to the Council and the European Parliament. Brussels. COM (2009) 466 final, 2. Retrieved from:

http://europa.eu/legislation_summaries/maritime_affairs_and_fisheries/maritime_affairs/pe0009_en.htm



Figure 14 - Map of the Mediterranean Region (Source: Geographic Guide)²⁹⁶

The borders of the sea bear and support some 30 percent of global sea-borne trade in terms of volume both, to and from its more than 450 ports and terminals.²⁹⁷ More than 50 million inhabitants occupy its coasts - double if tourists are included²⁹⁸ - and about half of the mainly small and artisanal fishing fleet of the EU are located there. Infrastructure for aquaculture production is also growing to help the region meet global demand for fish protein.²⁹⁹

The impacts of such wide-ranging and intense activities are obvious in the region. Together, they have contributed to its ‘special area’ status under *MARPOL*, for the purpose of oil and garbage and also its ‘hotspot’ designation conferred by the Intergovernmental Panel on Climate Change (IPCC), which considers it most at risk of flooding, coastal erosion and land degradation.³⁰⁰ The region also continues to battle with

²⁹⁶ Geographic Guide. (n.d.) *Mediterranean Basin*. <http://www.geographicguide.net/europe/maps-europe/mediterranean.htm>

²⁹⁷ *Ibid.*

²⁹⁸ *Ibid.*

²⁹⁹ *Ibid.*

³⁰⁰ Commission of the European Communities. (2009), 3.

instances of seaborne irregular immigration - and the sometimes accompanying tragedy of lives lost at sea.³⁰¹ Such challenging circumstances are not helped by the prevailing complex framework of ocean governance. The coastal States of the Mediterranean span various continents (**Figure 14**).³⁰² They have varying development and administrative capacities and differing ties to and relationships with the EU.³⁰³ They are also committed to a range of ocean governance initiatives, including within the context of EU membership, but also through initiatives such as the UNEP Regional Seas Programme.³⁰⁴ Ocean governance is further complicated by the fact that not all States of the region are Contracting Parties to UNCLOS³⁰⁵ and further, large portions of the Mediterranean remain subject to the high seas regime, while simultaneously approximately 31 percent its maritime area is apportioned into zones with no standing under UNCLOS.³⁰⁶

A case can also be made for integrated ocean governance in the Pacific Communities and namely, *that part of the Pacific Ocean in which the island countries and territories ... that are members of the organization comprising the Council of Regional Organisations of the Pacific (CROP) are found* (**Figure 15**).³⁰⁷ The CROP comprises the heads of the

³⁰¹ *Ibid*, 2.

³⁰² *Ibid*, 2.

³⁰³ *Ibid*, 2.

³⁰⁴ United Nations Environment Programm. (n.d.). *Mediterranean*. Retrieved from:

<http://www.unep.org/regionalseas/programmes/unpro/mediterranean/default.asp>

³⁰⁵ Israel, Libya, Syria and Turkey are not signatories to UNCLOS.

³⁰⁶ Commission of the European Communities. (2009), 2. The Integrated Maritime Policy of the Mediterranean highlights the following diversity of maritime zones in the region: *As regards, the water column, five coastal States have enacted legislation proclaiming a 12 nm contiguous zone, adjacent to their territorial sea, for the enforcement of customs, fiscal, immigration or sanitary laws and regulations. Five coastal States have declared an archaeological zone, adjacent to the territorial sea for the protection of underwater cultural heritage. Four coastal States have declared fishing protection zones and three States have established zones of ecological protection. Five coastal States have declared Exclusive Economic Zones (EEZs), where the coastal State enjoys sovereign rights concerning living and non-living marine resources.* See: Commission of the European Communities. (2009), 5.

³⁰⁷ Council of Regional Organisations. (2005). *Pacific Islands Regional Ocean Policy and Framework for Integrated Strategic Action*, 4. Secretariat of Pacific Communities. Retrieved from:

major regional organizations in the Pacific and functions to promote collaboration and coordination among the 22 largely small, vulnerable States and Territories of the region.³⁰⁸

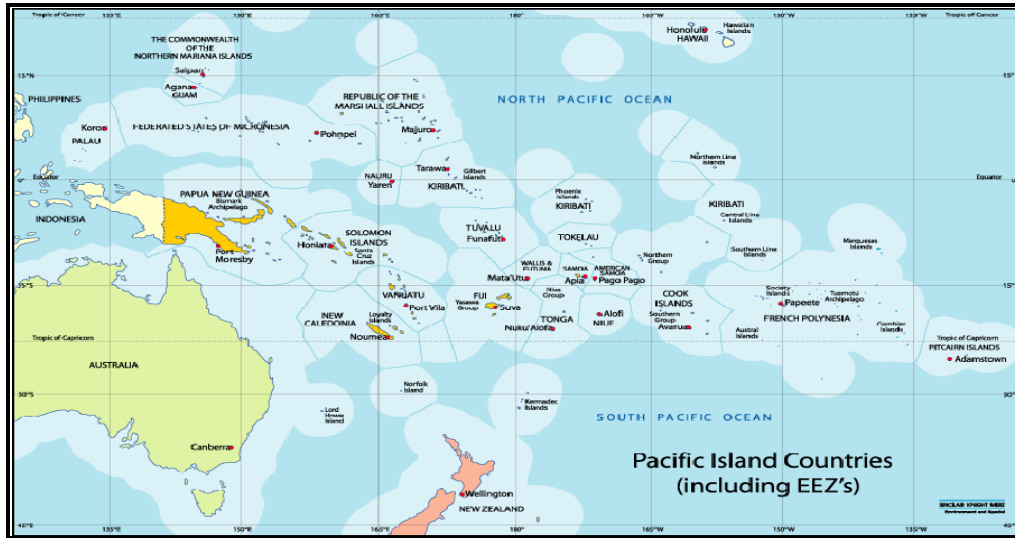


Figure 15 - Map of the Pacific Island Countries. (Source: Secretariat of the Pacific Community)³⁰⁹

Regional cooperation is a *sine qua non* for the Pacific Islands, which together face a number of capacity and resource constraints and share a growing population of some 5 million inhabitants and a land mass of approximately 0.6 million kilometers square – 75 percent of which forms the territory of one country.³¹⁰ Conversely, the coastal countries command access to an estimated 30.6 million kilometers square of maritime area under national jurisdiction, known to be rich in natural resources, including fisheries. Expectedly, these small States are faced with the unavoidable challenge of overlapping Exclusive Economic Zones (EEZs).³¹¹

<http://www.forumsec.org.fj/resources/uploads/attachments/documents/PIROP.pdf>

³⁰⁸ Pacific Islands Forum Secretariat. (n.d). *CROP*. Retrieved from:

<http://www.forumsec.org/pages.cfm/about-us/crop/>

³⁰⁹ Secretariat of the Pacific Community. (2011). *Countries*. Retrieved from:

http://www.spc.int/aquaculture/index.php?option=com_content&view=article&id=13&Itemid=2

³¹⁰ Wright, A., Stacey, N., & Holland, P. (2006). The cooperative framework for ocean and coastal management in the Pacific Islands: Effectiveness, constraints and future direction. *Ocean & Coastal Management* 49, 739.

³¹¹ *Ibid.*

There are a number of other challenges as well. Despite the relative isolation of the region from otherwise frenetic areas of the international community³¹² the Pacific Communities, too, face vulnerable ocean and coastal ecosystems and the depletion of fisheries resources - mainly due to the heavy reliance on these to support economic and livelihood activity.³¹³ The region must also deal with the effects of climate change, the loss of biodiversity and inadequate waste disposal.³¹⁴ Governance is complicated by an intricate mix of overlapping traditional practices and national, regional and multilateral instruments. The importance of the marine environment is well understood by the people of the region.³¹⁵ Traditional customs stress stewardship of natural resources and policy-makers regard the condition of the surrounding oceans and the state of their living resources as probably the most critical issue of national and regional economic importance.³¹⁶

4.2.2. Comparing the Policy Process

The aforementioned regions, while different in obvious ways all share a stark appreciation of the importance of their marine environments, the threats posed to their health and productivity and the need for their integrated governance. What can be contrasted are the peculiarities of the regions and namely, how their idiosyncrasies have influenced and unfolded within the context of the regional ocean policymaking process.

4.2.2.1. Agenda-setting & Policy Formulation

The beginnings of the *PIROP* can be traced to one of several recommendations that emerged in 1999 from a regional workshop on the implementation of UNCLOS in the Pacific Communities. More specifically, it emerged within the context of a regional dialogue among Member States interested in identifying ways to adequately exercise

³¹² Tsamenyi, M. (1999). The institutional framework for regional cooperation in ocean and coastal management in the South Pacific. *Ocean & Coastal Management* 42, 465.

³¹³ *Ibid.*

³¹⁴ *Ibid.*

³¹⁵ Wright, A., Stacey, N., & Holland, P. (2006), 740.

³¹⁶ Tsamenyi, M. (1999), 460.

their various rights and responsibilities under UNCLOS.³¹⁷ That a regional ocean policy should be developed by Pacific States was but one of a range of proposals made in this regard and brought to the attention of the leaders of the Pacific Island Forum (“the Forum”) for its consideration and adoption.³¹⁸ Ocean governance has been a priority for the Forum since its inception in 1971.³¹⁹ While initially concerned with efforts to derive maximum benefits from its ocean space, by the late 1990s, the Forum had broadened its scope sufficiently to recognize the need for an all-encompassing regional ocean governance regime, consistent not only with *UNCLOS*, but also grounded firmly within the context of practical sustainable development frameworks, most notably *Agenda 21*.³²⁰ Concrete institutional structures and guiding principles³²¹ were subsequently added to the

³¹⁷ Pacific Islands Legal Information Institute (1999). *South Pacific Region Follow Up Workshop on the Implementation of the United Nations Convention on the Law of the Sea 1982*. Vava’U Conclusions and Recommendations (1999) SPT2. Vava’U, Tonga, 23-27 August 1999. University of the South Pacific. Retrieved from: <http://long.austlii.edu.au/other/SPT/1999/2.html>

³¹⁸ *Ibid*. The Forum is a political entity of 16 independent Pacific States and one of many regional organizations in the Pacific. It meets annually at the level of Heads and unlike the Secretariat of the Pacific Community (SPC) for instance, is not established by charter and therefore enjoys a greater degree of flexibility in its operations. See: Aqorau, T. (2004). *The Role of the Pacific Islands Forum in Ocean Governance. Background paper prepared for the Pacific Islands Region Oceans Forum*, University of the South Pacific, Suva, Fiji, 2-6, February, 2004, 2. Retrieved from: http://www.sprep.org/att/irc/ecopies/pacific_region/459.pdf. Its administrative arm, the Secretariat to the Forum, provides policy advice to Member States on a range of issues, including those appertaining to the marine sector. See: Pacific Islands Forum Secretariat. (n.d.). *About Us – the Pacific Islands Forum*. Retrieved from: <http://www.forumsec.org/pages.cfm/about-us>

³¹⁹ This can be seen from its first joint Communiqué, which among other things denounced nuclear testing by the French in the Mururoa Atoll in French Polynesia. See: Pacific Islands Forum Secretariat (n.d.). *Joint Final Communiqué*. South Pacific Forum, Wellington 5-7, August 1971, 1. Retrieved from: <http://www.forumsec.org/resources/uploads/attachments/documents/1971%20Communique-Wellington%205-7%20Aug.pdf>

³²⁰ *Ibid*, 9.

³²¹ Pacific leaders also recognized the need to bolster expressed concerns for the marine environment with concrete and effective institutional structures and guiding principles. Such recognition gave birth to for example, the South Pacific Forum Fisheries Agency (FFA) in 1979 to blend limited individual resources and regional capacity and the formulation of principles of good governance as enshrined in the *Aitutaki*

framework and a coordinating role given to the CROP, through its Marine Sector Working Group (MSWG), to develop a regional strategy for marine affairs.³²²

It was the CROP that spearheaded action on the development of the regional ocean policy mandated by the Forum and in particular, it was its MSWG to which it issued a directive regarding details of how the policy was to be developed and implemented.³²³ Such a bureaucratic start would go on to infuse and shape the entire policy development process. A consultancy was commissioned to provide a scoping document, which was considered by the CROP in 2000 and provided the bases for the commissioning of another, more detailed draft text subsequently. The requirement was added that the draft should be *at a relatively low cost*, if it deviated significantly from ocean policies devised by neighboring developed countries.³²⁴ Such a ‘desk’ approach to the formulation of the draft policy was largely the result of a calculated decision by the relevant authorities to arrive at a policy based on the principles already agreed to by the region, to bypass the national consultations that would be required if the Forum was to attempt to formulate a regional ocean policy from first principles.³²⁵ There could be many reasons for the comparative approach proposed – with the policies of more developed countries – including ensuring the best practices could be observed and perhaps even that wider regional support could be garnered for the regional ocean policy to be crafted by the Pacific Island States.

It was also agreed that the constituency of the regional ocean policy should be wider than the Pacific Forum, in terms of the scope of its membership and as such, should include the Pacific Communities.³²⁶ Between 2001 and early 2002 a comprehensive background

Declaration and the Forum Economic Action Plan Eight Principles of Good Governance and Accountability. See:

³²² Aqorau, T. (2004), 8.

³²³ *Ibid*, 9.

³²⁴ Adams, T. (2001). *Pacific Islands Regional Ocean Policy*. 2nd SPC Heads of Fisheries Meeting, Noumea, New Caledonia, 23-27, July 2001. Secretariat of the Pacific Community, 1. Retrieved from: http://www.academia.edu/470344/Pacific_Islands_Regional_Ocean_Policy

³²⁵ *Ibid*, 1.

³²⁶ *Ibid*.

paper, outlining a suite of issues pertinent to ocean governance in the regional community and outlining existing regional and international instruments in the Pacific was prepared. A draft text was produced by the MSWG at a later date, based on initial input received on the subject and on discussions held in the margins of various regional meetings.³²⁷ The combined document was tabled for the consideration of Forum Heads, endorsed by them and thereafter circulated across government bodies of different regional organizations for comment by stakeholders.³²⁸ Leaders of the Forum utilized the opportunity of the formal adoption of the policy at their 33rd Meeting in August 2002, to encourage all Member States to ratify *UNCLOS* and formulate relevant follow-up actions, at both the national and regional levels and including through both policy and legislation, to secure the aims and objectives agreed to in the adopted policy.³²⁹

The experience of the Pacific Islands with respect to the formulation of its regional ocean policy reveals the centrality and force of regional cooperation and regional institutional arrangements among these small islands. The decision to bypass national consultative processes to expedite outcomes on a regional ocean policy at the regional level was a shrewd political action - perhaps not appropriate in every case or even advisable given the possible political backlash that can arise from fast-tracked decision-making processes. A review of draft text prepared to inform the PIROP, suggests that the priorities and goals of the region were quite clear from the start of the policy process. The countries were interested in exercising their rights and responsibilities under *UNCLOS*, taking greater ownership of their marine resources and facilitating the widest possible partnerships for more responsible stewardship of the oceans.³³⁰ Such a vision was grounded in the

³²⁷ Veitayaki, J. South, R. & Evans, N. (n.d.). *The Pacific Islands Regional Ocean Policy: the quest for good governance*. Secretariat of the Pacific Regional Environment Programme (SPREP), 1. Retrieved from: http://www.sprep.org/att/IRC/eCOPIES/Pacific_Region/456.pdf

³²⁸ *Ibid*, 1.

³²⁹ Pacific Islands Forum Secretariat. (n.d.). *Forum Communiqué*. Thirty-Third Pacific Islands Forum, Suva, Fiji Islands, 15-17, 2002. PIFS (02) 8, 4. Retrieved from : <http://www.forumsec.org/resources/uploads/attachments/documents/2002%20Communique-Fiji%2015-17%20Aug.pdf>

³³⁰ Pacific Islands Forum Secretariat. (n.d.). *Joint Final Communiqué*, 6- 19.

strategic objectives of the region and the common principles it had negotiated to guide its joint endeavors.³³¹

The adoption of both the IMP and the IMP – MED was prefaced by a process somewhat similar to that which occurred among the Pacific Islands. In the first case, the policy process can be traced, formally, to the drafting of a Green Paper, dated 6 June, 2007, proposing an integrated approach to maritime governance in the region.³³² The process of formulating an integrated approach to maritime governance in the EU was coordinated by its Commission.³³³ The Green Paper presented by the latter body to the EU membership and wider regional stakeholders,³³⁴ was set in the context of the importance, past, present and future, of the maritime region to the EU and the need for a holistic approach to the governance of its maritime affairs.³³⁵ The proposal called for a policy grounded in the peculiarities and priorities of the region, based on sound knowledge and capable of providing insight and options for decision-making and the reconciliation of competing uses of the maritime space.³³⁶ Its overall aim was to generate public debate on the issue of maritime governance in the region through a process of education and consultation³³⁷ - a process dissimilar from the path chosen in the Pacific and the lessons learned approach undertaken in the Mediterranean.

³³¹ *Ibid.*

³³² Commission of the European Communities. (2006). *Towards a future Maritime Policy for the Union: A European vision for the oceans and seas*. GREEN PAPER. COM (2006) 275 final. Brussels. Retrieved from: http://europa.eu/documents/comm/green_papers/pdf/com_2006_0275_en.pdf

³³³ *Ibid.* The Commission is the executive arm of the EU and functions similar to a Cabinet of Ministers, initiating and spearheading legislation in issue-areas of relevance to the community as a whole. See: European Union. (n.d.) *Basic Information on the European Union*.

³³⁴ The Green Paper was presented to the EU Council, the Parliament, the Economic and Social Committee and the Committee of the Regions. It was subsequently circulated to public stakeholders. See: *Ibid.*, 4.

³³⁵ *Ibid.*, 4.

³³⁶ *Ibid.*, 5.

³³⁷ *Ibid.*

In all cases a perspective on the pertinent issues to be encompassed in the policy were proposed. The EU approach was most impressive to the extent that, while outlining the framework of governance, questions were also posed to regional stakeholders, involving them, too, in the policymaking process. Both modes of governance can be useful. Regional projects are armed with institutional memory and politicians are aware of the parameters within which they will and will not operate. Stakeholders also need to be involved in decision-making to voice their opinion on fundamental issues to be addressed. There were differences however with respect to the broad themes of the proposed policies. The Pacific Islands approached the need for a regional ocean policy from the point of view of protecting the health of the oceans, through responsible stewardship. The policy proposed was set in terms of providing a framework for sustainable management and conservation of the marine environment, encompassing not only citizens of the region and their traditional governance practices, but also third parties with interest in the region and multilateral frameworks and partnerships of relevance to the priorities of the area. By contrast, the heavy economic overtones of the EU policy proposal are unmistakable and it suggested that the peculiarities of the particular regions, both in terms of their current features and perceived future prospects provided a critical mold through which the political leadership of the respective regions chose to shape their relevant policy discussions.

It is not difficult to see why this should be the case. The discussion of a regional ocean policy in the Pacific Forum emerged in circumstances where a group of isolated and largely small and vulnerable developing States was seeking to both understand and better implement their rights and responsibilities under *UNCLOS*. These States are defined by and dependent on their marine environment, but they have relatively limited amounts of financial, human and technical resources. Understanding their vulnerabilities and grounded in traditional practices that emphasize wise use of the natural environment, the policy-makers acknowledged the need to take steps, collectively, to promote more responsible stewardship of their ocean space. Regional cooperation is accepted as a standard mode of operation among the Pacific Islands. Conversely, it can be argued that regionalism in the EU, while not necessarily an existential issue and not concerned with

building capacity in the same way as is the case for the small States of the Pacific, is nonetheless an exercise in bolstering capacities, especially in terms of enlarging economies of scale and augmenting international competitiveness. The EU policy approach also reflects its idiosyncrasies. It has legal personality and operates as a supranational entity.³³⁸ It is based on the rule of law and functions according to treaties, which bind Member States to undertake agreed action in a range of policy areas, including with respect to its maritime affairs.³³⁹ Its largely bureaucratic form of governance is to be expected, although its adherence to the principle of subsidiarity is equally a part of how it functions.³⁴⁰

The EU policy was tipped, overwhelmingly, in favor of its economic interests. The proposals of the Green Paper were consistent with the *Thematic Strategy for the Marine Environment* of the region, which outlines actions for protecting its marine space, but they were also grounded firmly in the *Lisbon Strategy* for stimulating growth and better and more jobs in the community.³⁴¹ The discussion that emerged with respect to ocean governance in the Mediterranean was also premised on economic considerations and the overriding belief that the region could evolve as a model for symbiotic economic development and environmental governance, with the application of the appropriate governance, including through the use of cross-cutting tools for fostering integrated decision-making.³⁴² It appears that the *extensive public consultations*³⁴³ that led to the adoption of the EU policy were also used as inputs to support the formulation of the IMP – MED. The document is presented as a *complement to the various sectoral actions that the EU promotes in the Mediterranean area*³⁴⁴ and operates alongside other regional

³³⁸ European Union. (n.d.) Basic Information on the European Union.

³³⁹ *Ibid.*

³⁴⁰ *Ibid.*

³⁴¹ Commission of the European Communities. (2006). *Towards a future Maritime Policy for the Union: A European vision for the oceans and seas*, 5.

³⁴² Commission of the European Communities. (2009). *Towards an Integrated Maritime Policy for better governance in the Mediterranean*, 2.

³⁴³ *Ibid.*, 2.

³⁴⁴ *Ibid.*

ocean governance instruments such as the *Barcelona Convention*.

The policy proposal of the Pacific Islands, which emerged some 6 years prior to the EU document, was also strategic in its connection to the overarching vision of the leaders of the Forum as expressed in the Pacific Plan.³⁴⁵ Notwithstanding this, the economic development component of the PIROP is less clear – although undoubtedly, these countries too are concerned with how best to leverage their marine resources to spur greater economic development. While much attention is often given to the formal documents, also revealing is the process through which stakeholders arrived at such outcomes. The PIROP was concluded in 3 years and remained a largely bureaucratic process. The EU initiative spanned a little more than 1 year and its consultation process encompassed over 490 contributions - and some 20 events - the details of which were published both in the form of a report and the original text of the contributions.³⁴⁶

4.2.2.2. Policy Implementation & Evaluation & Follow-up

In all cases, the policy outcomes reflected to a great extent, the preliminary and preparatory work that was undertaken. They therefore met the stipulation that they should reflect some aggregate evaluation of the consequences of the various issues involved and the best of possible policy options.³⁴⁷ There were still differences. No binding instruments were reached. This is perhaps understandable, given the exploratory nature of the various instruments and recognition of the fact that legislation should not be seen as the only mechanism for compliance, nor should it be seen as applicable and appropriate in every case.³⁴⁸ Building and consolidating strong regional institutions and commitment

³⁴⁵ Pacific Islands Forum Secretariat. (n.d). *The Pacific Plan*. Retrieved from: <http://www.forumsec.org/pages.cfm/about-us/the-pacific-plan/>

³⁴⁶ Commission of the European Communities. (2007). *Conclusions from the Consultation on a European Maritime Policy*. COM. (2007) 575. Brussels. Retrieved from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0574:EN:NOT>

³⁴⁷ Underdal, A. (1980), 161.

³⁴⁸ Foster, E., Howard, M., and Coffen-Smout, S. (2005). Implementing integrated oceans management; Australia's south east regional marine plan (SERMP) and Canada's eastern Scotian shelf integrated management (ESSIM) initiative. *Marine Policy* 29 (2005) 391 – 405, identify the importance of context to

is also an option. Rather than emphasizing binding or non-binding powers, it is clear that the policies surveyed were a clear statement of regional interests, concerns and priorities and the outlines of a framework for more integrated and coherent governance. As such the 5-year framework crafted by the Pacific Communities emphasized better care and stewardship of the oceans for present and future generations.³⁴⁹ In this way, the scope of the policy is comprehensive, in that it seeks to address the marine space as whole and it covers the time dimension of comprehensiveness by encompassing both the current and future needs of the region.³⁵⁰

It is also comprehensive in another way: it includes in its promotion of good stewardship not just regional actors, but all those with interests and a stake in its ocean affairs.³⁵¹ The instrument may be deemed less comprehensive in its treatment of specific issues to be addressed within the context of ocean governance, if comprehensiveness is measured by the *proportion of interdependent issues or issue-aspects that are subsumed under a common policy framework*.³⁵² While mention is made throughout the policy to protecting biodiversity and reducing pollution, for example, the document, as a whole, is more

the policy/legislation debate with respect to the oceans managements of undertaken by Australia and Canada. Australia released its Ocean Policy in December, 1998. It focused on an integrated approach to the management of the country's ocean domain through cross-sectoral linkages including at the institutional level, through the establishment of a National Ocean Ministerial Board. Canada, on the other hand, enacted its Oceans Act in 1997, establishing a framework of integrated ocean management, but in particular developing a 'constitution' for the waters under its jurisdiction. The Act focused, primarily on declaring Canada's maritime zones and providing a framework for their management and future development. It took 10 years to be enacted. It is suggested that Australia adopted a policy approach to ocean management to avoid political conflict between States over national jurisdiction, to avoid overturning arrangements that were already in place and not to preempt concurrent reform being made to environmental law. This decision also meant however that while Australia was able to avoid the political cost of legislating oceans management, it was also able to maintain greater flexibility to change its approach in accordance with its needs and priorities, for example; an option that was not available to Canada.

³⁴⁹Council of Regional Organisations. (2005), 9.

³⁵⁰ Underdal, A. (1980), 160.

³⁵¹ Council of Regional Organisations. (2005), 9.

³⁵²Underdal, A. (1980), 160.

comprehensive and seeks to provide a broad and overarching framework for ocean governance - rather than a suite of sectoral policy prescriptions. In this way, the principles and strategic actions set out in the document cohere with its major themes. Together, they target the imperatives of access to information for decision-making with respect to the oceans, sustainable use of the oceans, ensuring compliance with both regional and international rules and regulations for the oceans and good governance through partnerships.³⁵³

The argument can be made that while not comprehensive in the sense of being a total of all relevant policy issues, the PIROP is comprehensive to the extent it covers the issues deemed most critical to ocean governance in the Pacific at the time. The framework does include a process of review to define progress and future action plans and so may not in fact be a final aggregation of ocean governance concerns, but simply one specific account of priority issues and actions.³⁵⁴ The *Pacific Islands Regional Ocean Framework for Integrated Strategic Action (PIROFISA)*, crafted by the Pacific States to facilitate implementation of the PIROP, details the various policy prescriptions made. Oversight for its implementation rests with the CROP. It must receive annual reports by various regional Secretariats on progress made with respect to policy implementation, both at the national and regional levels, after a period of 5 years.³⁵⁵ A measure of participation and accountability was therefore built into the policy implementation process. Whether or not implementation will actually occur is left to stakeholder action at the appropriate levels.

The PIROFISA outlines a set of first steps and subsequent activities to facilitate implementation of the PIROP. Of note are the initial proposals to 1) promote high-level leadership and commitment for ocean affairs; 2) establish an Office or Secretariat to coordinate policy implementation, including through cooperation at the national, regional and international levels; 3) establish a network or registry of relevant organizations; 4) develop a Task Force to assist countries in developing and implementing national policies

³⁵³ Council of Regional Organisations. (2005), 5-7.

³⁵⁴ *Ibid*, 9.

³⁵⁵ *Ibid*, 9.

and actions; 5) develop partnerships and financing arrangements for ocean activities; and 6) seek cooperation from regional neighbors to adequately implement, the priority actions outlined by the overarching policy.³⁵⁶ The idea of cooperation and partnerships for good ocean governance is a particularly important one, especially when juxtaposed with other components of the policy, which stress the vulnerabilities of the region, the need for capacity-building and the importance of all actors exercising both their rights and responsibilities with respect to the oceans.³⁵⁷ The various elements taken together suggest a balanced approach to governance, which not only includes a wide range of actors, but also reveals the nexus between State responsibility, mutual assistance and cooperation for good governance.

The proposal to appointment an Ombudsman to draw attention to marine issues and to facilitate the placement of such matters on both national and regional agendas is also noteworthy.³⁵⁸ While political leadership is surely required to build momentum for ocean affairs and to sustain attention on it, it is not always clear through what mechanism such a goal should be pursued, including whether via new or existing avenues. Individual regions no doubt will have their own formulations based on their peculiar arrangements and objectives and what is both politically acceptable and economically feasible at the point in time. What stands out with regard to the institutional arrangements undertaken by the Pacific Islands is the trust they have vested in the CROP to facilitate implementation of the regional ocean policy. It helps too that the institution is deemed non-political and more technical in its remit and therefore presents for discussion, the merits and demerits of divorcing policy-making from policy implementation as much as practicable.³⁵⁹ Such a move also highlights the acceptance by regional stakeholders of the role of CROP, in a scenario where regional infighting could otherwise take place.

³⁵⁶ *Ibid.*

³⁵⁷ *Ibid.*, 4.

³⁵⁸ *Ibid.*, 10.

³⁵⁹ Pacific Islands Forum Secretariat. (n.d). *CROP*.

The integrated maritime policies of the EU and the Mediterranean also reflect their peculiar interests. However, they too vary in the way they meet the criteria set by Underdal for integrated ocean policies. It is agreed in the Mediterranean region that economic interests and environmental integrity are not contradictory priorities, but in fact share a symbiotic relationship, with the proper level of governance. While no clear guiding principles were outlined in this regard, sustainability is an obvious theme underlying the policy and strategic actions outlined are consistent with the overall policy thrust.³⁶⁰ In particular, emphasizing the importance of national action and especially attracting high-level attention to the maritime issues at the national level, suggests the recognition that improved governance of the maritime space in the Mediterranean requires both collective action and national prioritization in order to make headway with effective governance. Regional frameworks must be actualized through national efforts and the EU has adopted a best practice approach in this regard which extends to the Mediterranean.³⁶¹ The strategic actions outlined by the latter region also signal the collective awareness of the importance of *UNCLOS* and other multilateral instruments to good governance of its maritime environment, as outlined in its proposal to undertake a study on both the costs and benefits of declaring maritime zones and on the relevance and possible rationalization of existing multilateral agreements undertaken by the region appertaining to maritime affairs.³⁶²

³⁶⁰ For example, the policy emphasizes governance of the marine space and the role of coastal States for good governance, in a case where ocean governance in the region does not fall under *UNCLOS*. See: Commission of the European Communities. (2009). *Towards an Integrated Maritime Policy for better governance in the Mediterranean*, 3-4.

³⁶¹ See: Commission of the European Communities (2008). *Guidelines for an Integrated Approach to Maritime Policy: Towards best practice in integrated maritime governance and stakeholder consultation*. Communication from the Commission to the Council, The European Parliament, The European Economic and Social Committee and the Committee of the Regions. Presented by the Commission. Brussels, 26.6.2008. COM (2008) 395 final.

³⁶² Commission of the European Communities (2009). *Towards an Integrated Maritime Policy for better governance in the Mediterranean*, 6.

This is a particularly noteworthy finding in terms of contemplating regional ocean governance in general. While large parts of the Mediterranean region remain high seas and a number of novel zones have been established instead, such zones do not empower the States of the region to act in concert with partners and regional neighbors to exercise their rights and responsibilities under the Convention. In the interim, being on the outskirts of the *UNCLOS* process allows the region to exploit the advantage of preparing adequately for participation in the legal regime, a process which some Contracting Parties to the Convention might not have undertaken. Perhaps this is where the improved level of stakeholder participation identified by the policy of the Mediterranean comes into play,³⁶³ given the improvements in agenda setting and accountability often ascribed to broad-based policy-making processes. But the policy is also comprehensive and consistent in identifying a set of cross-cutting tools to complement the priority actions articulated in the policy framework.

Maritime Spatial Planning (MSP) is noted as one useful approach to considering and balancing competing and often conflicting uses of the maritime space of the region, as is the intention to create a web-based inventory of implements to improve Integrated Coastal Zone Management (ICZM) in the region.³⁶⁴ The pursuit of a knowledge-based approach to action, including through integrated marine research for better decision-making, both in the short and long-term is also a vital component of the toolkit proposed by the region for improved governance of its maritime environment.³⁶⁵ In this way, while as in the case of the Pacific Islands, a wide cross-section of themes may not be outlined in the IMP – MED, tools have been identified to enable integrated decision-making across a spectrum of disciplines for informed and effective decision-making for the oceans.

The integrated maritime policy of the EU, in many ways, reads like a development strategy document rather than a policy on ocean affairs. It does not seek to treat with every aspect of maritime governance in the region, nor incorporate every instrument of

³⁶³ *Ibid.*

³⁶⁴ *Ibid.*, 8 and 11.

³⁶⁵ *Ibid.*, 9.

maritime governance agreed to by the EU. It is nonetheless comprehensive to the extent that it showcases the priorities set by the region to not only sustain its marine environment, but also sustain its economy, society, international competitiveness and its dominant leadership role in world affairs.³⁶⁶ It takes a long-range view to ocean governance and its wide geographical scope extends to its overseas territories and includes international assistance to and international cooperation with its development partners.³⁶⁷

The policy is consistent across a range of policy levels and thematic issues as well. In addition to treating with various sectoral issues of maritime governance across economic, environmental, political and social levels, the policy also encompasses actions across national, regional and multilateral spheres. It provides for the range of cross-cutting tools required in the pursuit of such governance and a set of underlying principles - subsidiarity, competitiveness, ecosystem-based management and stakeholder participation - to guide action.³⁶⁸ The principle of subsidiarity is particularly interesting and may be of comfort to Member States seeking to assert their peculiar needs and priorities amidst regional arrangements tending towards generalized prescriptions in various policy areas. Incorporating competitiveness as a principle to guide policy action with respect to the oceans is equally, fascinating and in fact, politically shrewd. Economic and environmental concerns are usually considered apart and antithetical. Bringing them together under the ambit of competitiveness, a topic that resonates profoundly with political leadership increases the likelihood that the separate issues involved would not be considered alone. This is perhaps the most impressive aspect of the IMP of the EU and its strategic actions seek to realize tangible benefits by forging tangible linkages between the environment, economy and society through integrated

³⁶⁶ Commission of the European Communities. (2007). *An Integrated Maritime Policy for the European Union*, 13 and 15.

³⁶⁷ Commission of the European Communities. (2007). *An Integrated Maritime Policy for the European Union*, 12 -13.

³⁶⁸ Commission of the European Communities. (2007). *An Integrated Maritime Policy for the European Union*, 3-5.

maritime governance.

The EU has also undertaken a number of institutional changes to adapt to its new integrated approach to governance. When the Commission declared its intention, via its *Strategic Objectives 2005 – 2009*, to pursue an integrated approach to maritime affairs, it subsequently established a new portfolio of “maritime affairs” and a Steering Group of Commissioners.³⁶⁹ A Maritime Policy Task Force was also created within the Commission, attached to the Directorate-General for Fisheries and subsequently, renamed DG Fisheries and Maritime Affairs (DG MARE).³⁷⁰ Steps were taken to provide the DG MARE with a coordinating unit, 3 units in charge of different sea basins of the EU region and an additional unit dealing with the external dimension of EU maritime affairs, which is also equipped for permanent internal coordination of maritime affairs.³⁷¹ The Commission of the EU is in many ways the driving force of the IMP. Such a function, together with the role devolved by the Pacific Community to the CROP with respect to oversight of its regional ocean policy, attests to the importance of strong, adaptive regional institutions in the formulation and implementation of integrated regional ocean governance.

The IMP is also accompanied by an action plan, which details in the form of activities to be undertaken, the various policy prescriptions outlined by the region. The policy is also supported by a work programme to assist with its further development.³⁷² That the EU

³⁶⁹ Commission of the European Communities. (2007). *An Integrated Maritime Policy for the European Union IMPACT ASSESSMENT*. Accompanying document to the Community from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions. Commission Staff Working Document. Brussels. COM (2007) 574, 7. Retrieved from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007SC1279:EN:HTML>

³⁷⁰ *Ibid.*

³⁷¹ *Ibid.*

³⁷² Commission of the European Communities. (2010). *Proposal for a Regulation of the European Parliament and of the Council establishing a Programme to support the further development of an Integrated Maritime Policy*. SEC (2010) 1097 final. Brussels. Retrieved from: [http://www.europarl.europa.eu/meetdocs/2009_2014/documents/com/com_com\(2010\)0494_/com_com\(2010\)0494_.htm](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/com/com_com(2010)0494_/com_com(2010)0494_/com_com(2010)0494_.htm)

adopted a work programme to provide financial stability to its integrated maritime policy is instructive, primarily, because it shows how large projects such as integrated ocean governance, can be underestimated in terms of the costs to be incurred by the parties involved. It also makes incumbent on the relevant Member States the imperative of evaluating and assessing proposed policies and actions in line with strategic priorities and overarching financial responsibilities and political realities. Such processes allow for a measure of control of the activities being undertaken and they can have a direct impact on project success or failure.

The European Council (EC) requested the Commission to submit for its attention a progress report within 2 years of implementing the IMP, when it endorsed the policy in 2007.³⁷³ The relevant document was submitted, as requested in 2009, followed by another report on progress made 3 years later in 2012.³⁷⁴ Through such accountability, the EU was able to see where achievements were made and benefits to the region accrued, with a view to reprioritizing where necessary to keep on track with its stated goal of integrated ocean governance. Such a process also allowed the EU to see how difficult economic times could influence policy actions and it permitted a realignment of policy objectives with the 2020 strategy of the region.³⁷⁵ Not all regional groupings may find such a meticulous approach to policy implementation appealing, since admittedly, it does have its drawbacks. Micromanagement requires adequate technical and administrative competencies and not all regions may be equipped with the relevant

[0\)0494_en.pdf](#)

³⁷³ Commission of the European Communities. (2009). *Progress Report on the EU's Integrated Maritime Policy*. Report From The Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. SEC (2009) 1343. Brussels. Retrieved from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2009:1343:FIN:EN:PDF>

³⁷⁴ Commission of the European Communities. (2012). *Progress of the EU's Integrated Maritime Policy*. Report from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions. COM (2012) 491 final. Brussels. COM (2012) 491 final. Retrieved from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0491:FIN:EN:PDF>

³⁷⁵ *Ibid*, 2.

Secretariats. There are merits of such a system, however and the case can be made managing for results, especially where large investments and critical issues are involved.

And the results of such management can be seen across the 3 regions surveyed. The EU, expectedly, has adopted a predominantly, institutional approach to ocean governance and in this regard has developed for example, guidelines for integrated maritime governance and stakeholder consultation,³⁷⁶ a roadmap for MSP,³⁷⁷ an industries forum, a network of maritime clusters and guiding principles for information-sharing on maritime issues in the region.³⁷⁸ The Mediterranean, while also engaged in the wider EU initiatives has in addition embarked on a number of basin-specific initiatives to realize its policy objectives and foster greater momentum for ocean matters. A working group for integrated maritime policy in the region has been established aimed at developing common approaches to the maritime policy among Member States.³⁷⁹ The region is also engaged in a project, funded by the EU, which provides assistance to the 9 southern Neighbourhood States of the Mediterranean engaged in developing integrated approaches to maritime affairs.³⁸⁰

The Pacific Islands too are engaged in building on the momentum created by their regional ocean policy. They have since formulated the concept of the *Pacific Oceanscape*, which builds on the PIROP and seeks to promote the conservation and sustainable use of the marine environment of the region.³⁸¹ The concept, which was

³⁷⁶ See: Commission of the European Communities (2008). *Guidelines for an Integrated Approach to Maritime Policy: Towards best practice in integrated maritime governance and stakeholder consultation*.

³⁷⁷ Commission of the European Communities. (2009). *Progress Report on the European Union Integrated Maritime Policy*. 5-6.

³⁷⁸ *Ibid.*

³⁷⁹ EUROPA. (n.d.). *Mediterranean Sea policy*. Maritime Affairs. Retrieved from : http://ec.europa.eu/maritimeaffairs/policy/sea_basins/mediterranean_sea/index_en.htm

³⁸⁰ See: Project on Integrated Maritime Policy in the Mediterranean. (2011). *Project on Integrated Maritime Policy in the Mediterranean – European Neighbourhood and Partnership Instrument*. Retrieved from: http://www.imp-med.eu/En/home_4_index. The 9 partner countries involved in the project are Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria and Tunisia.

³⁸¹ Pacific Islands Forum Secretariat. (n.d.). *Pacific Oceanscape*. Retrieved from:

developed by the President of Kiribati, His Excellency Anote Tong in early 2009 and thereafter endorsed by the Pacific Islands Forum and by Ministers of the Environment that same year, is also accompanied by a *Pacific Ocean Arc Initiative*, targeting an increase in marine protected areas, investment, learning and networking throughout the region in the area of maritime affairs.³⁸² In September 2012 and in pursuit of the latter initiative, the Government of New Caledonia announced its intention to establish a marine protected area of some 540,000 miles square in their portion of the Coral Sea.³⁸³ The Cook Islands also unveiled a new marine park of approximately 386,000 miles square, approximately, half of its national territory.³⁸⁴

Such a step, in an age of increasingly lucrative EEZs and emerging blue industries confirms, immediately and most starkly the nature of the commitment of this island-State and the wider region, to the conservation and preservation of its marine environment. It is highly unlikely however, that other governments across the world will follow suit. The *Oceanscape* initiative is pursued through an overarching framework and is seen as a catalyst for action under the regional ocean policy.³⁸⁵ It is also empowered through an Ocean Commissioner, who is also the Secretary-General of the Pacific Islands Forum Secretariat and functions mainly to attract the high-level representation and commitment required to sustain keen attention on the need to safeguard the marine environment and resources of the Pacific Community.³⁸⁶ Technical and scientific support is provided to the Commissioner by the relevant CROP agencies and facilitated through its MSWG.³⁸⁷

<http://www.forumsec.org/pages.cfm/strategic-partnerships-coordination/pacific-oceanscape/>

³⁸² *Ibid.*

³⁸³ Stone, G. (2012). *Pacific nations lead sea-change in ocean conservation*. CNN Opinion. Retrieved from: <http://www.forumsec.org/pages.cfm/strategic-partnerships-coordination/pacific-oceanscape/>

³⁸⁴ *Ibid.*

³⁸⁵ Pacific Islands Forum Secretariat. (n.d.). *Pacific Oceanscape*.

³⁸⁶ *Ibid.*

³⁸⁷ *Ibid.*

The foregoing analysis suggests different factors can account for the development of regional ocean policies (**Figure 16**). Variances can also exist with respect to the approaches taken to such formulations. There is nonetheless an underlying theme that the nature of the cooperation and institutions at the regional level matter. So does the strength and commitment of the leadership and political will available to such regional frameworks. Implementation is critical, as is monitoring and evaluation of such action.

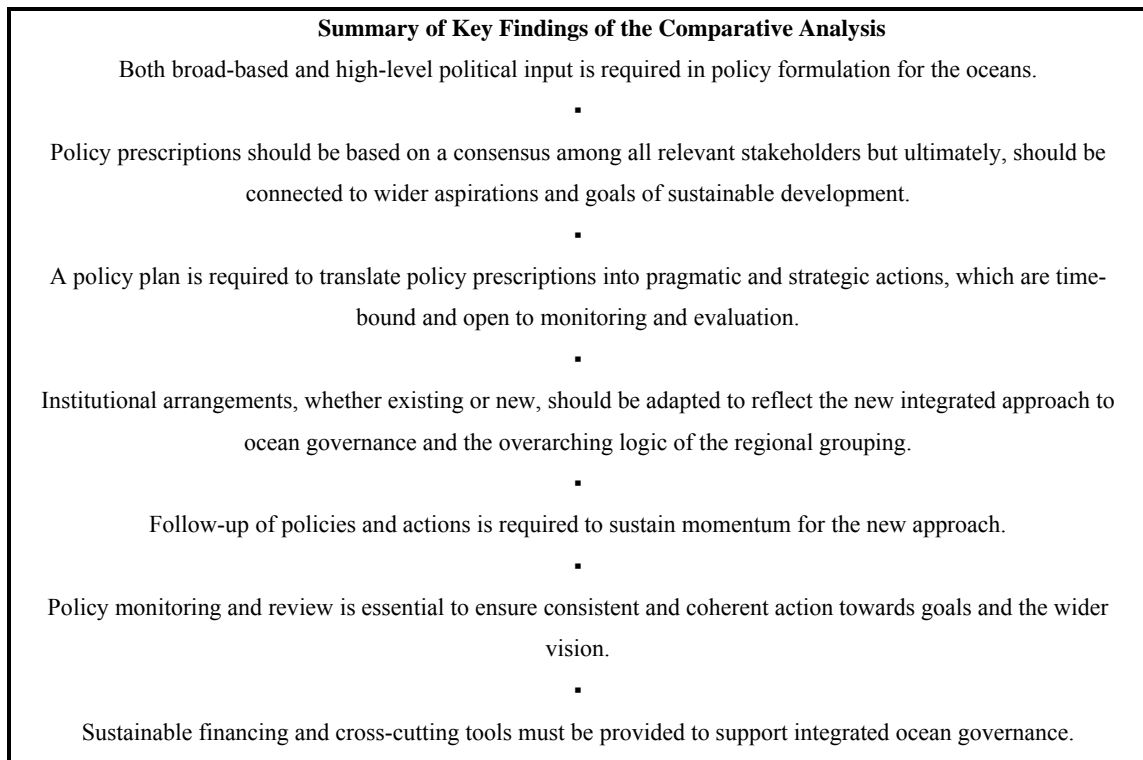


Figure 16 - Summary of major findings of comparative analysis of marine regions

Refinements and changes may need to happen, but at least there must be an agreed framework of action. Timeframes for action can act as a guide, but compliance is the fundamental aim. Supporting institutional arrangements for integrated ocean governance must match the dominant political logic of the region, but still be flexible enough to accommodate new thinking and behaviors. Legislation is not necessary where commitment to goal set is solid. The necessary resources and tools required for such compliance should be readily available. Information, networks and sustainable financing are critical. Understandably, questions can be posed regarding the various regional policies examined above and in particular, whether any of them actually worked to facilitate their respective objectives. A conclusive statement in this regard is beyond the

scope of this paper. Instead, this work is concerned with the lessons that can be learned from 3 marine regions and the various ways they have all sought to promote integrated ocean governance through policy instruments.

5. A possible future for ocean governance in the WCR

The aforementioned chapters, together, form an informative and important base from which to contemplate a new future for ocean governance in the WCR. Through them, it has been revealed that overarching frameworks for sustainable development and governance of oceans exist and have the commitment of governments of the region. An overview of the region suggests that though limitations and vulnerabilities are present, the States of the WCR also have capacities in a number of areas that can be harnessed and leveraged for more effective ocean governance. The challenge is to create the regional consensus and architecture needed to realize it. The following recommendations are made in this regard.

5.1. A regional Ocean Policy for the WCR: Proposals for a policy framework

Steps to formulate a vision for more integrated ocean governance in the WCR are already in train. The work done by the Caribbean regional symposium, *Strengthening Principled Ocean Governance Networks (PROGOVNET)*, convened at the University of the West Indies (UWI), Cave Hill, Barbados from December 10 – 12, 2008, is a specific case. The event, supported by the Nippon Foundation, brought together experts from both within and outside the region to *produce a body of background work on EBM/EAF³⁸⁸ in various Caribbean situations and to synthesize these ideas under strategic headings that could provide guidance* to both the CLME Project and other stakeholders interested in

³⁸⁸ EAF has been defined as by Ward et al. (2002) *as an extension of conventional fisheries management recognizing more explicitly the interdependence between human well-being and ecosystem health and the need to maintain ecosystems productivity for present and future generations, e.g. conserving critical habitats, reducing pollution and degradation, minimizing waste, protecting endangered species*. See: Food and Agriculture Organization. (n.d.). *Terminology And Paradigms*. Retrieved from:

<http://www.fao.org/docrep/006/Y4773E/y4773e03.htm>

integrated ocean governance in the region.³⁸⁹ To date, there is no common understanding of EBM in the WCR. The symposium sought to therefore, provide an inclusive and transparent space in which a vision for it could be created. Both individual sectors and ocean governance, in general, were considered.³⁹⁰ The overarching vision formulated comprised 7 key components, with strategic actions and underlain guiding principles for action.³⁹¹ The recommendations made here are informed by these and other outputs, which will be referenced accordingly. There are also based on an assessment of the perceived strengths and weaknesses of the WCR with respect to ocean governance and views on various threats and opportunities extant in the international arena that could help or hinder more integrated decision-making with respect to the Caribbean Sea in the region (**Table 1**).

INTERNAL	STRENGTHS	WEAKNESSES
	<ul style="list-style-type: none"> ✓ Regionalism accepted as a standard ✓ Common issues unite ✓ Democracy well entrenched ✓ Growing concern for marine space ✓ Some commitment and leadership present ✓ Ocean governance arrangements exist ✓ General adherence to international law ✓ States seeking rights under UNCLOS ✓ Marine resources, though limited, exist 	<ul style="list-style-type: none"> ✓ Various regionalisms exist ✓ Differences divide ✓ Governance defined narrowly ✓ Inadequate science-policy interface ✓ Greater buy-in and ownership needed ✓ Ocean governance too complex ✓ Onerous commitments/compliance often poor ✓ Responsibilities under UNCLOS need attention ✓ Limited natural resource account
External	Opportunities	Threats
	<ul style="list-style-type: none"> ✓ Framework of ocean governance exists ✓ Technical assistance provide to small States ✓ Oceans are gaining more recognition ✓ Marine regionalism is emerging ✓ Lessons from regional experiences exist ✓ Blue industries are emerging ✓ Knowledge on the oceans is growing 	<ul style="list-style-type: none"> ✓ Benefits may be derailed by lack of capacity ✓ Not all small States treated equally ✓ Popularity without adequate understanding ✓ Marine regions may complicate regionalism ✓ Wholesale adoption of lessons learned ✓ Rampant exploitation a possibility ✓ Research skewed towards exploitation ✓ Overemphasis on sectoral governance

³⁸⁹ Fanning, L., Mahon, R., & McConney, P. (Eds.). (2011). 9.

³⁹⁰ *Ibid.*

³⁹¹ *Ibid.*, 355 – 367.

	<ul style="list-style-type: none"> ✓ Marine space often larger than terrestrial ✓ Integrated development planning 	<ul style="list-style-type: none"> ✓ Terrestrial approaches to marine issues
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Table 1 - SWOT Analysis of framework for ocean governance in the WCR.

A modified Logical Framework Analysis (LFA) is also used as a tool of analysis to ensure coherence and consistency across various levels in the recommendations made (**Table 2**). LFA is *an aid to thinking*.³⁹² It is a useful management tool, used widely for planning and evaluating ideas. It *provides a set of interlocking concepts [to facilitate] ... structured and systematic analysis*.³⁹³ Value is created to the extent that it allows for important questions to be asked of proposals, weaknesses to be identified and informed decision-making based on improved understanding of the rationale, intended objectives and the means through which they are to be achieved.³⁹⁴ There is no magic in LFA. It is simply a tool to be used in conjunction with others and good judgment.³⁹⁵ It is not suggested here that a regional ocean policy for the WCR should be subjected, entirely, to such a process, but simply that viewing the policy in management terms provides practical insight into coherence and consistency and the actions required for its implementation and follow-up. Effective management is also an aspect of good governance.

³⁹² *The Logical Framework Approach*. Project Cycle Management Guidelines, 57.

³⁹³ *Ibid.*

³⁹⁴ *Ibid.*

³⁹⁵ *Ibid*, 58.

Vision	Measurable Indicators	Means of Verification	Important Assumptions
<p>A Wider Caribbean region that is fully aware of the importance and value of the Caribbean Sea and its resources to its sustainable development, creative, decisive and responsible in its imagination of further ways to both harness its potential and preserve its productivity and integrity for present and future generations and enabled by institutions and governance structures, at the appropriate levels and with the necessary powers and resources, capable of supporting both the current and future needs and aspirations of the people of the region.</p>	<p>Level of public participation in ocean governance initiatives; innovation shown in the structures established for ocean governance and the development of business opportunities from harnessing ocean resources; the existence of regional oceans that treat with oceans in an integrated way; regional outputs, including policy documents and initiatives and address oceans as a whole.</p>	<p>Survey of stakeholder participation and input on ocean issues; proposals submit outlining creative ideas and mechanisms regarding use and stewardship.</p>	<p>Information is a catalyst for awareness, which in turn generates innovation and stewardship. A regional response to ocean governance is appropriate and feasible.</p>
<p>Mission To provide a framework of ocean governance that allows for informed and integrated decision-making and action with respect to the Caribbean Sea, supports the creativity and innovation needed to harness and realize its resources and fosters the stewardship required to ensure its preservation and protection for both current and future generations.</p>	<p>Experts utilized and research requested; public calls for greater attention to and action and action on related issues; proposals submitted with respect to ocean development and stewardship; greater adoption and promotion of the Caribbean Sea Initiative.</p>	<p>Policy documents; survey of relevant experts; statements made by authority figures; newspaper articles; public debates.</p>	<p>An integrated framework is an appropriate tool for consideration and decision-making regarding the oceans; a facilitating environment does not already exist to engender integrated ocean governance; information and opportunities will foster behavior change for better stewardship and innovation with respect to the oceans.</p>
<p>Principles Sustainable Development, Stewardship - sovereignty, common but differentiated responsibility; equity; inclusivity, accountability, transparency, Innovation.</p>	<p>Balanced proposals for development; Inclusive, open and accountable decision-making; Funding for proposals and research regarding marine industries and technology.</p>	<p>Policy documents; meetings and debates convened; budget allocation and investment portfolios.</p>	<p>Principles are important to guide; Adopting the right principles will spur the thinking and actions required to realize goals and objectives.</p>

Priorities Living Marine resources Tourism Disaster Management & Climate Change Law of the Sea Maritime Security Marine renewable energy	Depletion of resources; Degree of coastal erosion and environmental degradation; frequency, intensity, impacts and cumulative effects of hurricanes; maritime border disputes and areas of maritime cooperation; Degree of protection of maritime borders; Development and deployment of marine renewable energy projects.	Resource assessments; environmental impact assessments; damage assessment of natural disasters; number of maritime disputes settled and number of maritime initiatives undertaken; reports of illegal maritime activity.	Prioritization is important for strategic intervention and effective governance – it shows awareness of pressing issues and the conscious and informed decision-making. It also aids resource mobilization and further strategic planning.
Cross-cutting issues Capacity-building Cooperation Financing Leadership Diplomacy	Training undertaken; projects and bilateral initiatives conducted; donor funding provided; high-level attention given to issues; ocean issues as a recurrent theme on regional and international agendas.	Training advertisements; agreements signed; funding provided; issue attracts high public profile; briefing documents prepared and resolutions adopted.	These issues span all areas and so need to be addressed separately; attention to them will enhance and facilitate the integrated ocean governance process.
Strategic Actions Operationalize the CSC	Establishment of the Secretariat of the CSC; Use of the CSC to fulfill a policy function.	Notification of establishment; mandate given and commencement of policy function; policy produced.	Operationalization of the CSC is important to integrated ocean governance in the WCR; resources are available for operationalization and the political will exists as well.
Cross-cutting tools Data and information platform Marine spatial planning; Marine protected areas	Better coordination and access to relevant information on the region; Designated areas and uses.	Information and communication networks for decision-making; policies and laws regulation use.	Policies need to be implemented through cross-cutting tools; MSP is a credible and useful tool for managing multiple uses; a consensus can be reached on regulating use.
Outputs Integrated decision-making for the Caribbean Sea	Coordinated decision-making with respect to both sectoral and ocean governance issues as a whole.	Policies documents, public statements; coordinated management initiatives.	Fragmented ocean governance is inefficient and ineffective; integrated ocean governance is a viable alternative and can be implemented to work in the WCR.

Table 2- Logical Framework Analysis (LFA) of proposed ocean policy for the WCR.

5.1.1. Vision

A Wider Caribbean region that is fully aware of the importance and value of the Caribbean Sea and its resources to its sustainable development, creative, decisive and responsible in its imagination of further ways to both harness its potential and preserve its productivity and integrity for present and future generations and enabled by institutions and governance structures, at the appropriate levels and with the necessary powers and resources, capable of supporting both the current and future needs and aspirations of the people of the region.

Ocean governance in the WCR, to be relevant, must be integrated with and pursued in tandem with efforts to realize the goals and aspirations of sustainable development in the region (**Figure 17**). Such a process must be supported by an information base capable of generating the awareness, innovation and stewardship required for integrated ocean governance. Governance processes must also reflect innovation in the ways in which they are able to foster the participation and input required to engender development opportunities and better care of the oceans for the benefit of all concerned. Such a vision is compatible with that formed through the PROGOVNET process, namely, *healthy marine ecosystems that are fully valued and protected through strong institutions at local, national and regional levels providing effective governance that involved everyone, is fully understood and supported by the public and enhances livelihoods and human well-being.*³⁹⁶

Both proposals share the fundamental elements of the need for greater knowledge, inclusion, stewardship and stronger institutions for more integrated ocean governance. What differs is the formulation of these elements and the emphasis given to its constituent parts. The first proposal is broad and wide-ranging. It prescribes a vision for ocean governance that can encompass many things, but it seeks also to address the critical and underlying challenges to ocean governance, such as the lack of information and awareness required for good stewardship, while simultaneously addressing

³⁹⁶ Fanning, L., Mahon, R., & McConney, P. (Eds.). (2011), 371.

progressive issues such as innovation.

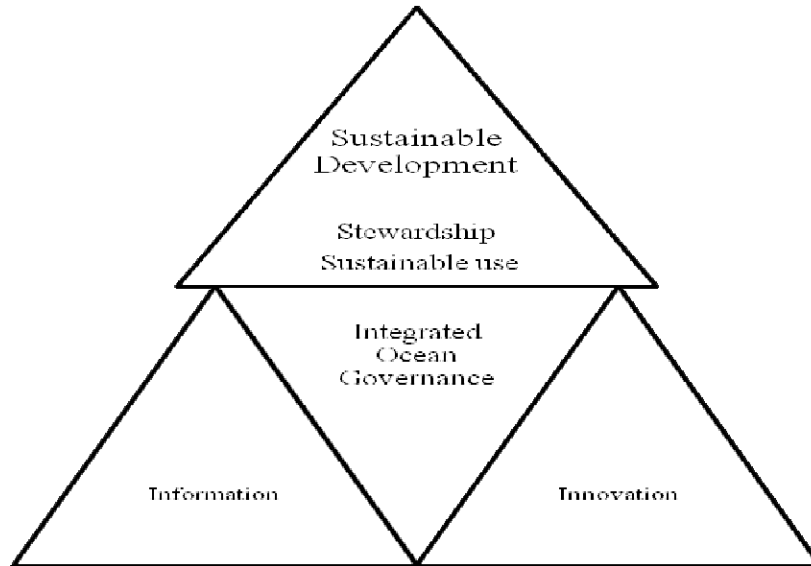


Figure 17 - A model for ocean governance in the WCR.

Fostering knowledge regarding the value of ecosystem resources and preserving the integrity of marine ecosystems can form components of these efforts. The principal assumption made however is that with the right information to foster greater awareness and innovation, the necessary care and attention required for achieving more specific objectives, such as healthy marine ecosystems, will come. References to innovation should not create space between the two proposals, as they are meant simply to connote the idea of change and renewed thinking and attitudes about ocean governance in the region. Traditional approaches to ocean governance have been built and perpetuated on the basis of fragmentation and the marine and coastal resources have been treated as largely separate from and secondary to terrestrial assets. In the latter regard, the vast potential of the maritime industry in the region is yet to be realized and developed, sustainably. Structural and innovative changes must therefore occur in the way that the marine resources in the region are perceived, used and cared for.

The vision for ocean governance in the WCR, then, has 3 fundamental and interrelated pillars, namely, information, innovation and stewardship, which it is proposed should be coordinated through an integrated governance framework for sustainable development.

Again, these 3 pillars are in sync with the seven elements outlined for the vision proposed by PROGOVNET.³⁹⁷ The issue of sustainable financing and the need for a coherent and adequate legal framework for the ocean governance in the WCR, although not outlined specifically here, are considered cross-cutting issues relevant to the pursuit of the overarching vision. Legislative concerns are considered areas of future work, which can be pursued through the regional policy process, once established. The geopolitical complexities of the Caribbean region make attempts at fostering legislative coherence with respect to ocean affairs both difficult and unpopular. It may not be politically shrewd therefore to address such issues upfront in discussions of a regional ocean policy, but perhaps at a later date once some measure of confidence in the new integrated approach to governance has taken hold and gained sufficient traction.

5.1.2. Mission

To provide a framework of ocean governance that allows for informed and integrated decision-making and action with respect to the Caribbean Sea, supports the creativity and innovation needed to harness and realize its resources and fosters the stewardship required to ensure its preservation and protection for both current and future generations.

An integrated framework of governance is critical to the creation of an environment in which ocean affairs can be considered as a whole and in line with the wider objectives of sustainable development. Such a framework should be integrated to the extent that it provides space for broad-based participation and input by relevant stakeholders and informed decision-making within the context of sustainable development. Coordination is pivotal to such a process, but also guiding principles and cross-cutting tools that foster the necessary balance across levels, between stakeholders and inputs and also among the various dimensions of sustainable development.

³⁹⁷ Namely, sustainable financing, inclusive participation, comprehensive, coherent, consistent decision-making, coherent, adequate legal framework, individual motivation for stewardship, efficient multilevel networks and institutions and enhanced social capital. See: Fanning, L., Mahon, R., & McConney, P. (Eds.). (2011), 355.

5.1.3. Guiding Principles

Principles are important to guide and support action. They form common denominators to which all stakeholders can subscribe and adhere in the exercise of their various functions.³⁹⁸ Such coherence requires a consensus on fundamental guiding principles, which are grounded in the values and beliefs of those expected to employ them.³⁹⁹ The adoption of new principles is required sometimes as well. They enable new approaches to traditional issues and undertakings with respect to new issues. Ultimately, principles must cohere and they must be consistent and compatible with the aims and objectives to be pursued and this basic requirement applies to both substantive and procedural principles.⁴⁰⁰

Member States of the WCR have committed to principled action at various levels. The region, acting in accordance with the wider international community at the Rio Summit, proclaimed its adherence to 27 guiding principles of sustainable development.⁴⁰¹ At the intraregional level, the Member States of the OECS have agreed to function, including through recognition of 21 principles aimed at ensuring the environmental sustainability of the area.⁴⁰² The reaffirmation and consistent employment of all such principles are also applicable to the pursuit of ocean governance in the region and can be considered in tandem with those prescribed through the PROGOVET process.⁴⁰³ Inclusion and

³⁹⁸ Mahon, R., Fanning, L., & McConney, P. *Principled ocean governance for the Wider Caribbean Region*. Paper resulting from Caribbean Regional Symposium held at the University of the West Indies, Barbados, 2008), 3. Retrieved from:

http://marineaffairsprogram.dal.ca/Files/Mahon_Fanning_McConney_Principled_ocean_governance.doc

³⁹⁹ *Ibid.*

⁴⁰⁰ *Ibid.*

⁴⁰¹ United Nations General Assembly. (1992). *Rio Declaration on Environment and Development*. Report of the United Nations Conference on Environment and Development. United Nations. Retrieved from: <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>

⁴⁰² Organisation of Eastern Caribbean States. (2009). Saint Georges Declaration of Principles for Environmental Sustainability in the OECS. OECS. Retrieved from: <http://www.oecs.org/esdu/sdg-principles>

⁴⁰³ Fanning, L., Mahon, R. & McConney, P. (2011). (Eds.) *Towards Marine Ecosystem-based Management*

information is critical to the pursuit of integrated ocean governance, which must not only aim to safeguard environmental integrity, but also social justice. Equally, it must adhere to the principles of good governance and be flexible enough in its approach to adapt to changing circumstances.

But integrated ocean governance in the region also needs to promote human-centered development, in recognition of the fact that people are *entitled to healthy and productive lives in harmony with nature*.⁴⁰⁴ It needs to acknowledge that States have both rights and responsibilities with respect to the resources under their control.⁴⁰⁵ The States of the WCR exercise sovereignty, sovereign rights and jurisdiction over various portions of their maritime space, but they must also ensure the protection of these resources, including through reducing unsustainable patterns of production, consumption and distribution for sustainability.⁴⁰⁶ The *Operating Statutes and Rules of Procedure of the Caribbean Sea Commission (Appendix I)* acknowledges the sovereignty of the coastal States of the WCR as its foremost underlying principle, but recognizes, too, that such rights must be met by the necessary obligations and harnessed together for enhanced regional cooperation.⁴⁰⁷ Ultimately, it must recognize and reinforce the fact that peace, development and environmental protection are all intertwined and indivisible.⁴⁰⁸ The suitability of innovation as a principle is arguable, but it is important this particular element intersperse all levels of society. If this is to be the case then, innovation also needs to be appropriate and should be conducted responsibly.⁴⁰⁹ It must also match the scale at which it is applied. In the economic or business sense, innovation must take into account issues of ownership of resources, costs and benefits and social justice.⁴¹⁰

in the Wider Caribbean, 368.

⁴⁰⁴ United Nations General Assembly. (1992). *Rio Declaration on Environment and Development*, 1.

⁴⁰⁵ *Ibid.*

⁴⁰⁶ *Ibid.*

⁴⁰⁷ Association of Caribbean States. (2007). *Operating Statutes and Rules of Procedure of the ACS*, 2.

⁴⁰⁸ United Nations General Assembly. (1992). *Rio Declaration on Environment and Development*, 5.

⁴⁰⁹ *Ibid.*, 174.

⁴¹⁰ *Ibid.*, 175.

The ranking of principles elaborated through the PROGOVNET process suggest that stakeholders involved in creating a vision for ocean governance in the region are concerned more with ensuring that EBM is undertaken in the region with priority given to promoting conservation and social justice.⁴¹¹ This is understandable, given the partial indifference shown for natural resources in the WCR, their overall precarious state and the perennial challenges of the region with respect to the equitable distribution of resources. A connection needs to be made. Precaution and applying penalties for abuse and misuse of natural resources can also form part of conservation; economic growth and development are fundamental to providing the resources necessary for equitable distribution and there is no substitute for all-round good governance. Further and in this regard, the principle of common but differentiated responsibilities must be addressed within any governance arrangement in the WCR. There is recognition within the regional community that while operating as a whole, there are some states with more limited capacities – and differing interests. In this regard, the development of national capabilities, including through regional cooperation is a worthwhile pursuit, not only to build regional solidarity, but also national self-reliance for strong regional action.⁴¹²

Fundamentally then, an integrated approach to ocean governance, while operating on the basis of strong national frameworks, should be informed by a commitment to regional cooperation, as appropriate. In the spirit of this goal, the peaceful settlement of disputes should also be addressed.⁴¹³ The matter of the delimitation of maritime boundaries in the region makes such a proposal particularly clear. To this end, States of the region should also adhere to the principle of good faith, especially in a context where binding legislative arrangements at the regional level are both lacking and unpopular and issues of compliance with agreements made abound. It is not necessary to codify every issue or principle, but equally the WCR needs to establish a covenant for itself to guide, including

⁴¹¹ Fanning, L., Mahon, R. & McConney, P. (2011). (Eds.) *Towards Marine Ecosystem-based Management in the Wider Caribbean*, 359.

⁴¹² Association of Caribbean States (2007). *Operating Statutes and Rules of Procedure of the Caribbean Sea Commission*, 2.

⁴¹³ United Nations General Assembly. (1992). *Rio Declaration on Environment and Development*, 5.

its fundamental actions with respect to ocean governance. As in the case of the Pacific Islands, it may not be necessary to start this process from first principles. What may be required though is a compilation of selected tenets of various arrangements to provide a sound basis for ocean governance. A compilation based on the treaties establishing the various regional groupings can be examined to this purpose. From the foregoing analysis, it is proposed that the WCR adopts sustainable development, good governance and innovation, as its fundamental principles of ocean governance.

5.1.4. Priority Areas

An integrated approach to ocean governance that creates informed decision-making across its many sectors and within the overarching context of sustainable development must be the overarching goal of the WCR. The various states of affairs across such sectors suggest that specific interventions will need to be targeted and priority assigned accordingly. A few issues stand out, immediately.

5.1.4.1. Living marine resources

Research suggests that the living marine resources of the WCR are overexploited. This situation is likely to become exacerbated as declining economies in the region depend more heavily on their natural resource base to spur economic growth and development. Initiatives such as the CLME Project seek to bring greater attention to the state of these resources in the region and their need for better and more integrated governance. All such efforts, to be impactful and effective, need to form part of a wider policy process that not only assesses the state of living marine resources in the region, but also fosters informed and inclusive decision-making on the issue, at the appropriate level and with the necessary linkages to ocean governance as a whole and wider concerns of sustainable development.

5.1.4.2. Tourism

Tourism is a fundamental pillar of economic development in the WCR. Its sustainability is essential to economies and livelihoods in the SIDS. However, it is also the case that the costs of rampant tourism, including its negative environmental impacts, threaten to overrun its benefits to the region. An integrated approach to ocean governance that

includes policy development with respect to tourism should seek to consider and plan tourism development within a broad context that tabulates not only the costs of marketing strategies and tourism earnings, but also the costs, for example, of tourism development to coastal infrastructure and communities and previously pristine marine environments. Such integrated decision-making is necessary to ensure tourism receipts, sustainable livelihoods and environmental integrity and to this end, needs to incorporate, upfront, elements of resources assessment and valuation, MSP and ICZM – as crosscutting, not separate tools.

5.1.4.3. Disaster Management & Climate Change

The coastal States of the WCR, due to their location alone, along the hurricane belt of the Atlantic Ocean, are exposed, at risk and vulnerable to natural disasters. Their already precarious state is made worst by the mercurial nature of climatic changes. Controlling such events is not within the powers of the countries of the WCR, but it is within their capability to adopt more appropriate sustainable production and consumption patterns and plan adequately for disasters and adapt to climate change. Discussions and policy-making in this area however, must make the relevant linkages, including with the place of disaster management and climate change adaptation and mitigation within considerations of integrated ocean governance. The EU has done this. With respect to its coastal communities, it has invested in a cost/benefit analysis of prevention and mitigation with respect to disasters within its assessment of the potential for a comprehensive community strategy for the prevention of natural and man-made disasters, as outlined within its IMP.⁴¹⁴ The UNGA Resolution on the Caribbean Sea makes such linkages. These need to be developed further through a regional policy process.⁴¹⁵

⁴¹⁴ European Commission DG Environment. (2008). *Assessing the Potential for the Comprehensive Community Strategy for the Prevention of Natural and Manmade Disasters*. Final Report, 11. Retrieved from:

http://ec.europa.eu/echo/civil_protection/civil/pdfdocs/stakeholders/potential_prevention_strategy.pdf

⁴¹⁵ See for example, United Nations General Assembly. (2009). *Towards the sustainable development of the Caribbean Sea for present and future generation*. A/RES 63/214. Resolution adopted by the General Assembly. Sixty-Third Session, 2. Retrieved from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/483/63/PDF/N0848363.pdf?OpenElement>

5.1.4.4. Law of the Sea

The States of the WCR have both individual and collective rights and responsibilities under UNCLOS. The issues covered under this ambit should be seen as broader than delimiting marine boundaries. Though important, narrow conceptualizations of the relevance of the law of the sea obscures the areas of environmental protection, marine research and technology and economic development that can be pursued by States, either alone or jointly under the Convention. Policy space needs to be created at the regional level to develop a broad approach to ocean governance, including the issue of maritime boundaries. It is illustrative to note that the Pacific Community has adopted a collective approach to maritime boundary delimitation, but it is equally noteworthy that regionalism in the Pacific and the WCR is in many ways different and have evolved along varying trajectories.

5.1.4.5. Maritime Security

The peace, stability and development of the WCR are intertwined and integrated ocean governance needs to reflect this fact. It also needs to bear relevance to the reality that the resources available to the coastal States of the region in this regard are limited and skewed, a scenario that serves to jeopardize its security – and that of neighboring coastal States as well. The sovereignty of coastal States in the region is also compromised to the extent that such powers do not enable governments to adequately protect their borders and inhabitants, thereby creating a context where external States intervention and conditions suitable to the conduct of illegal maritime trade and piracy are likely. Discussions of integrated ocean governance in the WCR cannot progress coherently, without treating, in a consistent and comprehensive way with the issue of maritime security.

5.1.5. Cross-cutting issues

There are key issues of integrated ocean governance that cross many themes and sectors. Capacity-building is one such issue. It is broad and can encompass many facets, but used here, it refers specifically to the ways in which the countries of the WCR can acquire and leverage the resources and tools required for integrated ocean governance. Enough

emphasis cannot be placed on the need for information that is relevant, available and easily accessible and understood by persons who require it. A cadre of professionals must also be on hand to provide and deploy such a resource for the benefit of the region. Limited resources and the transboundary nature of ocean governance means that cooperation and partnerships are required also - including among States of the region, with Third States, non-governmental organizations, the private sector and relevant multilateral organizations. Such networks are key conduits for information sharing and possible access routes to more sustainable financing for ocean governance. The IMP – MED includes cooperation with neighboring States, for which funding mechanisms are provided and the wider EU policy incorporates development cooperation with Third States – which usually includes funding - to facilitate implementation.

Integrated ocean governance in the WCR must also have an international dimension, since ocean governance is not a region-specific affair. In addition, no clear dividing line can be drawn easily between the regional and multilateral concerns of the WCR, given its openness and overall integration into the world economy. Though often fragmented, the diplomacy of Caribbean States can be impactful, especially when employed with that of likeminded States. Greater and sustained leadership is a prerequisite for success in this area. The EU has crafted an international dimension to its integrated maritime policy with the aim of enhancing its strategic position in world affairs.⁴¹⁶ The countries of the Pacific Community, too, through their *Oceanscape*⁴¹⁷ initiative have recognized the value of

⁴¹⁶ Commission of the European Communities. (2009). *Developing the international dimension of the Integrated Maritime Policy*. Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions. COM (2009) 536 final. Brussels. Retrieved from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0536:FIN:EN:PDF>

⁴¹⁷ The Pacific Oceanscape was conceived by His Excellency Anote Tong, President of Kiribati, in early 2009 and the concept was endorsed thereafter by the leaders of the Pacific Islands Forum at their 40th meeting in August, 2008. The initiative is seen as the implementing mechanism for the Pacific Islands Regional Ocean Policy and in particular a conduit through States can protect, manage and sustain the cultural value and natural integrity of their ocean resources in perpetuity. It has 6 strategic priorities; 1) establishing ‘jurisdictional rights and responsibilities;’ 2) fostering ‘good governance;’ 3) supporting

diplomacy and international leadership in building capacity for national and regional goals and objectives. The WCR would do well to follow suit. Some success has already been garnered through the pursuit of the CSI.

5.1.6. Strategic Actions

Transforming ocean governance in the WCR requires a phased approach. Some actions will be required now, while others can be undertaken progressively in the medium and longer-term (**Figure 18**). A mechanism is required at the regional level to structure and facilitate such implementation. The CSC can perform this function, once vested with the relevant powers and commitment by Member States of the WCR. While not fully operational, it has an institutional structure, which must be further enhanced and utilized. Building on this foundation, the membership of the CSC should move swiftly to nominate experts to its various Sub-Commissions, a task that can be pursued in tandem with the call for them to do likewise with respect to the *Regular Process for Global Reporting and Assessment of the States of the Marine Environment, including Socio-economic Aspects (Regular Process)*. The principal goal of the Regular Process is to contribute to *global reporting and assessment of the state of the marine environment, including its socio-economic aspects both current and foreseeable, building in existing regional assessments*.⁴¹⁸ States of the region are not well represented at the level of the Regular Process, but they can be, if adequate mechanisms are established to link –

‘sustainable development, management and conservation; 4) promoting ‘listening, learning, liaising and leading; 5) sustaining action; and 6) facilitating adaptation to a rapidly changing environment. An Ocean Commissioner has been appointed by Pacific States to oversee the initiative and in particular, ‘to provide the necessary high-level leadership and commitment that is urgently required to ensure dedicated advocacy and attention to ocean priorities, decisions and processes, at national, regional and international levels.’

The Commissioner is provided with technical support through the relevant agencies of the CROP and this process is facilitated by its Marine Sector Working Group. See: Pacific Islands Forum Secretariat (n.d.).

Pacific Oceanscape. Retrieved from: <http://www.forumsec.org/pages.cfm/strategic-partnerships-coordination/pacific-oceanscape/>

⁴¹⁸ United Nations – Office of Legal Affairs. (2012). *A Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects (Regular Process)*.

United Nations. Retrieved from: http://www.un.org/Depts/los/global_reporting/global_reporting.htm

including through better methods of communication - multilateral initiatives for ocean governance with relevant and supporting regional – and national – processes. Participation by experts from the region in such multilateral processes could serve to enhance the body of knowledge on ocean governance both within and outside the WCR and further, help to legitimize the CSC as an important focal point within the region on matters pertaining to the sustainable use and development of the Caribbean Sea.

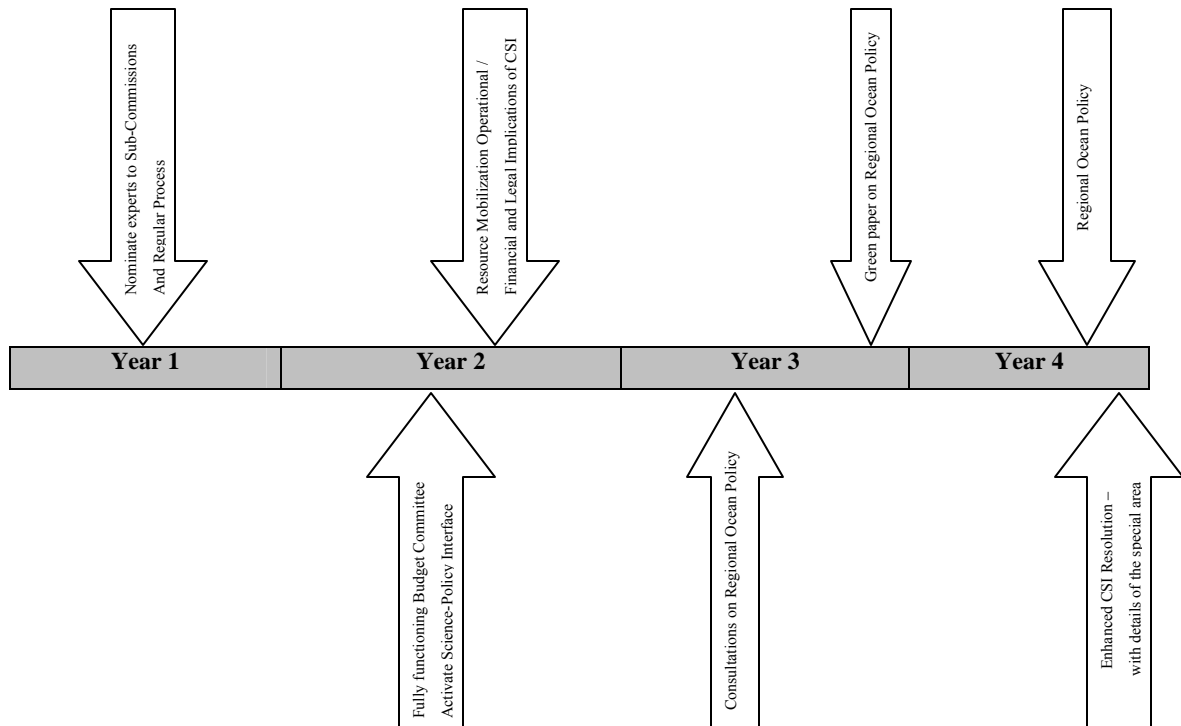


Figure 18 - Timeline of strategic actions proposed for the CSC

The various policy cycles of ocean governance – including at the sectoral and jurisdictional level – are linked and need to be considered as such. Once a pool of regional experts has been identified to participate in the work of the CSC, work can be begin to outline and formalize its agenda – including those issues which matter to and impact the States of the WCR as a whole and which can be addressed more effectively through a regional approach. There is no predetermined list or ranking of issues for this proposed exercise. Such matters must be identified by all stakeholders and a consensus reached on what issues can be dealt with collectively through the CSC and which areas

cannot. This needs to be an honest assessment. States waste time when they impractically list a menu of possible issue-areas for attention knowing that the political will and resources to pursue them fully are not there.

The current work programme of the CSC represents such a milieu, which automatically makes its unviable as a pragmatic agenda for action for the CSC. A practical allocation of work must be devised, with a realistic budget. The membership of the CSC would do well to give greater consideration to its Budget Committee and a simple and viable mechanism for resource mobilization. An attempt has already been made to identify basic legal and accounting principles to govern the work of this body, but effort and input is required to identify specifically, how resources will be generated, including whether through the contribution of Member States, and how overall, they will be managed and leveraged efficiently and effectively to secure the decision-making process outlined for the CSC. This issue must be addressed now but will endure, surely, into the longer-term planning of the CSC.

Resource mobilization can be a difficult issue. It can be made worst when considering the largely cash-strapped developing States of the WCR, currently battling to emerge from the throes of a prolonged economic recession. It is not impossible to raise funds to support the work of the CSC, but it is important that this process be discussed openly and honestly and with the adequate innovation and strategic thinking. It can be argued that venues exist to finance the work of the CSC. Member States can be asked to make contributions to this specific cause, as is usually the case with such endeavors, but other sources of financing such donor funding, allocated through various regional agreements also offer possibilities. In many cases donor funding can be accessed and used to finance work on a project basis. Such arrangements, while often onerous and rigid in terms of the scope of issues to be addressed, can be negotiated to allow regional experts, skilled at the art of project proposals to develop initiatives to make use of allocated resources. It should be noted however that the CSC is not proposed to fulfill a project function, but instead, provide a policymaking mechanism for ocean governance in the WCR. This fact however does not preclude its operationalization and functioning through packages of work.

Policymakers in the region are well aware of the various ways in which the Caribbean Sea is tied to Caribbean development and would look skeptically at proposals perceived to 'burden' or 'penalize' those who make their livelihoods from it. Practical and sustainable ways need to be found to finance the CSC, which support not only ocean governance in the region, but also its sustainable development. The hard question is how? The honest answer is that most of the responsibility for funding ocean governance will rest with the coastal countries within and bordering the Caribbean Sea. The true nature of the task can be deduced from the insistence of the international community that costs – in addition to legal implications – be attached to any call for a special area designation being sought for the LME. The challenge can equally be assessed from the difficulty the countries of the ACS have found in doing so. The matter must be dealt with, nonetheless.

Ultimately, financing ocean governance in the WCR, including the CSC, must be a collaborative effort among all stakeholders with vested interest in the Caribbean Sea. A process will have to be established to identify such stakeholders and engage them on joining with the countries of the region to take concerted and sustained action to preserve and protect the Caribbean Sea. Those whose share in the many ecosystem services it provides must also undertake their share of the obligations to safeguard it. The CSC provides a useful and ready forum for such engagement and levels of participation may need to be established to ensure that participation merits a proportionate 'say' in the deliberations of the CSC and in the governance of the Caribbean Sea. The development of a CLME Project Strategic Action Programme (SAP) for the WCR that is currently being discussed by Member States within the region recognizes the role of the CSC in this regard and countries have indicated their support to use the SAP to assist in strengthening the CSC. CARICOM may provide a useful vehicle for driving this process within the ACS. While the latter association was established primarily to facilitate functional cooperation among its constituents, CARCIOM has a more political slant and its maturity as a longstanding regional mechanism gives it legitimacy both within and outside the region, which can be leveraged through diplomacy to achieve the ocean governance goals of the region.

While some financing is required to ensure the full functioning of the science-policy interface, this process can be pursued through the regular meetings of the CSC – in which some Member States already participate, which could lead to the conclusion that a dedicated budget already exists for such participation. The option also exists for Member States to submit, in writing to the CSC, areas of ocean governance they wish it to consider, given their relevance to the region as a whole. Modes of engagement with the CSC can be worked out. The fundamental issue is securing such engagement and generating consensus on more effective governance of the Caribbean Sea. In short, the Member States of the ACS must devolve power and resources to the CSC if they are interested in pursuing integrated ocean governance in the WCR.

This is a straightforward conclusion if the supporting premises include a commitment to pursuing the sustainable development of the Caribbean Sea from an ecosystem-based approach. Admittedly, the boundaries and specificities of EBM must be contextualized, but it not unreasonable to argue that the Caribbean Sea should be managed as a whole and through the participation of coastal States that most fit the parameters of this particular expanse. The issue is one of flexibility, which although complicated by the geopolitical dynamics of the region must be negotiated through the same process. It is a matter of ensuring relevance and functionality of regional arrangements and the CSC offers a logical regional mechanism through which States in the region can seek to pursue ocean governance. This does not mean that other regional arrangements and levels of governance will be made subservient or irrelevant, but simply that they would now be considered within a wider context, which they will no doubt serve to complement. Instituting ocean governance in the region requires a high degree of pragmatism and political maturity.

Such maturity should be reflected in a candid assessment of regionalism in the WCR and the rationalization of its institutions with a focus on fitness for purpose. This would mean that while CARICOM remains the more mature regional arrangement in the Anglophone Caribbean, the ACS, due to its pan-Caribbean scope and focus on ocean governance

through the CSI, would emerge as the natural entity to continue this charge.⁴¹⁹ A large part of this specific task involves Member States of the region revisiting their rationale for establishing the ACS – namely widening the scope of regional cooperation – and employing it to serve the purpose of integrated ocean governance in the region. At present, the ACS has been relegated to the margins of regional affairs in the Caribbean. The Association should not be seen as a competitor to more mature regional arrangements, neither should it be deemed as occupying already claimed ‘turf’ or threatening to divert already scarce resources. A plethora of regional organizations exist in the region and undoubtedly many more will be created. The goal is to manage them wisely through the prudent rationalization of their various functions. For this to occur the Secretariat role of the ACS needs to be institutionalized even if the Association does not retain the coordinating function it has tried to secure. The CROP arrangement established by the Pacific States may be worthy of consideration in this regard. The main objective is to achieve more effective regional coordination. Stronger regional institutions are fundamental to more effective ocean governance in the WCR. The CLME Project, aimed at *assisting participating countries in the [WCR] to improve the management of their shared Living Marine Resources through [EBM]*,⁴²⁰ concurs with this particular point to the extent that it identifies the *sustainable provision of goods and services by the shared Living Marine Resources in the [WCR] through robust cooperative governance* as its main goal.⁴²¹

⁴¹⁹ Experts in the WCR have identified the ACS as the most appropriate regional organization through which to pursue a policy coordination function for ocean governance in the area. Reasons given include 1) its almost full country membership of the WCR; 2) the potential for a complete policy cycle; and 3) especially with access to a high-level policymaking body. See: Mahon, R., Cook, A., Fanning, L., and McConney, P. (2012) *Governance arrangements for marine ecosystems of the WCR*. CERMES Report N° 61. Draft. Centre for Resource Management and Environmental Studies (CERMES). The University of the West Indies, Cave Hill Campus, Barbados. Sustainable Management of the Shared Living Marine Resources of the Caribbean Large Marine Ecosystem (CLME) and Adjacent Regions, 16 – 17. Retrieved from: <http://www.clmeproject.org/gframework.html>

⁴²⁰ Caribbean Large Marine Ecosystem Project. (n.d.). *Brief Introduction*. Retrieved from: <http://www.clmeproject.org/>

⁴²¹ Caribbean Large Marine Ecosystem Project. (n.d.). *CLME – GOAL*. Retrieved from:

At minimum, the special agreement between the Secretariat of the ACS and CARICOM⁴²² could be used as a starting point for greater regional coordination for ocean governance with further collaboration to be secured with other Secretariats in the region. The finer details of this arrangement can be negotiated and worked out, including how stakeholders with interest in the region, but not members of the ACS can adequately and effectively participate in the work of the CSC. The USA for example is not a member of the ACS, but its obvious presence on the perimeter of the Caribbean LME is clear and both its overtures and more subtle involvement in the affairs of the region are well known. Another political dynamic involves France, through its overseas territories in the region and more specifically its participation in the decision-making of the CSC while being a major target of allegations surrounding the transshipment of hazardous material through the Caribbean Sea.

Governance in the WCR is a complicated issue and one that extends to its ocean governance. Notwithstanding this, the process of establishing the CSC as the overarching decision-making body in the region for ocean governance is a possibility. The process of securing the much needed legitimacy of the CSC can be started by CARICOM and in particular, can be secured and enabled through the relevant decisions and mandate of its

<http://www.clmeproject.org/>

⁴²² In 1997 the then Secretaries-General of the ACS and CARICOM signed the ‘*Special Agreement Between the Association of Caribbean States and the Caribbean Community (CARICOM)*’ which seeks to promote cooperation between the Secretariats of the two regional organizations. The Agreement was established pursuant to ACS Ministerial Agreement No. 4/95, adopted at the First Ordinary Meeting of the Ministerial Council of the ACS and which seeks to promote cooperation between the ACS and its Founding Observers – namely, CARICOM, the Latin American Economic System (SELA); the Central American Integration System (SICA); and the Permanent Secretariat of the General Agreement on Central American Economic Integration (SIELA) - on matters of common interests. See: The Caribbean Community. (2011). *Special Agreement Between the Association of Caribbean States and the Caribbean Community 1997*. CARICOM. Retrieved from:

http://www.caricom.org/jsp/secretariat/legal_instruments/agreement_acs_caricom.jsp and Association of Caribbean States. (2012). *About the ACS*. ACS. Retrieved from: <http://www.acs-aec.org/index.php?q=about-the-ac>

Conference of Heads of Government – its supreme organ.⁴²³ To some extent, this process has already begun. The matter of the CSC and the CSI have been tabled at the level of CARICOM, with the recommendation that it be maintained as a recurring item on the agenda of the Council of Foreign and Community Relations. At its 15th Meeting held in Paramaribo, Suriname in May, 2012, the Council among other things,

[R]eiterated the importance of ensuring continued vigorous action and leadership in pursuing the operationalization of the Caribbean Sea Commission, building on the substantial achievements gained through international recognition for this body as a pioneer institution in marine regionalism [and] Called for the establishment of key institutional mechanisms of the Commission, the resourcing of its operations to ensure financial sustainability, and the elaboration of a legal framework for regional and international acceptance.⁴²⁴

Ultimately, operationalizing the CSC needs to be secured through a mandate from Heads of Government and State of CARICOM and thereafter implemented by the relevant parties to ensure full compliance with the relevant mandate. Within the context of CARICOM, the CSC has been considered with regard to its function as a structured mechanism to elaborate the CSI. This is good and must continue, but it must also be enhanced to allow decision-makers in the region to pursue and consolidate ocean governance at the regional level, with the necessary filtering of these efforts to the national and local levels. The two goals are not separate and in fact, they have the same

⁴²³ The Conference of Heads of CARICOM comprises the Heads of Government of the Member States. It is the supreme organ of CARICOM and *determines and provides direction for* CARICOM. It may establish such Organs or Bodies as it considers necessary for the achievement of the objectives of CARICOM; may issue policy directives of a general or specific character to other Organs and Bodies of CARICOM concerning the policies to be pursued for the achievement of its objectives... and effect shall be given to such directives. The Conference may also consult with entities within the Caribbean Region or with other organizations and for this purpose may establish such machinery as it considers necessary. See: Caribbean Community (CARICOM) Secretariat. (2011). *Conference of Heads of Government of the Caribbean Community*. Retrieved from:

http://www.caricom.org/jsp/community_organs/heads_of_government.jsp?menu=cob

⁴²⁴ Caribbean Community (CARICOM) Secretariat. (2011). *Communiqué Issued at the Fifteenth Meeting of the Council for Foreign and Community Relations (COFCOR), 3-4, May, 2012, Paramaribo, Suriname*. Retrieved from: http://www.caricom.org/jsp/pressreleases/press_releases_2012/pres121_12.jsp

objective – the sustainable development of the Caribbean Sea.

In addition to facilitating decision-making with the respect to ocean governance in the WCR, in the longer-term, the CSC must also seek to fulfill its undertaking within the context of the UNGA to outline the legal and financial implications of implementing the CSI. This is a comprehensive and complex project, with no one formula or solution. Its details are also not clear. What set of facts would be included in an outline of the legal and financial consequences of having the Caribbean Sea designated a special area within the context of sustainable development? Much of the answer to this question depends on the kind of special area desired by the States of the WCR, which in turn means that a concept of a special area would have to be identified and agreed to by all States, which facilitates the interests and objectives of them both individually, but also as a whole. This exercise is yet to take place but the CSC, once fully operationalized, offers a ready forum for its consideration. The CSC, in fact, was established for this precise purpose, but offers the Member States of the WCR much more in terms of a regional forum for decision-making on all matters pertinent to the sustainable development of the Caribbean Sea. Its full functioning therefore extends beyond the immediate parameters of ocean governance in the WCR to the realm of enabling the States of the region to fulfill their collective international responsibility.

It is important, however, that in the interim, countries implement supporting policy and functional initiatives that will augment ocean governance in the region in the longer term. The *Common Fisheries Policy* devised at the level of CARICOM is but one example of a supporting framework of governance for the oceans, but others can follow. At a wider region level and showcasing the possibilities of intraregional cooperation in the WCR is the partnership formed between CARICOM (CRFM) and OSPESCA to promote joint action *for the responsible management of migratory fish stocks in the Caribbean Sea and the progressive incorporation of the CRFM members within the regional framework already in force for the management of the lobster industry in Central America.*⁴²⁵ While

⁴²⁵ This partnership was established pursuant to the decision of the Third CARICOM-SICA Summit of

an initiative to secure the integrity of the living marine resources of the region, its connection to wider considerations of sustainable is also clear, as highlighted at the first meeting of the parties to the joint initiative:

From the very inception it is not just taking the issues beyond the national borders, it has always been focused on the concept of sustainable development, which conceptually balances the need for social and economic development against the integrity of the resources ... The shared nature of the fisheries resources and indeed the wealth and diversity of these resources requires that we consolidate our efforts to improve the outcomes for our citizens on a long-term and sustainable basis.⁴²⁶

5.1.7. Cross-cutting tools

The importance of an information and knowledge platform for effective ocean governance in the WCR cannot be overstated. Networked systems must be established that allow stakeholders to access the pertinent information required from multiple nodes for input into decision-making. A centralized mode of information management may not be possible or apt in every case. Access to information must be timely and facilitated easily to avoid frustrated decision-making processes. The CLME Project has identified this need with specific reference to the management of the living marine resources of the WCR and in particular, has stated *improving the shared knowledge base for sustainable use and management of transboundary Living Marine Resources* as a major objective.⁴²⁷ Living marine resources are important to the WCR and information management for their sustainability is critical. So too is extending appropriate information and knowledge management systems across the spectrum of ocean governance.

Heads of State and Government, San Salvador, El Salvador, 19 May, 2011. See: Caribbean Community (CARICOM) Secretariat. (2011). *Joint Declaration Following The Third CARICOM-SICA Summit of Heads of State and Government, San Salvador, El Salvador, 19 May, 2011*. Press Release 323/2011. 19 August 2011. Retrieved from: http://www.caricom.org/jsp/pressreleases/press_releases_2011/pres323_11.jsp

⁴²⁶ News5. *Belize hosts 1st Ministerial meeting of CRFM-OSPESCA.* September 4, 2012. Retrieved from: <http://edition.channel5belize.com/archives/75423>

⁴²⁷ Caribbean Large Marine Ecosystem (CLME) Project. (n.d.). *IMS/REMP – Information for sustainability*. Retrieved from: <http://www.clmeproject.org/imsrem.html>

The information and knowledge needs of the region must be based on and complemented by adequate research programmes, which target and seek to elucidate issues of fundamental importance to the ocean governance of the WCR. The mutually-reinforcing relationship between these two elements is worth noting. Information on its own is insufficient. It must be subjected to intellectual and scientific rigor to provide knowledge that is relevant the specific context and knowledge in turn must indicate further what additional or more specific information is required for adequate decision-making. For instance, there is need in the region for information on the ocean assets of the WCR to allow for the generation of knowledge on their condition and worth, including over time. Such knowledge can then provide the basis required for policymakers to make representation to their various constituents on the state of ocean resources and the various actions and investments required to preserve them and support their sustainable development.

The latter intervention can be pursued through MSP, which again requires pertinent information to generate the knowledge needed for informed action. MSP has evolved as a key component of EBM, from strict concerns regarding Marine Protected Areas (MPAs) to broader issues with respect to managing resource use and minimizing conflict over ocean use and space.⁴²⁸ It takes into account not only uses, but also their impacts and cumulative effects⁴²⁹ and is therefore relevant at the sectoral level and where integrated decision-making for the oceans is taking place. Specific decisions regarding MSP, including the designation of for example, MPAs, is a societal choice.⁴³⁰ It is informed by idiosyncratic context and must reflect these peculiarities to be credible and garner the consensus of the relevant stakeholders involved. It is simply a tool however, which like any other implement, must be attached to a wider goal and sheltered under a broader framework of action. The particular framework proposed here is a regional ocean policy for the WCR.

⁴²⁸ Douvère, F. (2008). The Importance of marine spatial planning in advancing ecosystem-based sea use management. *Marine Policy* 32 (2008) 762-771. Retrieved from: Doi:10.1016/j.marpol.2008.03.021, 762.

⁴²⁹ *Ibid.*

⁴³⁰ *Ibid.*, 765.

6. Concluding Remarks

The countries of the WCR have committed to the pursuit of both sustainable development and ocean governance. Their efforts in these respective areas need to be integrated to ensure coherence in their activities, including their policy-making. Ocean governance in the region needs to be more informed and integrated into concerns of sustainable development. It also needs to be more comprehensive in its treatment of specific issues appertaining to the Caribbean Sea. *UNCLOS* promotes marine regionalism and various coastal States have adopted regional ocean policies to utilize better and safeguard their marine resources. A similar option is available to the States of the WCR. However, such an approach must be based on a regional consensus and provide a framework for informed and integrated ocean governance, both across specific sectors and with linkages to wider concerns of sustainable development.

Information and innovation are key elements of this process, which also requires capacity-building, resources, including financial resources and leadership. Ocean governance in the WCR should also be pursued through international diplomacy. Regional institutions need to be strengthened for more effective ocean governance and in particular, the CSC. A first task for coastal States of the region therefore is to establish the Secretariat of the Commission and empower it with the resources necessary to facilitate further actions for integrated ocean governance, including the development of a regional ocean policy. Policy prescriptions need to be followed by with the relevant actions and they must also be supported through the necessary leadership and commitment.

6.1. Areas for future work

The countries of the WCR must adopt a phased approach to ocean governance. A number of traditional issues continue to challenge the region, while new and emerging concerns will also increasingly command their attention. Implementation must take place with respect to the commitments made and strategies devised to ensure action. Equally, focused efforts must be directed at harnessing a full range of productive uses of the

oceans within the context of what has been termed the *blue economy*.⁴³¹ Simultaneously, policy space must be created to discuss and form consensus among decision-makers on issues such as geo-engineering and more specifically, initiatives aimed at, ocean fertilization, where good intentions, though laudable, may lack the necessary scientific backing. An agenda for the pursuit of ocean governance must be set by the countries of the WCR, in consultation with all relevant stakeholders. It must be both pragmatic and visionary if it is to assist States in addressing the present challenges and opportunities while positioning the region to take advantage of future prospects with regards to its ocean space and resources.

A work programme is therefore necessary for the pursuit of ocean governance in the region, with the necessary strategic actions, timelines and allocation of resources. All such work can be entrusted to and pursued through the CSC. It is important that the work programme proposed deals specifically with issues of marine research, innovation and science and technology. The development prospects of the region as a whole will depend on how well individual countries can make better use of these inputs to add greater value to their productive assets, including their marine space and resources. Short, medium and longer-term priorities and goals must be identified. While day-to-day issues must be addressed by the WCR, countries together must also find a way to chart a clear path for the future. Within this agenda, attention must be given to training and human resource development both for better care of the oceans and to develop its potential, sustainably for the development of the region.

⁴³¹ There is no single definition of the term *blue economy*. Several conceptualizations have been advanced including *efforts to highlight the importance of the conservation and sustainable management of marine and ocean resources; special focus or emphasis of the green growth approach to oceans and coasts; the global sharing of green growth based on new science and technology applied to the ocean*. See: United Nations Economic and Social Commission for Asia and the Pacific. (2013). *The 'Blue Economy: A Pacific Small Island Developing States Perspective*. Rio+20/Pacific/2011/2-2 (rev-1), 2. Retrieved from: <http://www.unescap.org/epoc/pdf/Rio+20-Pacific-Paper-2-2-Blue%20Economy-Pacific-SIDS-Perspective.pdf>

A comprehensive programme for resource mobilization must also be devised as well as a communications campaign that can sustain regional efforts and attention on the oceans. Such work will lead, inevitably to the revelation that legislative reform in the region with respect to ocean governance must take place. This is a worthy, but sensitive subject and must be approached both carefully and shrewdly. Confidence-building measures must be given center stage before countries endeavor more in-depth and possible contentious forms of work regarding the oceans. It is equally important that the countries of the WCR develop a commercial aspect to their ocean governance. Sustainable ocean governance and sustainable growth and development in the region require that linkages be forged between these various components. The limited resource base of the region, which must be preserved and protected, is also the reservoir from which its development prospects will come. The region does not have the luxury of pursuing isolated objectives. Developing countries are gaining greater market share in maritime industries, against the backdrop of circumstances where developed countries previously dominated the maritime value chain.⁴³² It is accepted that not all maritime sectors will be open to exploitation by the States of the WCR,⁴³³ but those that offer potential, such as ship registries and seafaring as was identified by the Philippines for example should be examined and harnessed, where possible and as appropriate to the sustainable development of the region.⁴³⁴

⁴³² *Ibid*, 144.

⁴³³ For example, ship building, owning and operation are highly capital intensive industries, a factor which may preclude the entry into this market of the countries of the WCR.

⁴³⁴ In a ranking of the 35 flags with the largest registered deadweight tonnage, as at 1 January, 2011, Panama ranked 1st with 7986 vessels; The Bahamas ranked 6th with 1384, Antigua and Barbuda ranked 20th, with 1293 vessels and Saint Vincent and the Grenadines, 31st with 942 vessels. See: UNCTAD (2011), 47. An estimation of the 20 biggest supplies of officers and ratings in 2009, does not feature any countries from the WCR but Panama (67, 363) and The Bahamas (36, 054) rank 1st and 2nd in the top 10 flags employing Philippine seafarers and top 10 occupations of Philippines seafarers. See; UNCTAD (2011), 160. In another assessment done on container port traffic for 76 developing countries and economies in transition; 2008, 2009 and 2010 (in TEUs), Panama ranked 14th with 4, 597, 112 TEUs, Mexico, 21st, with 2, 874, 287 TEUs, Colombia, 26th with 2, 056, 747 TEUs, Jamaica, 27th with 1, 689, 670 TEUs, The Bahamas, 29th, with 1, 297, 000 TEUs, Dominican Republic, 30th with 1, 263, 456 TEUs, Venezuela, 31st

The Philippines as a major supplier of maritime officers

The Philippines is a typical example of an economy that has diversified its maritime industry. According to the Philippine Overseas Employment Administration approximately 330,000 Philippine seafarers were employed on maritime vessels in 2009. According to the Philippine Joint Manning Group, almost 30 per cent of the world's employed seafarers come from the Philippines, and this group has set a target of increasing the share to 50 per cent in 2016. The territory of the Philippines comprises 7,107 islands and 36,289 km of coastline, which historically has led to high national levels of demand for seafarers. In addition, the Philippines has invested in an educational infrastructure of 100 maritime academies which graduate some 40,000 seafarers each year. In addition, there are 421 licensed crewing agents in the country. This sector is also important to the country's economic welfare. Out of the \$16 billion generated by Philippine nationals employed outside the country, \$7 billion is contributed by seafarers. Remittances from workers employed overseas prevent up to 3 million Philippine nationals from falling below the poverty line. The total number of Philippine seafarers employed has experienced continuous growth, with an increase of 45 per cent between 2006 and 2009.

Figure 19 - Summary of The Philippines as the largest supplier of maritime officers in the world.
(Source: UNCTAD, 2011)⁴³⁵

Decision-making with respect to options for suitable maritime industries to be developed by the States of the WCR will require information appropriate to the subjects at hand and vigilance. To the extent that the marine space offers opportunities for the economic development of the countries of the WCR and the sustainable livelihoods for its people, it also portends insecurity, especially where illicit activities are concerned and particularly, given the awesome challenge Member States face in adequately policing their maritime borders.

with 1, 238, 717 TEUs, Guatemala, 37th, with 907, 326 TEUs and Costa Rica, 38th with 875, 687 TEUs. See: UNCTAD (2011), 87. Together, these figures show both the obvious and latent potential for the further development to maritime industries in the region.

⁴³⁵ United Nations Conference on Trade and Development. (2011). *Review of Maritime Transport*, 159 - 160. Retrieved from: http://unctad.org/en/Docs/rmt2011_en.pdf

Such insecurity lends to the conditions considered ripe for illicit activity, including piracy.⁴³⁶ This issue while appearing distant from the realities of maritime affairs and ocean governance in the WCR has been identified as a largely parasitic and exploitative activity, which could arise anywhere, given the right climate.⁴³⁷ While identifying causation can often be complex, connections made between poor socio-economic conditions and lack of adequate maritime enforcement suggests that piratical attacks in the Gulf of Aden may have less to do with the precise geographical locations and more to do with the specific conditions in those places. Member States of the WCR should therefore be vigilant of developments with respect to these particular events. It is not farfetched to imagine that opportunistic activities are also adaptive and flexible according to context. States of the region must also be mindful of their status as Flag States, where it applies and in particular, the specific duties they possess under UNCLOS to *take such measures for ships flying its flag as are necessary to ensure safety at sea*.⁴³⁸

⁴³⁶ UNCLOS Article 101 defines piracy as consisting of the following acts: (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b). See: Division of Ocean Affairs and the Law of the Sea. (2001). *United Nations Convention on the Law of the Sea*. United Nations, 60 - 61.

Retrieved from: https://www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm

⁴³⁷ Murphy identifies what he calls 7 factors favoring piracy and maritime terrorism, namely, 1) legal and jurisdictional opportunities; 2) favorable geography; 3) conflict and disorder; 4) under-funded law enforcement; 5) cultural acceptability; 6) permissive political environment; 7) reward. See: Murphy, M. (2009). *small boats, weak states, dirty money: Piracy and Maritime Terrorism in the Modern World*. London: Hurst and Company, 4.

⁴³⁸ United Nations (1982). *United Nations Convention on the Law of the Sea (UNCLOS)*. Article 94, 55.

Panama as the first open registry

Panama is the largest provider of ship registration services, with a market share of 21.9 percent of the world's dwt. Panama's ship registration services experienced an annual growth rate of 7.4 percent between 2006 and 2011. The structure of the ship types registered in Panama, which is dominated by dry bulk carriers and oil tankers, has not undergone significant changes in the past fifteen years. Panama was the first modern open registry. It was set up in 1917, and mostly targeted owners from the United States. At that time, the geographical location near the United States-administered Panama Canal, with a large amount of ship traffic and therefore contact with potential customers, may have been a comparative advantage. Benefiting from a first mover advantage, the country established consular networks and built up cooperation with classification societies, ship-owners and nautical schools. This allowed Panama to provide round-the-clock services at competitive prices. Panama has recently moved up to the white list of the Paris Memorandum of Understanding on Port State Control (Paris MOU) regime. Inclusion on the white, grey or black list of the Paris MOU reflects the results of random ship inspections. Inclusion on the white list implies that Panama-flagged ships are less likely to be found with deficiencies. For ship-owners who have registered their ships in Panama, it means that their vessels are less likely to be physically inspected when calling at European ports.

Figure 20 - Summary of Panama as the first open ship registry. (Source: UNCTAD, 2011)⁴³⁹

Countries are undertaking research into the prospects and trends in maritime industries that are relevant to their development goals and armed with the relevant information, they are formulating strategic policies and plans to take advantage of niche markets thought to be open to them in this regard (**Figure 20**). One assessment done on the economic potential of the blue economy concluded that marine industries are of major economic importance and deliver economic benefits that are 2 to 10 times the value of direct spend estimated.⁴⁴⁰ Niche markets, such as marine biotechnology and renewable energy, were deemed to have high growth prospects, with investments generating substantial returns.⁴⁴¹ It is important that States undertake such assessments. Where such undertakings are not possible, it is critical that States acquire such material and use it to strategize their development paths.

⁴³⁹ UNCTAD (2011), 156.

⁴⁴⁰ Douglas-Westwood Limited (2005). Marine industries global market analysis. *Marine Foresight Series No.1*. Galway: Marine Institute. Retrieved from: http://www.marine.ie/NR/rdonlyres/B66FBE34-3859-4FA8-9ABF-8C8558CDB15E/0/ForesightSeries1_global_market_analysis.pdf

⁴⁴¹ *Ibid*, 25.

Research and development for ocean governance must focus as much on the preservation and protection of marine resources as it does on the identification and actualization of viable commercial ventures that use oceans as a productive and renewable resource. If such advice is heeded, countries of the WCR will all be seeking to optimize the sustainable use of their marine environments. The Caribbean Sea nonetheless remains a single resource. Individual States action will therefore need to be extended to regional cooperation for ocean governance. The complexities and intricacies of the Caribbean LME necessitates that such cooperation be used to address issues pertaining to the Caribbean Sea as a whole. Such an ecosystem-based approach will require a broad framework against which to test initiatives for ocean governance and through which to filter plans and programmes devised to this end. All such requirements suggest the need for a regional ocean policy for the WCR and an institutional mechanism that can structure and pursue work to be charged under its mandate. The CSC, once fully operationalized, can perform this specific task and together with a regional ocean policy be used to foster more integrated ocean governance in the WCR as countries seek to realize their wider goal of the sustainable development of the region and the sustainable livelihoods of its people. Both goals are inextricably linked to the sustainable development of the Caribbean Sea and its resources. ▀

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ASSOCIATION OF CARIBBEAN STATES (ACS)

7th MEETING OF THE CARIBBEAN SEA COMMISSION

St. Michael, Barbados, June 30th and July 1st, 2008

OPERATING STATUTE AND RULES OF PROCEDURE

OF THE CARIBBEAN SEA COMMISSION

PREAMBLE

The Caribbean Sea Commission (hereinafter referred to as "the Commission");

Recognising the importance of the Caribbean Sea to the continued development and well-being of the peoples of the Caribbean region;

Recalling the on-going initiative of the ACS to have the Caribbean Sea declared a *Special Area in the Context of Sustainable Development*; (*hereinafter the "Special Area"*);

Conscious of the continuing efforts of the Members and Associate Members, the Secretariat of the Association, the United Nations

Economic Commission for Latin America and the Caribbean and delegations of Members of the Association accredited to the United Nations;

Mindful of Agreement 6/06 (*hereinafter the "Agreement"*) adopted at the Eleventh Ordinary Meeting of the Council, Port-of-Spain, Trinidad and Tobago, 28 March, 2006; (hereinafter Agreement 6/06);

Mindful of Agreement No. 9/95 and No. 7/95, which establish the rules of procedure of the Ministerial Council and the terms of reference of the Special Committees;

Presents for approval the Operating Statute and Rules of Procedure of the Caribbean Sea Commission set out below, by the 13th Ordinary Meeting of the Ministerial Council of the Association of Caribbean States (hereinafter the "Ministerial Council"), to be held in the Republic of Panama on January 25th, 2008.

OPERATING STATUTE AND RULES OF PROCEDURE
OF THE CARIBBEAN SEA COMMISSION

I. OBJECTIVES, PRINCIPLES AND FIELDS OF CO-OPERATION

The Special Area

For the purpose of this Statute and rules of procedure, the Special Area means the Semi-Enclosed Sea, including its resources and appurtenant coastal areas, which, for acknowledged technical reasons relating to its oceanographic and ecological condition, requires the adoption of special measures which are consistent with international law; for its preservation and sustainable use, with due regard to economic, social and environmental parameters.

None of the measures adopted by the Commission shall affect the sovereignty, sovereign rights or jurisdiction of States over their jurisdictional waters.

Rule 1

Objectives

The objectives governing the operation of the Commission shall be:

a) to promote the sustainable use and optimisation of the resources and integrated management of the Caribbean Sea and its services for the benefit of the States and peoples of the Caribbean Sea;

b) to create a greater public awareness regarding the importance of the Caribbean Sea, its resources and potential for the development of the States, Countries and Territories of the region, and promote co-operation among them, as well as between them and other States, bearing in mind, inter alia, the international law of the sea, and without prejudice to those States which are not Contracting parties to some of the relevant instruments which govern the regime of the international law of the sea,

the Regional Seas Programme of the United Nations Environment Programme as well as other international agreements;

c) to establish a forum where the parties States and Associate Members of the ACS and other interested States and territories could consider, examine and review the economic, social and recreational uses of the Caribbean Sea, its resources and related activities, including those undertaken within the framework of intergovernmental organizations, and to identify fields in which they could benefit from enhanced international co-operation, co-ordination and concerted action;

d) to enhance the economic and social development of parties States and Associate Members of the ACS and other interested States and territories, through integration of ocean-related activities in their respective development processes, and to further a policy of integrated ocean management through regular and continuing dialogue and international and regional cooperation with particular emphasis on technical co-operation among developing countries;

e) to propose to the Ministerial Council the legal framework for regional and international acceptance of the Special Area in the context of sustainable development, so as to attain the objectives set out above, and to ensure the protection and preservation of the biological diversity of the environment of the Caribbean Sea.

II. PRINCIPLES INFORMING ATTAINMENT OF THE OBJECTIVES

Rule 2

Principles Informing the Attainment of the Objectives

In carrying out its strategic planning and drawing up its work programme, the Commission shall be guided by the following Principles:

a) respect for the sovereignty, sovereign rights or jurisdiction of littoral States over areas of national jurisdiction;

b) development of national capabilities in marine affairs of the parties States and Associate Members of the ACS and other interested States and

territories with a view to promoting and continuing to strengthen self-reliance in ocean management;

c) enhancement of co-operation with other States;

d) establishment and maintenance of effective cooperation with international, governmental, and non-governmental organizations, agencies and other entities active in marine affairs;

e) due regard for the rights and obligations of non-littoral States of the Caribbean Sea within the context of the international law of the sea, and without prejudice to those States which are not Contracting parties to some of the relevant instruments which govern the regime of the international law of the sea, as well as other multilateral Environmental Agreements; and

f) to promote as wide participation as possible of the peoples of the States of the Caribbean region in achieving the above objectives.

Rule 3

Fields of co-operation

The Commission shall give priority to co-operation in the following areas:

a) marine science, ocean services and marine technology;

b) living resources;

c) non-living resources;

d) ocean law, policy and management;

e) tourism, marine transport and communications;

f) marine environment; and

g) other fields relevant to co-operation in marine affairs.

Rule 4

Relationship to the Organs and Structures of the ACS

1. The Commission is an expert body created by the Ministerial Council of the Association to carry out the strategic planning and technical follow-up work for the advancement of the Caribbean Sea Initiative and to formulate a practical and action-oriented work programme for the further development and implementation of the Initiative.

2. In carrying out its mandate under the Statute, the Commission shall report annually to the Ministerial Council presenting such recommendations it considers necessary for advancing its objectives. The Ministerial Council may take the action required to implement the recommendations.

3. The Commission shall keep the Presidential Follow-Up Group, established by the Fourth Summit of Heads of State/Government, informed of its work, through the ACS Ministerial Council.

4. The Commission may establish such sub-Commissions or other subsidiary entities as it deems necessary in order to fulfil its mandate under this Agreement, which shall be proposed to the Ministerial Council for its approval. The Commission shall establish the Rules of Procedure of any sub-Commission or subsidiary entities it may establish.

Rule 5

Relations with other Organizations

The Commission shall promote the establishment of effective relations and close co-operation with the relevant agencies and bodies of the United Nations and with other governmental and non-governmental organizations, agencies and institutions that participate actively in the areas within its mandate.

Rule 6

Resources

I. The resources of the Commission shall include:

a) the voluntary contributions of all Members and Associate Members of the Association, with the aim of ensuring the financial sustainability of the Commission;

b) The Members of the Association may voluntarily assist the Secretariat in the mobilization of resources from bilateral, intra-regional and international sources. Members and Associate Members may also contribute additional resources in respect of programmes and/or activities in which they have an expressed interest. Such contributions shall not, however, be to the prejudice to the overall objectives of the Commission;

c) other funds whose receipt is consistent with the principles and objectives for which the Commission was established. All donations shall be channeled through the Secretary-General; and

d) contributions of a non-financial nature whose receipt is consistent with the purposes for which the Commission was established as determined by the Secretary General in consultation where necessary, with the Chair of the Commission.

2. The Budget of the Commission shall be established by a Committee comprising the Chairperson and Vice-Chairmen, the Secretary-General of the ACS, and ECLAC. The budget should be based on a proposed Work Programme and accompanied by a Plan of Action for mobilization of the required resources. It shall be presented to the Council of the Special Fund for comments on its viability and the availability of resources. The budget should, as a general rule, be adopted by consensus.

3. In securing the resources required for financing the activities of the Commission as mandated by this Statute, the Secretary-General, in consultation with the Chair when it is necessary, is hereby authorized to enter into discussions with regional development banks, private sector entities, multilateral agencies, and other sources as may be identified.

Rule 7

Frequency of sessions

The Commission shall meet as often as required, for the efficient exercise of its functions, but it shall hold at least one (1) meeting annually. The

sub-Commissions or subsidiary entities established under paragraph 3 above shall meet as required and shall report to the next ordinary meeting of the Commission, or as otherwise mandated.

Rule 8

Place of sessions

The Commission shall meet in general at the headquarters of the Association. Whenever circumstances warrant or the business of the Commission so require, the Commission may, in consultation with the Secretary-General, decide to meet elsewhere.

Rule 9

Notification of the members

The Secretary-General shall notify the members of the Commission as early as possible of the date and duration of each session, and shall confirm their attendance.

Rule 10

Temporary adjournment of a session

The Commission may adjourn any session temporarily and resume it at a later date.

Rule 11

Meetings

The meetings of the Commission shall be open or closed, as it may decide from time to time.

III. AGENDA

Rule 12

Communication of the provisional agenda

The provisional agenda for each session of the Commission shall be drawn up by the Secretary-General and communicated to the members of the Commission as early as possible but at least thirty days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Commission sufficiently in advance of the session.

Rule 13

The provisional agenda

The Secretariat, in agreement with the Chair of the Commission, shall prepare the provisional agenda of each meeting.

The provisional agenda for each regular meeting shall include:

- a) The topics requested at the previous meeting.
- b) The topics proposed by Members of the Commission.
- c) A report on the programmes conducted since the previous meeting, containing recommendations related to the activities carried out, the budget and all matters corresponding to accounting and financial mechanisms.

Rule 14

Adoption of the agenda

At the beginning of each session, the Commission shall adopt its agenda for the session on the basis of the provisional agenda. The Commission

may, if necessary, amend the agenda at any time during a session.

Rule 15

Membership

Consistent with the Ministerial Council Agreement No. 6/06, the Commission shall comprise:

- (i) National Delegations of Members and Associate Members.
- (ii) The Secretary-General of the Association.
- (iii) The Economic Commission for Latin America and the Caribbean.
- (iv) Three (3) experts, including representatives of the Technical Advisory Group (TAG), appointed by the Secretary-General, after consultation with Members and Associate Members as well as relevant stakeholders. These persons and institutions shall have internationally or regionally recognized competence in the areas within the Commission's remit and shall serve for two years. They may be re-appointed for a second term. In identifying experts, the Secretary General shall have due regard to the principles of equitable geographical distribution and gender distribution.

2. The Secretariat shall serve as Rapporteur for the Commission and shall co-ordinate the Commission's activities, in collaboration with the UN ECLAC or any other designated entity.

Rule 16

Consultations

In the exercise of its functions, the Commission may, when appropriate, consult any competent organ of the Members or Associate Members of the

Association; any competent organ of the United Nations or of its specialized agencies; any regional or international organizations, or any regional or international non-governmental organizations with competence in the subject-matter falling within the mandate of the Commission. Consultations with non-governmental organizations shall be subject to consensus from interested Member States or Associate Members.

IV. OFFICERS

Rule 17

Election and term of Chair

1. The Commission shall elect a Chair and two Vice-Chairs from among national delegations of Members and Associate Members..
2. The Chair and the Vice-Chairs shall be elected for a term of two years and shall be eligible for re-election once.

Rule 18

Acting Chair

In the absence of the Chair, one of the Vice-Chairs shall assume the Chairmanship until the election of a new Chair. If the Chair ceases to hold office pursuant to rule 19, one of the Vice-Chairs shall take the Chair place until the election of a new Chair.

Rule 19

Replacement of the Chair

If the Chairmanship ceases to be able to carry the functions or ceases to

be a member of the Commission, a new Chairmanship shall be elected for the remainder of the term.

Rule 20

Functions of the Chairman

The functions of the Chair shall be:

- a) Declare the opening and closing of each meeting.
- b) Preside over the sessions.
- c) [Submit the matters that so require to a vote, as set forth in the Convention, and announce the decisions stemming from votes.] ¹
- d) Decide on matters of order and ensure the proper running of the meeting.
- e) Propose the closing of the list of speakers, the time limit for speakers and the number of times each representative may speak on a particular matter.
- f) Propose the suspension or ending of the debate on a matter under discussion
- g) Represent the Commission in all matters related to its objectives, Work Programme and Plan of Action of resources mobilization. The Chairman shall also represent the Commission in relation to interaction with non-Members and third entities.

Rule 21

Duties of the Secretary-General

1. The Secretary-General shall act in that capacity in all meetings of the Commission. The Secretary-General may designate a member of the Secretariat to act as his or her representative. The Secretary-General shall perform such other administrative functions as are requested of him or her by the Commission.

2. The Secretary-General shall keep the members of the Commission informed of any matter which is dealt with by other organs or bodies of the Association and which may be of interest to the Commission.

Rule 22

Duties of the Secretariat

The Secretariat shall serve as Rapporteur of the Commission and, specifically, shall receive, translate, reproduce and distribute recommendations, reports and other documents of the Commission; provide interpretation services at the meetings; prepare and circulate, if so decided by the Commission in accordance with rule 32, the records of the session; have custody and proper preservation of the documents in the archives of the Commission; and, generally, perform all other administrative functions which the Commission may require.

Rule 23

Records and sound recordings of meetings

1. The Commission may decide to keep summary records of its meetings; but all decisions taken by the Commission shall be duly included in the published records of the meetings of the Commission. As a general rule they shall be circulated as soon as possible to all members of the Commission, who shall inform the Secretariat within five working days after the circulation of the summary record of any changes they wish to have made.

2. The Secretariat shall make and retain sound recordings of the meetings of the Commission when it so decides

V. CONDUCT OF BUSINESS

Rule 24

Quorum for meetings

A quorum is constituted when there are ten (10) Members of the Commission present, with at least one (1) representative of the groupings of Member States and Associates Members, including at least two (2) Expert Members and or ECLAC.

Rule 25

Precedence of motions

The following motions shall take precedence, in the order indicated below, over all other proposals or motions put forward:

- a) Suspend the session.**
- b) Adjourn the session.**
- c) Defer debate on the matter under discussion.**
- d) Adjourn the debate on the matter under discussion.**

Rule 26

Call to order

On discussing a matter, any representative may request a motion to order, which shall be resolved immediately by the Chairman. Any Member may appeal the decision of the Chairman, which shall be put to a vote

Rule 27

Presentation and distribution of substantive proposals and modifications

Substantive proposals and modifications shall be submitted in writing to the Secretariat, which shall translate them and distribute copies to the participants.

Rule 28

Presentation or withdrawal of proposals and motions

A proposal or motion may be withdrawn at any time prior to the start of voting, as long as it has not been modified. A proposal or motion that has been withdrawn may be submitted anew by any of the participants.

Rule 29

Reconsideration of proposals

Once a proposal has been approved or withdrawn, it may not be reconsidered during the same session, unless so decided in accordance with paragraph 4 of Article XI of the Convention.

Rule 30

Decisions on substantive and procedural matters

- 1. [To reach a decision on procedural matters, the Chairman may initiate a session when at least two-thirds of voting members are present, in accordance with paragraph 4 of Article XI of the Convention.**
- 2. Decisions on substantive matters shall be adopted by consensus of participating members.]¹**

Rule 31

Decision on competence

Any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be submitted for consideration and finished before a decision is taken on the proposal in question.

Rule 32

Entry into force

This Statute and Rules of Procedure shall enter into force on the date of their approval by the Commission and are subject to endorsement by the Council.

Rule 33

Modification of the Operating Statute and Rules of Procedure

Proposals for the modification of this Statute and Rules of Procedure shall be discussed within the Commission and shall be submitted to the Ministerial Council for approval.

Rule 34

Consistency with others international agreements

Nothing in the present Operating Statute and Rules of Procedure, including any decision adopted by the Commission under its provisions shall modify or purport to modify the rights and obligations existing between Contracting Parties to international agreements that are in force between them. Furthermore, nothing in the present Operating Statute and Rules of Procedure shall prejudice the position of any State as regards the international law of the Sea. ²

Rule 35

Consistency with the Convention Establishing the Association of Caribbean States

This Statute and Rules of Procedure shall be interpreted and applied in a manner consistent with the Convention Establishing the Association of Caribbean States and Ministerial Council Agreements pertaining to matters within its mandate.

ANNOTATION:

- 1. The Ministerial Council is being requested to make a final determination on the matters concerned within these rules, given their impact on the provisions of the Convention Establishing the Association of Caribbean States.**

- 2. The original proposal made by the Delegation of the Republic of Colombia, and which was accepted by the Sixth (6th) Meeting of the Caribbean Sea Commission, was modified by the Legal Advisor with a view to strengthening the legal effect of this rule.**

