



**TWENTIETH SESSION OF THE
CARIBBEAN DEVELOPMENT AND COOPERATION COMMITTEE**
22-23 April 2004, St. Croix, United States Virgin Islands

LIMITED
LC/CAR/L.3
CDCC 20/Inf. 4
3 March 2004
ORIGINAL: ENGLISH

**RECENT DEVELOPMENTS IN RELATION TO THE PROPOSAL
FOR SECURING THE INTERNATIONAL RECOGNITION
OF THE CARIBBEAN SEA AS A SPECIAL AREA
IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT**

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Table of contents

<u>Introduction</u>	1
<u>United Nations resolution 57/261: Evolution of the Caribbean Sea proposal within the General Assembly to 2002</u>	2
<u>What went wrong? Why was the original “Special Area” concept reformulated?</u>	3
<u>Developments since the eleventh Meeting of the Monitoring Committee, April 2003</u>	4
<u>Other aspects</u>	4

Introduction

At the eleventh Meeting of the Monitoring Committee of the Caribbean Development and Cooperation Committee (CDCC), which convened in Puerto Rico, on 10 April 2003, the Economic Commission for Latin America and the Caribbean (ECLAC), secretariat of the CDCC, presented a comprehensive document, LC/CAR/G.732-MONCOM 11/8, which surveyed developments in relation to the proposal for *the international recognition of the Caribbean Sea in the context of sustainable development*. The document reviewed developments in connection with the Caribbean Sea Initiative from the inception of the proposal at the 1997 *Caribbean Ministerial Meeting on the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States*, to March 2003. The document reviewed the technical work undertaken within the region and the political demarche launched within the United Nations General Assembly (UNGA) which, to date, has adopted three resolutions on the subject, albeit with a modified nomenclature: *Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development*. The document also provided the geographical, political, legal and technical contexts in which the proposal had been conceptualized. Headings under which the respective elements of the document were treated included:

1. The Caribbean seascape and some of its implications;
2. The Special Area in the context of sustainable development concept vis à vis the integrated management approach: A summary negotiating history and justification;
3. Marine regionalism: Review of existing approaches;
4. The overall legal, technical and political feasibility of the Caribbean Sea proposal;
5. Evaluation of progress (incorporating a review of UNGA resolutions 54/225; 55/203 and 57/261);
6. What went wrong? Why was the “Special Area” concept reformulated? What might be a way forward?
7. The changed operational environment (taking into account the emergence of very closely related initiatives, including the Millennium Ecosystem Assessment Project; The IOCARIBE Caribbean Large Marine Ecosystem Project; the United States-sponsored White Water to Blue Water initiative; and the launch of the CARICOM-sponsored Caribbean Regional Fisheries Mechanism); and
8. The contribution of the ECLAC Subregional Headquarters for the Caribbean to the further development and early implementation of the Caribbean Sea proposal as it relates to the 23 CDCC member countries (activities March 2002 - March 2003)

As regards the evaluation of progress in promoting *the Caribbean Sea proposal* in the United Nations General Assembly, this was undertaken mainly by reference to the content of the resolutions that have so far been adopted, especially resolution 57/261 vis à vis its immediate predecessor, resolution 55/203. The findings are summarised in the following section.

United Nations resolution 57/261: Evolution of the Caribbean Sea proposal within the General Assembly to 2002

Some comfort may be drawn by Caribbean States from the advances registered in resolution 57/261 vis à vis its predecessor, resolution 55/203.

- Overall, this resolution has identified issues of relevance in more detail;
- Whereas, in resolution 55/203, there was no reference to the integrated management approach being followed up in a context of regional cooperation, that reference in resolution 57/261 might be construed as having signaled that the point of the significance of the Caribbean as a semi-enclosed sea has been taken, even in the absence of a reference to article 123 of the 1982 Convention;
- Resolution 57/261 deals more extensively with the issue of pollution, with separate provisions relating to ship-generated and land-based pollution. In relation to ship-generated pollution, there is explicit reference to radioactive materials and nuclear waste;
- The resolution also draws attention to the need on the part of intergovernmental organizations within the United Nations system to assist the Caribbean countries to become parties to the relevant conventions and protocols, as well as to implement them effectively;
- The prompt to the international community, the United Nations system, the multilateral financial agencies and the Global Environment Facility (GEF) mandate, to offer support to the approach to the Caribbean Sea proposal, in a context which clearly entails that the support will be financial, might also have been a welcome inclusion in the 2002 resolution;
- Overall, the resolution 57/261, notwithstanding the continuing very strong environmental thrust that characterized both its predecessors, recognizes, inter alia, the heavy reliance of most Caribbean economies on their coastal areas, as well as on the marine environment in general, to achieve their sustainable development needs and goals. It also recognizes the diversity and dynamic interaction and competition among socio-economic activities for the use of the coastal areas and the marine environment and their resources;
- The resolution, inter alia, encourages the further promotion of an integrated management approach to the Caribbean Sea area in the context of sustainable development, in accordance with the recommendations contained in resolution 54/225, as well as the provisions of Agenda 21, the Programme of Action for the Sustainable Development of Small Island Developing States, the outcome of the twenty-second special session of the General Assembly, the Johannesburg Declaration on Sustainable Development, the Johannesburg Plan of Implementation, and in conformity with relevant international law, including the United Nations Convention on the Law of the Sea;

- Significantly, in the context of the identification of the more important international conventions and other instruments that might be relevant to the further development of the Caribbean Sea proposal, resolution 57/261 mentions over a dozen significant treaties, declarations and other instruments for the purpose of that resolution;
- Resolution 57/261: *Calls upon the international community to support the efforts of the Working Group of Experts on the Caribbean Sea Initiative of the Association of Caribbean States to further implement resolution 55/203, and invites the Association of Caribbean States to submit a report on its progress to the Secretary-General for consideration during the fifty-ninth session of the General Assembly.*

What went wrong? Why was the original “Special Area” concept reformulated?

The less than optimal degree of progress that has so far been recorded with respect to the development and endorsement of the *Caribbean Sea proposal* by the international community might be attributed to, *inter alia*, the following factors:

Political

1. Lack of *buy-in* by the political directorate with implications for the allocation of the resources required to ensure the speedy promotion of the proposal.

Institutional

2. Initial skepticism on the part of certain regional organizations with similar resource implications;
3. Inter-institutional rivalry;
4. Inadequate preparation at the subregional level, leading to certain negotiating pitfalls;
5. Inadequate negotiating capacity.

Philosophical/Conceptual

6. The absence, within the subregion, of a clear definition or even of a shared perspective on the potential scope of the concept that informed the original proposal and which would have informed the negotiations;
7. The bewitchment introduced into the original nomenclature arising from the specific formulation employed, given the use of the term “special area” within International Convention for the Prevention of Pollution from Ships (MARPOL) with a more restricted meaning, thus hindering understanding and therefore acceptability of the more expanded formulation of the concept using the same terminology.

Developments since the eleventh Meeting of the Monitoring Committee, April 2003

It was recalled at the eleventh Meeting of the Monitoring Committee that at the nineteenth session of the CDCC which convened in Port of Spain, Trinidad and Tobago, over the period, 14-15 March 2002, the ECLAC/CDCC secretariat was mandated to take the lead role in the execution and coordination of the technical work to be undertaken towards the further development and implementation of *the Caribbean Sea Proposal* as it related to its membership. The issue of that mandate reflected the deep concern of the ECLAC/CDCC member countries with respect to the very limited progress that had been made in advancing the proposal whose further development and early implementation were recognized to be critically important to the sustainable development of the subregion.

This development within the ECLAC/CDCC was communicated by the then-Director of the ECLAC Subregional Headquarters for the Caribbean to the Secretary-General of the Association of Caribbean States (ACS), in the course of consultations held at the ACS Headquarters on 25 March 2003. On that occasion, a corresponding division of labour was adopted, in which context the ACS would retain political leadership of the process, while ECLAC/CDCC proceeded with the leadership of the technical work.

Notwithstanding this agreement, the ACS proceeded to convene the *First Meeting of the ACS Technical Advisory Group (TAG) on the Caribbean Sea* proposal on 26 May 2003. Not only did the ECLAC/CDCC secretariat accept the invitation to be represented but it also made available to the TAG, the two studies that had been commissioned by ECLAC/CDCC and which were the focus of the Panel Discussion in the context of which the agenda item on *the Caribbean Sea proposal* was treated at the eleventh Meeting of the Monitoring Committee. The work programme arising from the meeting of the TAG is attached as Annex 1.

By way of follow-up to the deliberations of the TAG, this work programme has provided the *Terms of Reference* of a consultancy jointly sponsored by the ACS and ECLAC/CDCC secretariats. The report of this consultancy becomes due on 14 April 2004 and a presentation on this aspect will be made by the ECLAC/CDCC secretariat at the twentieth session of the CDCC. The consultant's report is intended to provide the major elements of the report to be submitted by the ACS to the Secretary-General of the United Nations for consideration during the fifty-ninth session of the General Assembly, in accordance with resolution 57/261.

Other aspects

The ECLAC/CDCC secretariat has been advised by its ACS counterpart that provision has been made in the ACS budget for *logistical and interpretation support for two meetings of the Technical Advisory Group in 2004 including modest support for the participation of a small number of participants who may not be able to secure funding from their own institutions.*

Delegations are invited to:

Note the recent developments in relation to the proposal for securing the international recognition of the Caribbean Sea as a special area in the context of sustainable development;

Formulate such recommendations as they deem appropriate with respect to the further development and promotion of *the Caribbean Sea proposal*.