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**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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A Call to Action¹

“Our Caribbean civilisation is of a small-island and seaboard type. The islands of the Caribbean and those washed by the Caribbean Sea constitute geographically the physical base of this civilisation. History, however, has intervened to cause us at times, to speak of our Caribbean civilisation in a narrower sense as comprising the chain of islands from the Bahamas to Trinidad and Tobago and the countries on mainland South America, Belize and Guyana, which have shared a common British colonization. Politics and economic necessity have pushed the idea of “*our Caribbean civilisation*” to embrace Suriname (a former Dutch colony on the South American mainland) and Haiti (a former colony of France and the first independent black nation-State in the Western Hemisphere), both of which are members of the Caribbean Community (CARICOM). Still, the evolving political and economic necessity and desirability will, in time, lead us all to build on the existing geographic and historic bases and so prompt us to embrace a wider notion of “our Caribbean civilisation” to include the island-States of Cuba, the Dominican Republic, Puerto Rico, the United States Virgin Islands, the Dutch and French Antilles, and all the other Central and South American countries which are washed by the Caribbean Sea.

Our Caribbean civilisation has been very much shaped by the sea. The evidence of this in our region abounds from time immemorial: the peopling of our Caribbean; its trading; its economy and commerce, ancient and modern; its daily living and eating; its culture and its thinking. All these facets of life and production have been moulded, even determined, by the sea.

Yet, strangely our Caribbean civilisation has yet to reflect in public policy the real value and significance of the sea which joins us all. To be sure, each country in the region has its own ministry of fisheries but each ministry functions like an island unto itself with very little cooperative, much less integration of, effort. We still cannot yet fix properly “the problem”-if that is what it is-of Barbadian fishermen who go in search of flying fish off Tobago or of all types of Caribbean fisherfolk trawling off the fishing grounds of Saint Vincent and the Grenadines. There is still, too, no maritime delimitation agreements between contiguous Caribbean nation-States. Frankly, our Caribbean civilisation has done very little to exploit or command the resources of our seas. It is true that we do a little fishing; and our lovely beaches draw tourists whom we rightly seek and welcome. But, do we for example, know what truly lies under the waters of our seas? Is there oil in commercially-viable quantities beneath our seabed from Trinidad going north through Grenada, Saint Vincent and the Grenadines and Saint Lucia

¹ This section comprises extracts from the inaugural lecture in the Distinguished Lecture Series sponsored by CARICOM to commemorate its Thirtieth Anniversary, held at Port of Spain, Trinidad and Tobago, 12 February 2003. The lecture, entitled “Our Caribbean Civilisation and its Political Prospects” was delivered by Dr. The Honourable Ralph E. Gonsalves, Prime Minister of Saint Vincent and the Grenadines.

and east to Barbados? Are we working on this issue jointly or separately? These and many other such vital policy queries can be justifiably posed for practical answering!....

The future of our Caribbean civilisation hinges, in a large measure, on our provision of relevant and practical answers to the host of queries, among others, which I have been posing. The answers revolve around us acting together in solidarity, within our respective nations and across the region, in the interest of our own humanisation and the further ennoblement of our Caribbean civilisation.”

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PART I: INSTITUTIONAL ASPECTS: THE PROCESS

FURTHER DEVELOPMENT OF THE CARIBBEAN SEA PROPOSAL: 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*)

At the nineteenth Session of the Caribbean Development and Cooperation Committee (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 relates 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 recognised to be critically important to the sustainable development of the subregion.

This development within ECLAC/CDCC was communicated by the Director of the Subregional Headquarters of ECLAC 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 the ECLAC/CDCC proceeded with the leadership of the technical work. The Director of the Subregional Headquarters of ECLAC for the Caribbean also had the opportunity to reiterate the details of the arrangement at the Eighth Meeting of the ACS Special Committee on Sustainable Tourism which convened at the ACS Headquarters over the period, 4-5 April 2002.

Among the activities envisaged by the ECLAC/CDCC secretariat towards the fulfilment of the mandate under reference were:

1. The elaboration of an *Operational Framework* comprising an identification of the major processes and activities that need to be executed towards the further development and early implementation of *the Caribbean Sea Proposal*;
2. Detailed identification of the specific activities, technical and others, that are required;
3. Identification of issues and activities of priority concern, incorporating a schedule for the implementation of specific activities, grouped according the respective phases envisaged for their execution; and
4. Contribution to the identification and allocation of roles and responsibilities among countries, individuals and agencies, based on the technical and other activities identified for pursuit under the preceding headings.

A summary indication of the elements that might be addressed under each of these activity areas was outlined as follows:

1. Elaboration of an *Operational Framework* comprising an identification of the major processes and activities that need to be executed towards the further development and implementation of the Caribbean Sea Proposal

The broad outlines of the *Operational Framework* would address:

- Definitional/Conceptual Issues: These relate to the operationalisation of the concept of *the Caribbean Sea as a special area in the context of sustainable development*, including the *philosophical* approaches to the concept, incorporating, *inter alia*, social, economic, environmental, political, legal and other dimensions. The approach will also be informed by issues of a functional nature as reflected in the several indices of interest in the Caribbean Sea: tourism, transport/shipping, fisheries, recreation etc, and by the need for the management of all uses and abuses of the Caribbean environment;
- Legal Issues: Identification of the legal parameters within which the further development and early implementation of *the Caribbean Sea Proposal* could be supported and advanced. Also to be specified, is the nature of the *Regulatory Framework* that would be required for the effective management of the operationalised concept referred to above;
- Issues of Process: These relate to the elaboration of a methodology for achieving *the international recognition of the Caribbean Sea etc*. A clear strategy needs to be developed, including for political mobilisation and the building of alliances, wherever appropriate and feasible and for the approach to the execution of the very wide range of technical work that is to be accomplished;
- Institutional Issues: Under this heading, there will be need for, *inter alia*, the identification of a permanent, central locus within which the operationalised concept is to be anchored and executed;
- Resource Mobilisation: This is required for the financing of the activities required to support the entire process.

2. Identification of the specific activities, technical and others, that are required

- Eventual identification of the organization in which the operationalised concept is to be anchored and implemented;
- Definition of the concept of “*special area in the context of sustainable development*”, incorporating, *inter alia*, the attributes with which it is to be endowed in international law; the activities to be covered; the obligations to be imposed; and the method of enforcement of that status. The political, legal and

technical dimensions of the concept are to be synchronised. Also to be defined, as a basis for future action and as an issue of strategic importance, is the relationship, if any, between the original proposal which addressed the *international recognition of the Caribbean Sea as a special area in the context of sustainable development* vis à vis the “*Integrated Management Approach*” embodied in UNGA Resolutions 54/224 and 55/203;

- Identification of the international legal instruments that could be adduced in support of the proposal as presented;
- Determination of the appropriate legal instrument that at the end of the process would provide for the *international recognition of the Caribbean Sea as a special area in the context of sustainable development*;
- Determination of the process for achieving the international recognition being sought, in terms of an appropriate methodology;

In connection with the core issues indicated above, the following activities were also deemed relevant:

- Preparation of an overview of the Caribbean region from the physical and geopolitical perspectives in the era of the EEZ (and taking account of the 1982 Law of the Sea Convention as a whole), including specific references to, *inter alia*, the Panama Canal and the numerous straits used for international navigation;
- Preparation of a succinct but substantive review of the major indices of interest of Caribbean States, countries and territories in the Caribbean Sea: tourism, fisheries, recreation, petroleum and gas exploration and exploitation, shipping, climatology, issues relating to sea level rise, pollution, etc.;
- Circulate UNGA Resolutions 54/224 and 55/203, in accordance with their own provisions, “*to the international community and the United Nations system, in particular the relevant agencies*” identifying at the same time, the specific form of assistance required of them in support of the implementation of *the Caribbean Sea Proposal*;
- In collaboration with relevant regional and international organizations, identify and review existing international, as well as regional conventions relating to, *inter alia*, the management and conservation of the Caribbean environment and the preservation of its resources, with particular emphasis towards their sustainable use/sustainability. Also to be reviewed are Agreements/Resolutions and other Instruments relating to Zones of Peace/Zones of Peace and Cooperation and similar arrangements;

- Review of existing regional approaches to ocean management for the extrapolation of any useful elements and approaches that might be incorporated into the Caribbean initiative;
- On the basis of, *inter alia*, the reviews and analyses undertaken in the context of the above elements, alternative or complementary approaches to the operationalisation of *the Caribbean Sea Proposal* should be analysed and the scope of a possible international instrument that would cater to the requirements of the concept articulated, either in the form of a *Draft Convention* or of *Concise Drafting Instructions* such as might be employed for the purpose;
- Development of a comprehensive strategy for the entire exercise;
- Mobilisation of political, as well as, where appropriate and feasible, technical support from SIDS of other geographical regions, as well as from countries bordering other semi-enclosed seas;
- Consultation with other selected non-regional countries and with the countries which constitute the *metropolitan presence* in the Caribbean
- Mobilisation of financial resources to support the entire process.

The activities suggested above were recognised to constitute a very intense *Regional Work Programme*. It was also recognised that their thorough, as well as timely, execution, would require a significant level of manpower as well as financial and management resources.

3. Identification of issues and activities of priority concern incorporating a schedule for the implementation of activities, grouped by phases

While it was deemed desirable to make speedy advances on all aspects of this subregional initiative, it was nevertheless deemed useful to prioritise the several activities mentioned above, so that, at least, the more critical issues received the appropriate level of attention and in good time. The *Operational Framework* outlined above could be condensed into three broad elements:

1. Definitional/Conceptual Issues: What does the subregion want?
2. Issues of Process: How does the subregion set about achieving its objective and once achieved, how is to be sustained?
3. Resource Mobilisation: How are the corresponding activities to be financed? Precisely which activities are to be pursued?

Within this basic prioritisation which represented a sequence based only on the overall logic of *process*, it was recognised that a number of elements of each of the above three elements would need to be pursued simultaneously. The issues of priority concern would therefore straddle elements extrapolated from all three elements. The list of specific activities set out above represented a contribution that might provide the basis for the prioritisation exercise. A suggested approach to the prioritisation exercise is tabulated as Annex 1.

4. Contribution to the identification and allocation of roles and responsibilities

The mandate issued to the ECLAC/CDCC secretariat to adopt the lead role in the execution of the technical work required for the further development and implementation of *the Caribbean Sea Proposal*, was recognised to provided the subregion with a basic set of skills, buttressed by the manifest commitment of an organisation which is entrusted with responsibilities related to the implementation of the Programmes of Action adopted by Global Summits, including the Programme of Action for the Sustainable Development of Small Island Developing States.

In addition to its readiness to lead the execution of the technical work required for the further development and implementation of *the Caribbean Sea Proposal* for CDCC Member Countries, the ECLAC/CDCC secretariat also stood ready to consolidate the outputs of other subregional processes from within the Wider Caribbean relating to *the Caribbean Sea proposal*, into a regional formulation for presentation to the wider international community, specifically, to the United Nations General Assembly (UNGA). This element has also been communicated to the ACS.

Resource mobilisation

This activity was recognised to be critical, given the resource constraints faced by the CDCC countries and other countries. In this connection, the *Regional Work Programme* once approved, could be used to inform the development of a *Project Proposal* for presentation to the international donor community. The ECLAC/CDCC secretariat could be of assistance in this regard. Simultaneously, such elements as are amenable to treatment within the resource capacity of the subregion, could be extracted for early implementation.

Some suggested benchmarks envisaged for the process

The following events were identified as possible benchmarks in the context of which specific activities might be undertaken to reflect, as well as advance, the successive stages in the further development and implementation of the *Caribbean Sea Proposal*:

1. The 57th Session of the United Nations General Assembly, September 2002;
2. The proposed Second Caribbean Ministerial Meeting on the further implementation of the SIDS Programme of Action (comprising Ministers of the Environment of the CDCC membership) which will prepare the subregion for SIDS + 10;

3. The SIDS + 10: the full and comprehensive review of the implementation of the decisions of the twenty-second special session of the UNGA, September 1999 and of the SIDS Programme of Action, in 2004;
4. Any relevant events arising from 1-3 above and from the conclusions of the World Summit on Sustainable Development (WSSD).

A Barbados initiative: Brainstorming session among the ACS, ECLAC/CDCC and the Government of Barbados.

These informal consultations which were convened and hosted by the Government of Barbados took place on 9 September 2003. The CARICOM Secretariat was unable to be represented.

The major objectives of the consultations were to chart a course for the technical as well as the political actions necessary for the further development and promotion of the Caribbean Sea proposal; to identify a range of specialists in the respective technical areas who might be involved in the process; to consider possible terms of reference for a Technical Advisory Group; exploration of funding possibilities; and identification of regional and wider international events in the context of which, the proposal could be advanced. Discussions focussed on these major areas. An important output arising from the consultations was the adoption of Terms of Reference for a Technical Advisory Group (TAG). While a number of suggestions were advanced with respect to the possible composition of the TAG, the Group remains to be established. The Terms of Reference for the Technical Advisory Group are set out at Annex III.

Summary of technical work undertaken by the ECLAC/CDCC secretariat

Since the convening of the Brainstorming Session and pursuant to the mandate given to it by the Nineteenth Session of the CDCC, the ECLAC/CDCC Secretariat has undertaken two major studies in the context of the Work Programme which has been outlined above. The studies related to the respective summary terms of reference as follows:

1. Identify and review existing regional and international conventions and other instruments that are relevant to the further development and implementation of the Caribbean Sea proposal;
2. Conduct a review of existing regional approaches to ocean and coastal zone management for the possible extrapolation of elements and approaches which, with appropriate adjustment, might be incorporated into the Caribbean Sea proposal.

A considerable amount of attention has also been directed by the ECLAC/CDCC secretariat to, *inter alia*, the refinement of the concept that is to underpin the Caribbean Sea proposal and also of the potential scope of its application. This exercise was necessarily executed against the backdrop of an in-depth review of the many important features which together constitute *the Caribbean Seascape*. This seascape is the canvas on which all the social,

economic and environmental desiderata are predicated and an in-depth appreciation of this element is vital. Some of the major implications of that seascape have already been outlined above.

The role of the ACS revisited

Even as the ECLAC/CDCC proceeds with the technical work towards the further development of the Caribbean Sea proposal in accordance with its mandate and as agreed with the ACS, as indicated above, attention might be drawn to the formulation in the resolution adopted at the fifty-seventh session of the General Assembly on “Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development”. In that resolution, the General Assembly, *inter alia*:

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 to submit a report on its progress to the Secretary-General for consideration during the fifty-ninth session of the General Assembly;

THE WAY FORWARD

The central importance of the Caribbean Sea as a common patrimony from which a host of economic, social, cultural, climatic, aesthetic and other benefits are derived and which, fundamentally, defines the peoples of the region, dictates that this initiative be pursued. The decision on this matter must however be recognized to have acquired new overtones given, in particular, the related new and, in some cases, still evolving initiatives related to the Caribbean Sea. A clear strategy is needed to come to terms with this new complex reality.

Substantively, the technical work undertaken by the ECLAC/CDCC secretariat is already sufficient to take the process of the further development of the Caribbean Sea proposal to a higher level. Among the issues that may now be more comprehensively addressed, are:

1. The basic concept of “special area in the context of sustainable development”;
2. The potential scope of the concept and a keener approach to the identification of the attributes with which the special area might be endowed. (A more detailed analysis of the indices of interest with quantitative measures would complete this aspect of the exercise.)
3. The political, technical and legal dimensions of the proposal;
4. A wide range of institutional, including financial, arrangements that might be considered, including a solid approach to the identification of the type of organisation in which the operationalized concept, in the context of, *inter alia*, 1-2 above, might be anchored;
5. Approaches to the economic dimension of sustainable development of the Caribbean Sea area;
6. Basic questions relating to strategy; and

7. The possible structure of an effective working group, once certain issues have been clarified, for example, the reference in the General Assembly resolution to Working Group of Experts on the Caribbean Sea established by the Association of Caribbean States.

Otherwise stated, on the basis of the work undertaken by the ECLAC/CDCC secretariat, a substantive working document can be prepared to facilitate an in-depth approach to the further development of the Caribbean Sea proposal, for example, in the context of a Technical Advisory Group.

PART II: PROMOTING AN INTEGRATED MANAGEMENT APPROACH TO THE CARIBBEAN SEA AREA IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT

Introduction

The enjoyment by coastal States under the modern law of the sea of sovereign rights for the exploration and exploitation of the resources of an Exclusive Economic Zone (EEZ) has placed enormous tracts of ocean space at the disposal of coastal States. According to Article 57 of the 1982 United Nations Convention of the Law of the Sea, the EEZ "*shall not extend beyond 200 nautical miles from the base lines from which the breadth of the territorial sea is measured.*" This provision places under the jurisdiction of such States, areas of maritime space that are several times larger than their respective land spaces.

Significantly, many such States, in particular the small island developing States of the Caribbean subregion, lack the financial, manpower, institutional and other prerequisites that would permit them to derive optimum benefits from this internationally sanctioned regime.

The challenges confronting these States are in respect of, inter alia:

1. The development of national ocean policies, inclusive of coastal zone management, accompanied by the necessary legislation, regulations, and practices, such as would provide a framework for a comprehensive management regime;
2. The development or strengthening, as appropriate, of institutional, administrative, scientific and technological capacity to effectively manage and utilise the resources of the EEZ on a sustainable basis;
3. The development of a comprehensive inventory of the resources of the EEZ: living, as well as non-living;
4. The establishment of additional marine protected areas.

Recognition of the implications of these challenges and also of the fact that the ecosystems of the subregion are shared among the countries located in or bordering the Caribbean Sea, has prompted the search for a framework for cooperation towards effective management of the Caribbean Sea area towards its sustainable development in the context of *marine regionalism*.

THE CARIBBEAN SEASCAPE AND SOME OF ITS IMPLICATIONS

The Caribbean Sea is a large sub-oceanic basin with an area of approximately 1.02 million square miles (2.64 million square kilometres) lying between 9 degrees to 22 degrees North Latitude and 89 degrees to 60 degrees West Longitude. Together with such features as

Baffin Bay, Hudson Bay and the Gulf of Mexico, the Caribbean Sea is to be included among the large marginal seas and bays that are found on the western side of the Atlantic Ocean.²

With some 75% of its circumference separated from the open ocean by either continental or insular land masses, the Caribbean Sea provides an excellent example of a semi-enclosed sea.³ To the South, the Caribbean Sea is bounded by the coasts of Venezuela, Colombia and Panama, while, to the West, along the continental mass, lie Costa Rica, Nicaragua, Honduras, Guatemala, Belize and the Yucatan Peninsula of Mexico. To the North, the Caribbean Sea is bounded by the islands of the Greater Antilles, namely, Cuba, Jamaica, Hispaniola (comprising Haiti and the Dominican Republic) and Puerto Rico. On the Eastern periphery of the Caribbean Sea lie the countries of the Lesser Antilles, a crescent of islands extending from the Virgin Islands in the North-East, to Trinidad and Tobago, off the Venezuelan coast, in the South-East. Islands in this chain include, moving in a generally southerly direction, Anguilla; St Martin; Barbuda; St Kitts and Nevis; Antigua; Guadeloupe; Montserrat; Dominica; Martinique; St Lucia; St Vincent and the Grenadines; Barbados;⁴ Grenada and, finally, the unitary state of Trinidad and Tobago which fits snugly into the South American coastline. These political units, in many cases, constitute geographical and, also, depending on their water-land ratios, legal archipelagos, within the meaning of the 1982 United Nations Convention on the Law of the Sea and are separated by straits that are used for international navigation. A map of the Caribbean Sea and Adjacent Regions appears at Figure 1.

² The equivalent on the Eastern side of the Atlantic includes the Mediterranean and Black Seas; the North Sea; the Bay of Biscay; and the Baltic.

³ The Caribbean Sea also meets the criteria for such designation as stipulated in Article 122 of the 1982 Convention which speaks of “a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive zones of two or more coastal States.”

⁴ Strictly speaking, Barbados does not form a part of the Lesser Antilles but it is conventionally grouped with this archipelago.

Figure 1: Map Caribbean Sea and Adjacent Regions

Within the borders of the Caribbean Sea itself are to be found a number of islands of which Jamaica, with an area of 4,243 square miles, is the largest.⁵ Other such islands include Little Cayman and Grand Cayman lying to the south of Cuba, as well as the islands of the Netherlands Antilles: Aruba, Bonaire, and Curacao, which lie approximately 15-60 miles off the north coast of Venezuela. Of some significance too, is Aves Island/Bird Island, over which Venezuela exercises sovereignty, but which is less than 100 miles from Dominica and also from the French Department of Guadeloupe.

Together with the Gulf of Mexico, the Caribbean Sea is often referred to as the *American Mediterranean*.⁶ Providing the rationale for this sobriquet is the mere fact of its location between two continental masses. In fact, however, the Caribbean Sea is, in many important respects, quite unlike the Mediterranean.⁷ This is amply demonstrated by reference to the respective hydrographic and climatic profiles of these oceanic basins.

The Caribbean Sea is itself divided into five submarine basins which are separated from each other by submerged ridges and rises. These are the Yucatan, Cayman, Colombian, Venezuelan and Grenadian basins.

Mention has been made of the straits used for international navigation and these necessarily abound in the insular environment of the Caribbean, especially on its eastern and northern boundaries. A listing of some of these straits indicating their basic dimensions and the countries under whose jurisdiction they fall is set out in Table 1.

Table I: Strategic international straits in the Caribbean

| Passage | Least Width (Nautical Miles) | Sovereignty (on either side) |
|--------------------|---------------------------------|--|
| Florida | 82 | U.S.A, Cuba |
| Yucatan Channel | 105 | Cuba, Mexico |
| Windward Passage | 45 | Cuba, Haiti |
| Mona Passage | 33 | U.S.A/Puerto Rico, Dominican Republic |
| Anegada Passage | 48 | U.K., Anegada (U.K.) and Sombrero (U.K.) |
| St Vincent Passage | 23 | St Lucia, St Vincent and the Grenadines |
| Dominica Channel | 16 | Guadeloupe (France), Dominica |
| Martinique Channel | 22 | Dominica, Martinique (France) |
| St Lucia Channel | 17 | Martinique (France), St Lucia |
| Virgin Is. Passage | 8 | U.S.A/Puerto Rico, U.S. Virgin Islands |
| Guadeloupe Passage | 28 | Guadeloupe (France), Montserrat (U.K.) |

Source: Alexander, L.M.: Indices of National Interest in the Oceans” in *Ocean Development and International Law*, Vol. No. 1, Spring 1973, pp.21-49.

⁵ Jamaica, situated roughly at 18 degrees North Latitude and 77 degrees West Longitude, is the third largest Caribbean island overall. Among the English-speaking countries, it is the largest. Its greatest width, measured East to West, is 146 miles, while its greatest width, measured North to South, is 51 miles, ranging to 22 miles.

⁶ See, for example, Hodgson, R.D., *The American Mediterranean: One Sea, One Region*, in Gamble, J. and Pontecorvo, G. (eds.), *Law of the Sea: The Emerging Regime of the Oceans*, Ballinger, Cambridge, Mass., 1974.

⁷ Incidentally, some 99 percent of the Mediterranean’s circumference is separated from the open sea.

The countries of the Caribbean tend to possess economies that are very open. This factor, in addition to their geographical location between continents, has contributed to the growth of many large ports. The massive transshipment ports in Kingston, Jamaica; and in San Juan, Puerto Rico, are but two of the major ports of call within the Caribbean. Others include Barranquilla, Charlotte Amalie, Cienfuegos, Cristobal, La Guaira, Port of Spain, Santiago de Cuba and Willemstad.

From Table 1, it can be observed that, in addition to straits connecting the Caribbean Sea with the Atlantic Ocean, there is the Yucatan Channel, which, lying between Cuba and Mexico, connects the Caribbean Sea to another semi-enclosed sea, namely, the Gulf of Mexico.⁸ An additional detailed feature, which is nevertheless important for the discussion that will develop later in this Paper, is the existence of straits within the semi-enclosed Caribbean Sea. Reference is here being made to the Dragon's Mouth (12 miles wide) and the Serpent's Mouth (9 miles wide), which lie between the island of Trinidad and Venezuela at the northern and southern entrances, respectively, of the Gulf of Paria.

Among the more important implications for this Paper, of what has been referred to as *the Caribbean Seascape*, are the following:

1. The existence of some two dozen littoral states bordering an enclosed sea of just over one million square miles implies, in the context of the modern law of the sea, which sanctions and EEZ of up to 200 miles, that there will be but the tiniest area of high seas within the Caribbean Sea. Further, the partitioning of the Caribbean Sea on that basis, will permit few States to enjoy maximum permitted EEZs, so that such Zones, where they exist, will often *overlap*;
2. The complexities of fisheries and general resource management, arising from (1) above;
3. The fact that the many littoral States constitute a political, cultural and linguistic mosaic, the component parts of which, for the most part, manifest low levels of interaction. Reference is being made to the Dutch, Hispanic, Francophone and Anglophone, including US sectors, of the Caribbean. In addition, there are entities which enjoy different political status. There are colonies (e.g. British Virgin Islands and Montserrat); an Associated State (Puerto Rico); Overseas Departements of France (Guadeloupe, Martinique); and the Netherlands Antilles (Dutch), etc.
4. Closely linked to (3) above, but worthy of separate mention, is the presence of metropolitan powers in the subregion, in addition to the Venezuelan presence in relation to Aves Island/Bird Island, quite apart from the presence implied by Venezuelan Caribbean coast;

⁸ The Caribbean Sea and the Gulf of Mexico may be approached as a single marine feature. However, the former is essentially an area of continental shelf, flat floored and shallow, while the latter is evidently a part of the ocean. Nevertheless, the nature of the surface water circulation in the area connects the two bodies of water into a natural ecosystem. The conclusion reached is to the effect that, while these two features are complementary, they may nevertheless be approached as individual entities. See Ginsberg, N., *Perspectives on a Caribbean Region*, in *Pacem in Maribus: Caribbean Study and Dialogue*, Malta University Press, 1974.

5. The existence of such submarine features as troughs or trenches which may also impinge on the process of delimitation of maritime boundaries;
6. The existence of several strategic straits and their implications for sealanes and other sea uses;
7. The relationship between port development, maritime traffic and marine pollution;
8. The objective need for cooperation, whether bilateral or regional, in areas such as pollution management and conservation of living resources, among others;
9. The existence of border controversies, for example, between Guyana and Venezuela, which could present certain obstacles to such cooperation and which also have the effect of maintaining uncertainty over the precise location of maritime boundaries;
10. The existence of shared geographical features, such as the Gulf of Paria which lies between the island of Trinidad and Venezuela;
11. The inescapable realisation that, given presence of metropolitan countries, as well as the presence of Caribbean countries on the South American mainland and other entities, the waters of the subregion, which is a large part of the focus of this Paper, do not lie in contiguous expanses, in the sense of not being able to be effectively managed along the traditional lines, such as *the Commonwealth Caribbean approach*. Dominica, for example, will have its own maritime space, but in a situation in which the Authorities of that country will have had to negotiate and otherwise cooperate with, their French and Venezuelan counterparts.
12. The geographical disadvantage suffered by States as a result of their small size and their necessarily short coastlines;
13. The relatively meagre resource endowment of the Caribbean Sea, both in terms of living, as well as non-living resources.

THE CARIBBEAN SEA PROPOSAL

The proposal for *Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development*, that is now before the United Nations General Assembly, has its origin in a decision adopted at the *Caribbean Ministerial Meeting on the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States* which convened in Barbados, over the period, 10-14 November 1997. This meeting was convened under the auspices of the Subregional Headquarters of ECLAC for the Caribbean, with the collaboration of a number of regional and international agencies. The original proposal as adopted by the Ministerial Meeting was for the international recognition of the *Caribbean Sea as a "special area" in the context of sustainable development.*"

In the relevant *Working Document* presented by the ECLAC/CDCC secretariat to the Meeting (Document SIDS 97/CONF.5/Rev.2), for the discussion of the item “*Coastal and Marine Resources*” a proposal was conveyed for the preparation of a Paper that should, *inter alia*:

1. *Define the concept of a “special area” in the context of sustainable development and explain/outline the rationale for having the Caribbean Sea declared a “special area”, taking into account regional and international Conventions, for example, the Cartagena Convention; the 1982 United Nations Convention on the Law of the Sea; and the International Convention for the Prevention of Pollution from Ships (MARPOL) and its Protocol 1973/78;*
2. *List all enabling activities and measures to be undertaken in order that the Caribbean Sea can be declared a “special area”, including projects, programmes, legislation and ratification and implementation of any relevant international Conventions;*
3. *Provide an estimated cost of the activities to be undertaken;*
4. *Prepare an Implementation Plan and Budget.*

The Working Document also proposed that:

In promoting the initiative to have the Caribbean Sea internationally recognised as a “special area” in the context of sustainable development, initial political support for the concept must be sought in collaboration with the Alliance of Small Island States (AOSIS), non-AOSIS, ACS States and other stakeholders.

The proposal embodied in the *Working Document* which was presented as “*Guidelines for Discussion*” was endorsed and constituted the core of the *Decision* adopted by the Ministers on this matter.

In summary terms, the fundamental objective of the proposal was the international recognition of the Caribbean Sea as a *special area*, not by reference to any single mode of use or abuse of that sub-oceanic basin, but in the comprehensive context of *sustainable development*. The proposal would build on the *Cartagena Convention* as it seeks global acknowledgement of the unique environmental, economic and social values of the Caribbean Sea and of the significance of these to the peoples of the region. Its detailed elaboration would also be informed by, *inter alia*, the recognition in the SIDS Programme of Action (Paragraph 25) that *sustainable development in small island developing States depends largely on coastal and marine resources, because their small land area means that those States are effectively coastal entities*.

The Special Area in the context of sustainable development concept vis à vis the integrated management approach: A summary negotiating history and justification

In its construction of the concept of *the Caribbean Sea as a special area in the context of sustainable development*, the Ministerial Meeting of 1997 explored regional, as well as wider international instruments that might provide practical elements in international law and practice such as might be adduced in support, or in furtherance of, the proposal, including its operationalisation. In that regard, it was indicated that the “*special area in the context of sustainable development*” proposal would seek to advance, *inter alia*, the *Cartagena Convention* as well as *MARPOL 73/78*. With respect to the latter instrument, this is well known as a result of the designation, in 1990, in accordance with the provisions of its Annex V, of the Wider Caribbean region as a “*Special Area*”. However, in *MARPOL 73/78*:

Special Area means a sea area where for recognised technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of Sea pollution by garbage is required. (Emphasis added)

Following the review of *MARPOL 73/78*, it was at once clear that its “*Special Area*” which was intended to treat merely *the prevention of Sea pollution by garbage* was a concept of extremely restricted application. In the context of the Ministerial Meeting which had, as its ultimate concern, the sustainable development of the Caribbean Small Island Developing States (SIDS) and of the subregion as a whole, the search was for a concept of infinitely wider scope: not the “*Special Area*” concept of *MARPOL 73/78* but a “*Special Area in the context of sustainable development.*” This is the literal origin of the proposal. What was envisaged was a concept with an extended range of attributes and characteristics under which could be subsumed all activities aimed at the preservation of the Caribbean Sea area in all its aspects and, in a word, the *sustainable development* of that environment, broadly defined, including its resources and the appurtenant coastal areas, with due regard to economic, social, as well as environmental parameters.

Further, in the contemporary era of the Exclusive Economic Zone (EEZ) sanctioned by the 1982 United Nations Convention on the Law of the Sea, in its Part V, Articles 55-75, coastal States enjoy, *inter alia*:

56.1. a Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

56. 1.b. jurisdiction as provided for in the relevant provisions of this Convention with regard to:

(i) The establishment and use of artificial islands, installations and structures;

(ii) Marine scientific research;

- (iii) *The protection and preservation of the marine environment;*
- (iv) *Other rights and duties provided for in this Convention.*

Taking the foregoing into account and given, moreover, the close interface between the land and the sea, it is more than feasible, not to say *practical*, to construe small island States, including the marine areas under their jurisdiction, as a single unit for development-planning purposes. This approach is advocated in the Organisation of Eastern Caribbean States (OECS) circles as *Island Systems Management (ISM)* and, as indicated above, it is an approach that is advocated in the SIDS Programme of Action.⁹

Armed with an all embracing umbrella concept, such as was envisaged with the formulation of *the special area in the context of sustainable development*, a proposal could be formulated to provide the rationale for all development programmes of the SIDS of the Caribbean in respect of marine, as well as coastal activities. Likewise, donor funding could be sought on that basis, for example, to facilitate technical, financial and other forms of assistance to deal with development problems on land as a means of preventing damage to the marine environment. There could be, for example, a situation in which it is *poverty* and *unemployment* on land that lead to over-fishing and the degradation of the marine environment. For the corresponding policies to be successful, both sets of issues must therefore be addressed in tandem. Implicit in the proposal is the recognition of the importance of the marine environment as a key resource of central social, economic and political significance to the Caribbean reality. The overall texture of the proposal was therefore informed by elements which transcend the purely environmental sphere.

Justification of this basic approach finds further support in, *inter alia*, the *Global Programme of Action (GPA)* of the United Nations Environment Programme (UNEP). In more recent UNEP documentation, it is stated, *inter alia*, that:

*The GPA aims at preventing the degradation of the marine environment from land-based activities by **facilitating the duty of States to preserve and protect the marine environment.*** (Emphasis added) *More specifically, it is recommended that the States:*

- A. *Identify and assess problems related to:*
 - *The nature and severity of problems in relation to:*
 - *food security and poverty alleviation*
 - *public health*
 - *economic and social benefits and uses, including cultural values*

⁹ The ISM concept is approached as a framework, as well as a process for integrated development. This approach seeks the involvement of all stakeholders and holds out the prospect of providing an effective mechanism for addressing the sustainable development agenda of small island developing countries.

This is but a selection of the elements mentioned in current UNEP documentation. What is therefore incontestable is the generalised recognition of the very close link between development activities in the marine environment and similar activities on land.

Significantly, also, the potentially wide scope of *the Caribbean proposal* was evidently recognised by the *Third Regular Meeting of the Ministerial Council of the ACS* which convened in Cartagena de Indias, Colombia, over the period, 25-28 November 1997, a mere fortnight after the Caribbean Ministerial Meeting. In the *Declaration* adopted by the ACS Ministers, they declared their intention to, *inter alia*:

Collaborate with other regional and international organisations in efforts to secure adoption by the 1999 Special Session of the UNGA of a proposal which recognised the Caribbean Sea as a Special Area in the context of sustainable use, conservation and management of this vital natural resource in a manner consistent with the security, well-being and present and future development of the peoples of the Caribbean region.

From the perspective of CARICOM, which was the vehicle for the transmission of the proposal to the ACS, this endorsement of the proposal by the ACS Ministers had the effect of transforming its basic *ownership* to that wider Caribbean forum, in the context of which its further development was to be managed. Operationally, however, CARICOM nevertheless sought to espouse the lead role in the exercise. Progress in the further development of the concept, as well as its effective promotion in other relevant international forums, remained limited, however. In this vein, reference might be made to the missed opportunity inherent in the declaration of 1998 as the *International Year of the Ocean* and articulated by CARICOM, for the presentation of the formal *Caribbean Sea proposal* to the United Nations General Assembly. Grasping this opportunity would have required significant advances in the implementation of the *Work Programme* that had been earlier developed by the Ministerial Meeting, in time for the proposal itself to be presented to the Secretary-General of the United Nations in September 1998. The proposal was however discussed at the *Caribbean Sea Forum* which convened on 3-6 June 1998, in Trinidad and Tobago. This was the only appropriate opportunity that presented itself for the further development of the proposal following the Caribbean Ministerial Meeting.

The Caribbean Sea Forum

Despite the ample expectations harboured in some quarters, the *Forum* was the occasion of no more than a preliminary approach to the further development of the proposal. In terms of the process envisaged by the *Forum* for future work in that regard, two major recommendations were formulated, namely:

- a. *Establish a working party, including representatives from the Association of Caribbean States (ACS) member States bordering on the Caribbean Sea, to examine in depth the concept of the Caribbean Sea as a Special Area of Sustainable Development with a view to refining the proposal and to develop an Action Plan to facilitate its national, regional and international acceptance.*

- b. *Mandate the CARICOM Secretariat to prepare a Regional Programme for sustainable development of the oceanic and coastal resources of the region, taking into account existing work done in this area. The programme will pull together information on existing activities and identify gaps and priority areas for additional funding.*

Summary review of selected legal instruments

The Cartagena Convention

This instrument is officially known as *the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region*, a nomenclature which makes its basic objectives quite clear.

In the context of the recognised need to *advance* this instrument in order to adequately address the *sustainable development* intent of the new proposal, it is significant that, in establishing the Convention and its various Protocols as they stood in 1997, Caribbean States declared that they were ‘*fully aware of the economic and social value of the marine environment, including coastal areas, of the wider Caribbean*’. They subsequently noted, however, that ‘*in spite of progress already achieved these achievements do not cover all aspects of environmental deterioration and do not entirely meet the special requirements of the wider Caribbean Region.*’

However, in developing *the Caribbean Sea proposal*, the Ministerial Meeting was not seeking to imply that the *special area in the context of sustainable development* status advocated for the Caribbean Sea could be achieved simply by a process of amendment of the *Cartagena Convention*. What was deemed necessary for the effective implementation of the proposal, was the development of a modern, comprehensive international instrument that would establish *the special area in the context of sustainable development*, with all its appurtenant elements in both legal as well as operational terms. Such an instrument would meet the requirements set out in the Working Document presented by the ECLAC/CDCC secretariat to the Ministerial Meeting in which emphasis was placed on the need to *define the concept of the “Special Area” in the context of sustainable development, management of common resources and resolving shared problems;*

The 1982 United Nations Convention on the Law of the Sea

While international law has traditionally been conceived in terms of a body rules for global application, a number of factors have intervened to make departures from such stipulations necessary to deal with specific or unique regional circumstances. In the case of the 1982 United Nations Convention on the Law of the Sea, this instrument provides for joint action, technical cooperation and a range of other management mechanisms at the sub-global level. A major caveat, however, is to the effect that these sub-global arrangements must accord with the basic global norms. A single reference to the 1982 Convention will suffice to illustrate the relevance of such sub-global arrangements to the Caribbean Region and, more specifically, to the *Caribbean Sea proposal* as outlined above.

In its Article 123, the 1982 Convention provides that:

States bordering an enclosed or semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties under this Convention. To this end they shall endeavour, directly or through an appropriate regional organisation:

- a. To coordinate the management, conservation, exploration and exploitation of the living resources of the sea;*
- b. To coordinate the implementation of their rights and duties with respect to the protection and preservation of the marine environment;*
- c. To coordinate their scientific research policies and undertake, where appropriate, joint programmes of scientific research in the area;*
- d. To invite, as appropriate, other interested States or international organizations to cooperate with them in furtherance of the provisions of this article.*

Article 122 of the 1982 Convention provides that:

For the purposes of this Convention, “enclosed or semi-enclosed sea” means a gulf basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States.

Taking this definition into account and with seventy-five per cent of its circumference separated from the open ocean by either continental or insular land masses, the Caribbean Sea provides an excellent example of a semi-enclosed Sea. Articles 122 and 123 of the 1982 Convention are therefore applicable to the Caribbean Sea and underpin the legal feasibility of the proposal.

Advantages and disadvantages of marine regionalism

In the context of the foregoing, it is perhaps useful to recall that, even as the issue of *marine regionalism* was being debated during the Third United Nations Convention on the Law of the Sea (UNCLOS 111), including in the specific context of what eventually became its Articles 122 and 123 cited above, attention was drawn to a number of advantages that would accrue from the operationalisation of the concept, among them, the following¹:

1. In some situations, regional approaches appear to offer the easiest, most rational, and most promising solutions to the particular marine problems involved. This is clearly the case where such problems are uniquely regional, as in the case of the

¹ This approach to the advantages as well as to the drawbacks and dangers of marine regionalism is summarized from: Johnson, Douglas M. (Ed.): *Regionalization of the Law of the Sea-Proceedings of the Law of the Sea Institute Eleventh Annual Conference, 14-17 November 1977*-Ballinger Publishing Company, Cambridge, Massachusetts, 1978.

pollution of enclosed or semi-enclosed seas such as the Baltic, Mediterranean, or Caribbean, or with respect to the management of certain high seas fisheries. In these cases, only the States in the region are likely to be directly concerned and willing and able to take effective action; the involvement of less concerned outsiders may simply obstruct solutions.

2. Where strong regional organizations are in place, comprised of member States sharing common perceptions and habits of cooperation, recourse to marine regionalism can lead to more rapid and effective action.
3. Regional approaches to ocean problems may have desirable side effects. For example, they may help to strengthen general regional organization and regional approaches in other fields, establish broader habits of cooperation, and serve as a catalyst for increasing international integration more generally.

On the other hand, the view was also expressed to the effect that “...*regionalism also has certain drawbacks and may pose certain dangers.*”

These drawbacks and dangers were indicated to include the following:

1. In situations where the nature of the ocean problems involved seem inherently to require global, or at least widely accepted, common approaches, diverse regional approaches may add to the difficulty of finding effective solutions. For example, regional attempts to deal with pollution problems through the establishment of regional vessel-construction standards cannot avoid the potentially disruptive impact of such differential construction standards on a global shipping industry;
2. Emphasis on regionalism may divert energies and efforts from the search for more comprehensive global or multilateral solutions.
3. Even where problems are not necessarily global, the most rational and effective basis for multilateral cooperation in seeking solutions may lie in arrangements among States that are not in the same region, or among some but not all States in a region. An attempt at regional solutions to such problems, pressed perhaps by some general regional organization anxious to expand its activities into ocean management, may simply obstruct the development of more meaningful non-regionally based cooperative groupings or nations, or may push nations with differing interests into an inefficient or unworkable regional cooperative mould;
4. Some regional arrangements may have objectives and effects opposed to the interests of all, or at least particular, non-regional States. For example, certain arrangements might be intended to establish a regional monopoly of particular ocean resources in the region, such as fishery or deep seabed mineral resources, through concerted action designed to exclude non-regional nations from these resources, or to permit access to such resources only to a favoured few or on unreasonable or discriminatory conditions. Other arrangements might conceivably

be designed to exploit non-regional nations through control by regional States of a particular strait, permitting passage to other non-regional States only on the payment of exorbitant fees or on unreasonable or discriminatory conditions. Indeed, marine regional arrangements might conceivably be used for political purposes by some States in the region in order to discriminate against an unpopular nation or nations in that same region. The possibility of an arrangement of Arab States excluding Israel was cited in this context.

Bearing in mind the basic tenor of *the Caribbean Sea proposal*, the *drawbacks* and *dangers* identified above are not specifically addressed since the related issues are adequately covered in the course of the development of the Paper. Nor was it envisaged that all issues relating to *the Caribbean Sea proposal* would have been resolved overnight. On the contrary, it was explicitly recognised from the outset, that, in due course and on the basis of extensive consultations, the concept could be further developed, amplified and refined.

Further, it was recognised that, in order to facilitate consensus and to entrench ownership of the concept among all stakeholders, consultations would need to be held with other regional States, organizations and mechanisms and also with the range of international organizations whose activities relate to the several indices of interest in the Caribbean Sea: fishing; tourism; preservation of the environment; and shipping, among others.

MARINE REGIONALISM: REVIEW OF EXISTING APPROACHES

In order to advance the further development of *the Caribbean Sea proposal*, a review of existing regional and subregional approaches to ocean and coastal zone management was undertaken by the ECLAC/CDCC Secretariat with a view to the extrapolation of those elements which, appropriately adjusted, might be incorporated. The review sought to identify, inter alia:

1. The countries/territories participating in each management regime;
2. The key elements of the regime;
3. The degree of effectiveness of the regime, highlighting any perceived weaknesses and evaluating its longer term prospects;
4. The approach to the integration of social, economic and environmental dimensions of sustainable development.

In the context of the foregoing, emphasis was placed on those regimes that have been developed in respect of enclosed or semi-enclosed seas, with particular attention being paid to those initiatives mounted or being promoted by small island developing States. Attention was also paid to the Canadian approach to the development of a comprehensive ocean management regime. Also reviewed in the course of the exercise, were approaches to marine regionalism articulated by a number of regional and wider international agencies, whether jointly or separately, such as CARICOM, UNEP, UNESCO, and the World Bank.

The regimes studied related to the Pacific Islands Region; the Caspian Sea; the Black Sea; the Mediterranean; the Gulf of Mexico; the North Sea; Chesapeake Bay; the Persian Gulf; Bo Hai; and the Seto Inland Sea.

In general terms, the content of the respective regimes reflects the date of their creation as is similarly reflected in the basic philosophy that underpin them. The earliest regimes are rooted in the Regional Seas Programme which was launched by UNEP in 1974, reflecting the establishment of that agency as a direct outcome of the Stockholm Conference of 1972. Not surprisingly, therefore, the following elements are highlighted as key components:

- Environmental Assessment;
- Environmental Management;
- Environmental Legislation;
- Institutional Arrangements; and
- Financial Arrangements

The Mediterranean Action Plan, with its focus on pollution issues, most comprehensively exemplifies this approach. UNEP has always played a leading and integral role in the formulation and implementation of the Plan. In fact, so closely related is this Plan to the UNEP approach, that UNEP has, from the outset, performed the secretariat functions of the Mediterranean regional agreement. The more recent preoccupation with the more complex concept of *sustainable development* has had obvious implications for this approach.

In general, three approaches to marine regionalism have been identified, as follows:

1. Adoption of the Regional Seas Programme with little or no change e.g. the Mediterranean approach;
2. Using the Regional Seas Programme as a prototype but with modifications in accordance with regional characteristics, e.g. the Pacific and Caspian Sea approaches;
3. Development of a completely different regime e.g. the Black Sea and Canadian approaches.

On the basis of a review of these approaches, supported by other literature, the following conclusions may be highlighted:

1. An assessment of the critical issues affecting a region is a major prerequisite for the establishment of a regional management regime for coastal and marine areas. This is to ensure that there is a rational and scientific basis on which policy interventions are made;
2. The scope of the assessment should embrace social, economic, as well as environmental factors that pose a threat to the quality of coastal and marine areas;

3. Such assessments should be the subject of periodic review;
4. The assessment must be designed in accordance with the characteristics of the region in question, bearing in mind, inter alia, the importance of the ecosystem approach;
5. Assessment, monitoring and evaluation may be conducted on the basis of the allocation of thematic areas to respective new or existing institutions. Coordination, however, remains a critical element;
6. Where both developed and developing countries are members of the same region and also in the more general context, care should be taken to ensure that disparities in technical and scientific capability are addressed and not exacerbated;

Basic institutional issues

1. The management of coastal and marine areas at the Caribbean subregional level involves sharing of common resources by a number of countries which are at different stages of development and have different profiles in relation to such factors as size, population, political system, constitutional development and other socio-economic and political factors. As a result, it is imperative that the regional management regime incorporate inter-governmental mechanisms at the political, technical and administrative levels;
2. Another critical element of any strategy for the promotion of a regional approach to the management of the coastal and marine areas will be the strengthening of an existing institution, or the creation of a new one. In the interest of cost-effectiveness, the creation of a new institution should be avoided;
3. The process should not be driven by political considerations without a clear elaboration of the technical, legal and scientific issues. Otherwise, the discussions may become muddled and frustrate the reaching of consensus. This element is critical since any regional approach to the management of coastal and marine areas must be consistent with international law. In addition, such a regime will need the support of other partners, including the maritime nations; nations with large navies; and a number of international organisations.
4. In the development of a regional management regime, the greater number of countries involved, the more difficult it is to reach consensus;
5. High-level political involvement and commitment are necessary to give legitimacy to the process; to assist with goal-setting; and to address critical political questions related to such issues as sovereignty, funding, national commitments, obligations and benefits.

Institutional structures

The different bodies and agencies that might constitute the institutional arrangement include:

- Inter-governmental forums;
- Secretariats;
- Bureaux;
- Regional Focal Points;
- Regional Councils or Commissions; and
- National Focal Points.

Inter-Governmental Forums: These high-level meetings of the Contracting Parties at the ministerial level are, normally, the highest decision-making bodies. They provide overall guidance to the Secretariats and take decisions on such sensitive issues as funding, budgets and resource allocation. They also meet to set goals and to provide strategic guidance. They usually convene every two years. Foreign Ministers tend to be more involved given the foreign policy issues involved. There is also a view according to which it might be more useful for Ministers of Environment to participate in such fora, given the technical nature of the subject matter. This aspect bears further discussion.

Secretariats: Generally, the regional agreements provide for the establishment of either permanent or temporary secretariats which are entrusted with oversight of the day-to-day implementation of the Action Plans and Regional Agreements. The Secretariats are also responsible for supervising the various work programmes and the allocated budgets. Secretariats also tend to schedule, convene and facilitate meetings of the Contracting Parties and report to them on the progress of implementation of the various Action Plans and other Agreements. Most regions establish their own Secretariats. Attention has already been drawn to the Mediterranean regime, in respect of which UNEP provides the secretariat services.

Bureaux: Some regions establish smaller Committees or Bureaux to give guidance to the Secretariat during the period between the high-level ministerial meetings. The Bureaux tend to be chaired by a high-level official such as a Minister or an Ambassador.

Regional Focal Points: Some regions establish a system of focal points scattered around the region. These tend to be technical institutions and agencies such as universities and research institutions. Other inter-governmental agencies are also identified for the purpose. These regional focal points tend to have advisory functions. They are also often required to perform the duties of executing agency for regional projects. The creation of these Focal Points should be encouraged.

Regional Councils and Commissions: These might comprise such agencies as Regional Commissions on Sustainable Development and tend to be advisory in nature. They are normally required to collaborate with other institutions, NGOs and experts. Regional NGOs, private sector groups and other elements of civil society should be encouraged to participate in the regional initiative.

National Focal Points: These are used to monitor and report on national progress in the implementation of regional action plans and agreements. They also generally serve as poles of communication.

Financial arrangements

Only a limited range of funding arrangements has been encountered. In most regions, funding is secured on a project-by-project basis from traditional international donor or funding agencies, such as the GEF, UNDP, UNEP and the World Bank. Financing is also sourced on a bilateral basis from developed country partners. The Regional Trust Fund established in the Mediterranean region was created from the start of the regional programme. Provision was made in the Barcelona Convention for the regulation of the Fund. Financial support may also be secured through the hosting by developed country partners of centres of excellence as a form of in-kind support. Recourse might also be had to the involvement of ocean businesses and industry in the development and execution of specific investment projects. The submission of regional vis a vis national, projects to donor agencies should also be pursued.

Legal issues

1. The adoption and implementation of a strong regional agreement are critical elements of any regional regime for the management of coastal and marine areas. Such an agreement defines the scope and jurisdiction of the regime and endows the management process with certainty;
2. Given the international legal framework governing coastal and marine areas, any regional agreement must be in conformity with international law;
3. A regional agreement is also necessary for the clear definition of obligations, duties and benefits of the respective Contracting Parties. A noticeable weakness of existing regional agreements refers to the absence or inadequacy of enforcement and compliance provisions. There are several instances in which regional agreements have been ratified by countries which then fail to implement them at the national level. The preparation and submission of national reports and related information also present considerable difficulty;
4. In order to be effective, the regional agreement must be binding on all the coastal States in the region;
5. Given existing, as well as new and emerging threats to coastal and marine areas, the establishment of an effective liability and compensation is critical. This element becomes even more relevant in regions in which the ocean space is used by countries that are not parties to the regional agreement;
6. The common approach to regional agreements, following the UNEP model, has been to adopt framework-type conventions supplemented by a number of detailed protocols that

address specific technical issues. The more recent regional agreements have also codified the Rio Principles of sustainable development which often lie at their core;

7. A significant advantage of recourse to framework agreements is that, given their specialized nature of regional Protocols, these can be used to create strategic linkages and synergies with global Multilateral Environmental Agreements (MEAs) such as the IMO-related agreements; the Basel Convention; CBD: UNFCCC, CITES etc. For example, a number of regions have adopted agreements to address the very contentious issue of the transboundary movement of hazardous wastes. (These include the Bamako Convention, 1998 (Africa); the Izmir Protocol, 1996 (the Mediterranean); and the Waigani Convention, 1995 (South Pacific);
8. The establishment of linkages and synergies with global MEAs also helps to reduce potential conflicts with the international legal framework and also increases the chances of success through cooperation with other coastal States, flag States and international organisations;
9. Regional agreements are also important because they endow the ensuing regional action plans, strategies and policies with the force of law. Some regional agreements require parties to enact national environmental and other laws and policies. Such agreements also govern the administrative functions, including secretariat responsibilities, other institutional arrangements and funding. A significant innovation in the Mediterranean region is the establishment of a Regional Environment Trust Fund which can be used to support the implementation of the Regional Agreement, the Regional Action Plan and projects;
10. The regional Agreement should encourage the creation of centres of excellence distributed among the coastal States in the region. Such centres might focus on agreed priority areas such as pollution; climate change; coastal zone management; biodiversity; heritage and culture; fisheries; remote sensing; technologies etc

Technical issues

1. The planning process may involve a number of steps including the formulation of an overall sustainable development programme; a regional strategic action; and national action plans;
2. The planning process should be inclusive and transparent and involve NGOs and other elements of civil society, as well as representatives of ocean businesses and industries.

THE OVERALL LEGAL, TECHNICAL AND POLITICAL FEASIBILITY OF THE CARIBBEAN SEA PROPOSAL

At the 1997 Caribbean Ministerial Meeting on the implementation of the SIDS Programme of Action, emphasis was placed on the need to explore the several issues related to

the *technical* and *legal* feasibility of the Caribbean Sea proposal. The earlier reference to the 1982 Convention, which contemplates regional approaches to ocean management, is sufficient to indicate the existence of a sound legal basis on which further development of the proposal might proceed. In further work undertaken by the ECLAC/CDCC Secretariat more recently, a number of other international Conventions and instruments have been identified as being relevant to the further development of the Caribbean Sea proposal. Among the Conventions and other instruments so identified are those listed at Annex IV.

The technical feasibility

In favour of the *technical feasibility* of the proposal is the clear recognition of the Caribbean as *a physically defined geographical region* with its cluster of countries occupying locations in the same geographical area. Thus the Caribbean also emerges as what is referred to in the literature as *a management region*, in which there exist well-defined problems capable of joint treatment by the group of countries concerned. This issue might be exemplified in those situations in which a number of countries are situated along the migratory path of a given fish stock. Management of that fish stock, to be effective, must be undertaken on a collaborative basis. In that context, the Caribbean can then be approached as *an operational region*, or as the site or sites of one or more regional arrangement(s) or mechanism(s) designed to implement cooperative activities in promotion of the sustainable development of the Caribbean Sea area.

Also at the 1997 Ministerial Meeting, it became clear that, not only was the explicit call to *marine regionalism* inherent in the proposal sanctioned by international law, but also, that this approach had been made imperative in the context of the shared maritime space that is the Caribbean Sea and of the transnational nature of environmental phenomena, including the arbitrary boundaries of ecosystems. Basically, the proposal sought to move beyond political declarations to the effective management of the Caribbean Sea and its resources, including those of the coastal areas, by the group of neighbouring States, with appropriate forms of collaboration from extraregional entities. Nor was the proposal intended to imply that all issues in the Caribbean Law of the Sea problematique are necessarily amenable to any *arbitrary* decisions by Caribbean States acting in isolation from the rest of the international community. Indeed, this factor was recognised to constitute a fundamental important aspect of the legal as well as technical feasibility of the concept and was indicated to be in need of further exploration so that any limiting factors might be identified and addressed.

Likewise, the Ministerial Meeting was aware that, in the thrust to regional cooperation at the level of the wider Caribbean subregion, what was being pursued was the development or reinforcement of still novel types of interstate relations for coordination and for the distribution of services and other benefits. Against the foregoing, a factor that argues most strongly for a system of regional arrangements is the common ecological framework of the Caribbean Sea. Fundamentally, from the operational perspective, *the Caribbean Sea proposal* seeks to address the functional imperatives inherent in the discharge of necessarily transnational functions.

The political feasibility

With respect to the *political* feasibility of the concept, in advancing the proposal, the Ministerial Meeting necessarily took into account the existence of some two dozen political entities that are either located within or border the Caribbean Sea. Therefore, any project which purported to cover the entire area of that Sea needed to envisage a process of thorough, perhaps complex, political consultation and negotiation.

Among the factors to be taken into account in this political calculus is the presence in the region of countries with different levels of development; different constitutional status; and different levels of technological capacity. It was envisaged that these differences, among others, would generate differing perceptions and interests and that this fact needed to be confronted as a potential challenge to the crystallization of a political consensus on the matter. Nor was the significant metropolitan presence, representing important maritime powers, in the region to be overlooked.

A number of developments including the successful preparation, presentation and defence of three resolutions before the United Nations General Assembly may already be adduced at this stage, as evidence of the political viability of the proposal. The need to ensure adequate preparation of the many complex issues involved and for sustained vigilance cannot be overstressed, however.

Approaches to marine regionalism in other selected SIDS regions

Even as Caribbean SIDS contemplate the future steps towards the development and implementation of the Caribbean Sea proposal, whichever of the two approaches is selected, it is perhaps useful to review, albeit summarily, though on the basis of the latest evidence available, the approaches envisaged by SIDS of other geographical regions to the management of the areas of hydrospace under their jurisdiction.

AOSIS

In the *Singapore Declaration for the Alliance of Small Island States Inter-Regional Preparatory Meeting for the World Summit on Sustainable Development*, January 2002, the oceans also receive special coverage and, in this regard, a call is made for:

...the establishment and strengthening of policy and programs to manage the ocean resources and jurisdictions in a sustainable manner, the development of holistic island system management and ecosystem-based management approaches at the national level, the promotion of an integrated management approach through a regional oceans and seas policy with access to appropriate technology, data management systems and related research for capacity building.

This is Singapore 2002: five years after the Caribbean Ministerial Meeting at which the original approach was minted.

Asia and the Pacific

In the *Phnom Penh Regional Platform on Sustainable Development for Asia and the Pacific* which was adopted in November 2001 for presentation to the WSSD preparatory process, in relation to *oceans, coastal and marine resources and sustainable development of small island States*, the Platform, supports *the development and early implementation of a regional initiative on oceans, coastal and marine resources, including the sustainable development of small island States. This initiative may cover subregional and intraregional cooperation on conservation and management of marine ecosystem; waste management to prevent and control land-and sea-based pollution; and implementation of the Programme of Action of the Global Conference on the Sustainable Development of Small Island Developing States. The initiative may also assist member countries in implementing action plans related to the United Nations Convention on the Law of the Sea and support various ongoing subregional initiatives in relevant areas.*

The Report to the Secretary-General of the United Nations to CSD-10 acting as the Second Preparatory Committee to the World Summit on Sustainable Development

In paragraph 122 of his Report entitled *Implementing Agenda 21*, on the issue of *Oceans*, the Secretary-General of the United Nations conveyed the following, *inter alia*:

The protection of the oceans, seas and coastal areas, including their living resources, requires a multi-sectoral but integrated approach that addresses **all dimensions of ocean-related issues**. The various elements **include the management and sustainable development of coastal areas**, the protection of the marine environment, the sustainable use and conservation of marine living resources in both the high seas and areas under national jurisdiction, and research on critical uncertainties including climate change. This approach, known as integrated coastal area management (ICAM), has in recent years replaced sectoral approaches, which have had limited success in the past. (Emphases added).

In paragraph 128 of the same Report, the Secretary-General also draws attention to the call made by the Asia-Pacific Preparatory Meeting for *renewed commitment to sustainable ocean and coastal development*. The Report also draws attention to the fact that:

The Regional Preparatory Committees for both the Latin American and Asia-Pacific regions called for increased recognition to be given to the economic, social and environmental vulnerability of small island developing States.

Referring to the *Rio de Janeiro Platform for Action on the Road to Johannesburg 2002*, adopted by the Latin American and Caribbean region for presentation to the global preparatory process for the WSSD, there is no explicit mention of *the Caribbean Sea proposal*, the closest approximations being its paragraphs 19 and 20, in which *the ministers and representatives of the Governments of Latin America and the Caribbean*:

19. **Recognize** the importance of **regional initiatives to promote sustainable development** in Latin America and the Caribbean;

20. **Recognize also the special needs of regional and subregional ecosystems, including arid and semi-arid, mountain, forest, marine, aquatic and island ecosystems, which are rich and diverse but fragile as well, together with the importance of ensuring their conservation, protection and sustainable use.** (Emphases added.)

EVALUATION OF PROGRESS

Since the presentation by Caribbean SIDS of the original draft resolution embodying the objectives of the *Caribbean Sea proposal* to the fifty-fourth Session of the United Nations General Assembly in 1999, three resolutions have been adopted: resolutions 54/225, 55/203 and A/RES/57/261, which were adopted at the fifty-fourth, fifty-fifth and fifty-seventh Sessions, respectively. Significantly, the title of these resolutions reflects the substantial transformation that occurred in the course of the negotiating process, from *International Recognition of the Caribbean Sea as a Special Area in the context of Sustainable Development* to *Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development*. The original draft resolution was prepared and adopted for presentation to the General Assembly by the *Third Joint Meeting of the Special Committee of Environmental and Natural Resources of the Association of Caribbean States*, which convened in Georgetown, Guyana, in June 1999.

Resolution 54/225

In its Preamble, resolution 54/225, *inter alia*, reaffirms the principles and commitments enshrined in the *Rio Declaration on Environment and Development*, the *Declaration of Barbados* and the *SIDS Programme of Action as well as other relevant declarations and international instruments*. It also reaffirms the *1982 Convention on the Law of the Sea*, emphasizing *the fundamental character of the Convention*. It also recalls the *Cartagena Convention* and *the relevant work done by the International Maritime Organization (IMO)* and considers the large number of Caribbean SIDS as well as the *unique biodiversity and highly fragile ecosystems...the heavy reliance of most States, countries and territories on their coastal areas and the marine environment in general to achieve their sustainable development needs and goals, the number and interlocking character of the maritime areas under national sovereignty and jurisdiction, which present a challenge to the effective management of resources*. Finally, for the purpose of this Paper, the resolution is *mindful of the efforts made by the Caribbean countries to address, in a more holistic manner, the sectoral issues relating to the management of the Caribbean Sea and in so doing to promote an integrated management approach to the Caribbean Sea in the context of sustainable development*.

Perhaps perceiving a proposal that was less than mature, the General Assembly:

Encourages the further development of the integrated management approach to the Caribbean Sea area in the context of sustainable development, which will include environmental, economic, social, legal and institutional elements and will take into

account, the experience gained, 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 and the work of the Commission on Sustainable Development, in conformity with relevant international law, including the United Nations Convention on the Law of the Sea;

Further, the resolution called upon *the international community and the United Nations system, in particular the relevant agencies, actively to support efforts to develop further and implement the above-mentioned approach;*

In its final paragraph, the resolution requested the Secretary-General to report to the General Assembly at its fifty-fifth session on the implementation of the resolution.

In his report to the fifty-fifth session of the General Assembly in respect of *Item 97 (d) Environment and sustainable development: further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States*, the Secretary-General indicated that:

*64. Very few contributions were received with regard to resolution 54/225. So far, most efforts have been directed at developing a common methodology for **environmental approach to preparedness and responses. Further consideration may need to be given to means of implementing the agenda item, including information-gathering and sharing of responsibility.*** (Emphasis added)

In terms of an overview of the resolution, suffice it to say, that the text adopted did not reflect the vast potential earlier perceived to inhere in the original proposal. In fact, in its own analysis of the resolution 54/225, the ACS observes that:

The adopted resolution was not at all very similar to the initial document proposed for consideration. Although the preamble to both the proposed and adopted resolutions are practically identical, the actual points of agreement of substance are different.

Attention has already been drawn to the difference in nomenclature. The text of United Nations General Assembly resolution 54/225 is attached as Annex V. The complete analysis of the resolution 54/225 by the ACS, incorporating a tabulation of the departures from the original formulations, is attached at Annex VI.

The response of ECLAC/CDCC

Following the adoption of resolution 54/225, in resolution 54 (XVIII) *Integrated Management of the Caribbean Sea*, the Ministers and Heads of Delegates participating in the eighteenth Session of the Caribbean Development and Cooperation Committee (CDCC), which convened in Trinidad and Tobago, over the period 30 March-1 April 2000, decided *inter alia*:

To request that the ECLAC/CDCC secretariat collaborate with the already existing working group of representatives from ACS, CARICOM and UNEP, with the aim of reviewing

the mechanisms to implement and make recommendations in regard to the international recognition of the Caribbean Sea as a special area in the context of sustainable development and the implementation of General Assembly Resolution 54/225.

The text of resolution 54 (XVIII) is attached as Annex VII.

It is important to note that, even prior to the adoption of resolution 54 (XVIII), the ECLAC/CDCC secretariat was already engaged in collaboration with the Working Group coordinated by the Association of Caribbean States (ACS) towards advancing the *Caribbean Sea proposal*. However, in response to the request from the eighteenth Session of the CDCC in this regard, it is also to be noted that, following its early period of activism, the Working Group had become all but defunct. Consultations nevertheless continued, mostly between the ECLAC/CDCC secretariat and the ACS on a bilateral basis, as specific issues arose, for example, the preparation of draft resolutions by the Permanent Missions of Caribbean countries in New York. Similar consultations are understood to have taken place between the Caribbean Community (CARICOM) Secretariat and the Permanent Missions.

In specific terms, the ECLAC/CDCC secretariat was also involved in the preparation of proposals for incorporation into the draft resolutions that have been so far presented on the basis of specific consultations initiated by Caribbean Missions in New York. Nevertheless, it is also fair to report that many of the suggestions advanced by the ECLAC/CDCC secretariat, for example, with respect to the potentially far-reaching scope of the concept of the *Caribbean Sea as a special area in the context of sustainable development*, find no reflection in the adopted texts. Nor have they been the subject of follow-up inquiries.

It was in light of the less than optimal direction in which the initiative was being pursued in New York and in light, also, of the limited achievements in that regard, to date, the opportunity of the Nineteenth Session of the CDCC was taken, to present a comprehensive review of the initiative and its evolution, with a view to ascertaining the degree of support enjoyed by the on-going process and to providing the basis for the consideration of any alternative approaches that might inform future subregional efforts.

Resolution 55/203

This resolution marked no real advance on its predecessor which has been reviewed above. It reiterates the call to the international community to assist in the further development of the initiative. Significantly, however, perhaps perceiving a less than dynamic approach to the promotion of the resolution on the part of Caribbean SIDS, the Secretary-General was requested to present a report on the implementation of the Resolution, not, within a year's time, as is customary, at the fifty-sixth Session, but at the fifty-seventh. The text of resolution 55/203 is attached at Annex VIII.

United Nations General Assembly Resolution A/RES/57/261: Evolution of the *Caribbean Sea Proposal* within the General Assembly to 2002

The assessment of the progress made by the Caribbean Sea Proposal within the General Assembly may be undertaken on the basis of a comparison of the terms of Resolution A/RES/57/261 which was adopted at the fifty-seventh session with the initial resolution that emerged from the fifty-fourth session.

By that test, some comfort may be drawn both from the differences between the Preambles to the two resolutions, as well as from their operative clauses.

The following table shows the comparison of the terms of the Preamble:

Table 2: Comparison of the Preambles of the Caribbean Sea Resolutions adopted at the fifty-fourth and fifty-seventh sessions of the United Nations General Assembly

| | 54 th Session | 57 th Session | Comment |
|-------------------------------|---|--|--|
| Agenda Item | Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development | Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development | |
| Agenda Item No. | 100(f) | 87 (f) | |
| Resolution Title | Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development | Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development | |
| Preamble: reaffirming | Rio Declaration, Declaration of Barbados, SIDS POA, “other relevant declarations and international instruments” | Rio Declaration, Declaration of Barbados, SIDS POA, “other relevant declarations and international instruments”*** | 57 th omits SIDS POA history |
| Preamble: recalling | Declaration and Review Document of UNGA 22 nd Special Session. | Declaration and Review Document of UNGA 22 nd Special Session. | |
| Preamble: recalling | work of IMO | | later in 57 th |
| Preamble: taking into account | other GA resolutions | other GA resolutions incl. 54/225 and 55/203 | greater particularisation, historically updated list post-proposal |

| | | | |
|------------------------------------|--|--|--|
| Preamble: taking into account also | | Johannesburg | |
| Preamble: noting with interest | | partnerships initiatives including “major groups” at Johannesburg | |
| Preamble: reaffirming | LOSC | LOSC | |
| Preamble: conscious | | integrated intersectoral and interdisciplinary approach to ocean space | |
| Preamble: emphasising | | Agenda 21 chapter 17 | |
| Preamble: recalling | Cartagena | Cartagena | |
| Preamble: welcoming | | LBS Protocol | |
| Preamble: welcoming | | SPAW in force | |
| Preamble: recalling | | work of IMO | earlier in 54 th |
| Preamble: considering | poor countries challenged by globalisation | poor countries challenged by globalisation | slight rewording in 57 th |
| Preamble: considering | unique and fragile ecosystem | unique and fragile ecosystem | 54 th gave extended illustrations omitted in 57 th |
| Preamble: emphasizing | vulnerability to climate change | vulnerability to climate change | |
| Preamble: underlining | | work of Task Force for Disaster Reduction | |
| Preamble: bearing in mind | | heavy coastal area and marine reliance for sustainable development needs and goals | |

| | | | |
|---------------------------|---|--|---|
| Preamble: acknowledging | | intensive maritime transport use and interlocking jurisdiction challenges to effective management of resources | |
| Preamble: noting | | marine pollution threat from land-based and ship-generated sources | |
| Preamble: taking note | | IAEA Resolutions | |
| Preamble: mindful of | competition among socio-economic activities for the use of the coastal areas and marine environment | competition among socio-economic activities for the use of the coastal areas and marine environment | the language is slightly fuller in 2002 |
| Preamble: mindful also of | holistic approach | holistic approach through regional cooperative effort | |
| Preamble: noting | the Caribbean Sea proposal (“area of special importance”) | the Caribbean Sea proposal (“area of special importance”) | |
| Preamble: welcoming | | the ACS Working Group of Experts on the Caribbean Sea Initiative | |
| Preamble: cognizant | importance of Caribbean Sea to generations etc. | importance of Caribbean Sea to generations etc. | |
| Preamble: noting | | land-based pollution | |

It is quite evident that the Resolution adopted at the fifty-seventh session has identified issues of relevance in more detail. It has also gone further than merely updating the recitals by reference to developments in the period between the two resolutions.

The point is sustained also when reference is made to the operative clauses of the resolution. There was no reference in the 2000 language to the integrated management approach being followed up in a context of regional co-operation. That reference in the 2002 draft may signal 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.

The 2002 language deals more extensively with the issue of pollution, with separate provisions relating to ship-generated and land-based pollution, in addition to following the earlier resolution's reference to the marine casualty instance. In relation to the ship source pollution, there is explicit reference to radioactive materials and nuclear waste. This clearly does not satisfy the Commonwealth Caribbean's objection to plutonium shipments, but the emphasis on the problem may, even if it is now, as in the IAEA Resolutions, cosmetic assuaging of Caribbean sensibilities, perhaps come to ease, as part of a process of attrition, the opposition to the Commonwealth Caribbean's concerns in this regard.

The 2002 language 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 meaning is clear, but it is not entirely obvious in what direction it is tending. The Caribbean countries are by no means alone in abstaining from participation in treaties even of environmental importance, as witness the division among the metropolitan countries on the issue of the Kyoto Protocol.

The prompt to the international community, the United Nations system, the multilateral financial agencies and the GEF, within its mandate, to offer support to the approach to the Caribbean Sea proposal, in a context which clearly entails that the support will be financial, is also a welcome inclusion in the 2002 resolution. That call can, if honoured in the observance, only help to advance the objectives of the Caribbean Sea proposal.

Overall, the resolution adopted at the fifty-seventh session of the UNGA, notwithstanding the continuing very strong environmental thrust that characterised both its predecessors, recognises, *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 recognises *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*.

In its operative paragraphs, 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, even as the task of identifying the more important international Conventions and other instruments which might be relevant to the further development of the Caribbean Sea proposal, the resolution adopted on this matter at the fifty-seventh session of the General Assembly, mentions over a dozen significant treaties, declarations and other instruments for the purpose of that resolution. The respective Conventions and other instruments mentioned in the resolution under reference are listed at Annex 1X. The text of General Assembly resolution A/RES/57/261 is attached at Annex X.

The Secretary-General of the United Nations is requested to report on the implementation of this resolution at the fifty-ninth session of the General Assembly in 2004.

WHAT WENT WRONG? WHY WAS THE “SPECIAL AREA” CONCEPT REFORMULATED? WHAT MIGHT BE A WAY FORWARD?

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, with Caribbean SIDS, supported by a number of other States, in the vanguard, might be explained by reference to, *inter alia*:

1. The *bewitchment* introduced into the original nomenclature arising from the specific formulation employed;
2. The absence within the subregion of a shared perspective on the potential scope of the concept that informed the original proposal and which would have informed the negotiations;
3. Inadequate preparation at the subregional level leading to certain negotiating pitfalls.

The nomenclature

In the form eventually adopted by the ACS, the regional initiative was in respect of a *Proposal for the Caribbean Sea to be recognised as a Special Area in the context of Sustainable Development of Caribbean Countries.*

Attention has already been drawn to the *Special Area* concept of MARPOL 73/78 and to its specialized meaning in that context. It is evident that the emphasis placed by delegations on *Special Area* as opposed to *Special Area in the context of Sustainable Development* or to *special area in the context of sustainable development* (with all lower case letters), provided a major distraction that led to the philosophical *bewitchment* of the concept, hence its diminished attraction and effectiveness.

In numerous interventions in countless negotiating sessions, the words *Special Area* attracted extensive comment with several key delegations fixating on the specialized meaning ascribed to these two words in the context of MARPOL 73/78, and the consequent refusal to countenance any usage of that precise form of words notwithstanding its explicit qualification in a quite different context, namely, *sustainable development*. Indeed, in the course of the negotiating process, this issue gave rise to a significant degree of confrontation which, in turn, might have had implications beyond the issue itself.

This having been said, the reformulated nomenclature, which addresses *Integrated Management*, can nevertheless be manipulated to provide a more than adequate basis for the fulsome development of the concept as originally formulated even if the revised formulation lacks the rhetorical clout of the original version. This aspect is deserving of some considerable emphasis and corresponding attention. .

The scope of the concept

What was evident from the first two resolutions adopted by the General Assembly on this matter, in particular the latter, resolution 55/203, was that, notwithstanding the earlier preambular reference to “.....*sustainable development, which will include environmental, economic, social, legal and institutional elements...*”, their fundamental orientation was *environmental*, as if *sustainable development* was synonymous with *environmental management*. Absent from the texts were any substantive references to the approach subsumed under the concept of “*Island Systems Management*” as described above and which would have provided enhanced scope for action towards the sustainable development of Caribbean SIDS and of the Caribbean region as a whole. The very restricted focus of the resolutions was interpreted by many as depriving the region of a wide range of potential benefits.

With respect to the last resolution adopted, Resolution A/RES/57/261, attention has already been drawn to the fact that, while it maintains the very strong environmental thrust of its predecessors, it nevertheless gives formal recognition to the significance of coastal areas and the marine environment for the sustainable development of Caribbean States. The reference to “most Caribbean *economies*” is also significant. The resolution also recognises the diversity, dynamic interaction and competition among socio-economic activities for the use of the coastal areas and the marine environment and their resources.

Still, in relation to the underlying concept that informed the original formulation of the Caribbean Sea proposal, the guidelines indicated in the resolution for the prosecution of the sustainable development of Caribbean States, include the recommendations prescribed in, *inter alia*, the outcomes of the twenty-second special session of the General Assembly; the Johannesburg Declaration on Sustainable Development; and the Johannesburg Plan of Implementation. The significance of these guidelines will be demonstrated by reference to the Johannesburg Plan of Implementation.

The Johannesburg Plan of Implementation and the Sustainable Development of Small Island States

Among the operational elements of the *Johannesburg Plan of Implementation* that may be identified as being, potentially, of particular interest to the SIDS of the Caribbean subregion, are those related to the sustainable development of small island developing States; oceans, seas, islands and coastal areas; sustainable tourism development, as well as such socio-economic aspects as poverty eradication; HIV/AIDS; and the trade-related issues, these last embracing critical matters that need to be addressed as these SIDS seek a more effective and profitable integration into the increasingly globalized and liberalized international economic system, within the context of their overall sustainable development thrust.

As SIDS of the Caribbean, among others, pursue their sustainable development, they will have drawn considerable satisfaction from the incorporation into the *Plan of Implementation* of its section VII, which is dedicated to the *sustainable development of small island developing States*.

The content of section VII of the *Plan of Implementation* constitutes a near comprehensive identification of elements that are of priority concern to SIDS. Moreover, it includes, either the reiteration, in most cases, or otherwise, the cross-referencing of other sections of the Plan of Implementation whose contents have important implications for the sustainable development of SIDS. Nevertheless, it is important to sound a caveat to the effect that, notwithstanding the near comprehensive identification of elements of particular concern to SIDS within section VII of the *Plan of Implementation*, thus highlighting the key issues in a single location, a similarly comprehensive approach to implementation of the *Plan of Implementation* as a document incorporating important guidelines towards sustainable guidelines, would require a thorough examination of the entire document.

Illustrating the relevance of this caveat, reference will be made to those paragraphs of the *Plan of Implementation* which deal, quite specifically and comprehensively, with the sustainable development of oceans, seas, islands and coastal areas. These paragraphs (paras. 30-36) are tucked away under section IV which addresses the broad theme of: *Protecting and managing the natural resource base of economic and social development. Oceans, seas, islands and coastal areas* constitutes but one of almost a dozen subsets of issues covered under this section, among them, those related to *water resources management; disaster management; climate change, sustainable agriculture; sustainable tourism development; biodiversity; forests and trees; and mining, minerals and metals*. Thus, lurking within this necessarily broadly conceptualised section, are three elements that have been explicitly identified as being of priority interest to Caribbean SIDS. Sustainable tourism development and disaster management complete this selection. This, of course, is not to deny the importance of the other elements that are captured within that section. *Biodiversity*, for example, is also of critical importance. Fundamentally, what is being emphasised is that the optimisation of benefits requires an in-depth exploration of the entire Plan of Implementation.

Further illustrating the relevance of a thorough familiarisation with the content of the totality of the *Plan of Implementation* in the specific context of the SIDS of the Caribbean

subregion, reference will once more be made to the paragraphs dealing with *oceans, seas, islands and coastal areas*. These paragraphs cover, *inter alia*:

- An identification of the major international treaties and other arrangements that have been developed to address a very wide range of what might be summarily described as *ocean management issues* and whose signature, ratification or accession would make significant contributions to the development and effectiveness of ocean management regimes; an identification of effective approaches to ocean management at local, regional as well as global levels; and
- Provisions relating to the delivery of assistance to developing countries in the conservation and sustainable management of fishery resources, among other aspects of ocean management.

In a very real sense, this particular combination of elements, as set out in the paragraphs mentioned, in itself, serves as a source of *technical assistance* with respect to the further development of the Caribbean Sea proposal.

The fact that the content of the *Plan of Implementation* merely confirms the selection of elements already identified by the experts from within the subregion who have already addressed the matter in some considerable detail, does not detract from the validity of the original reference to *technical assistance*. What is important in this context, is the confirmation that the *Caribbean Sea proposal*, under reference, is proceeding along the relevant parameters with potentially positive implications for its endorsement at the appropriate time.

Moreover, in order to accelerate the process and also, within the context of follow-up of the *Plan of Implementation* and of the relevant General Assembly resolutions mentioned above, the opportunity presented by the full and comprehensive review of the implementation of the SIDS Programme of Action, that is to take place in 2004, should be seized by the countries of the subregion, to take the initiative to a higher level of implementation. In this regard, it will be recalled that the fifty-ninth session of the United Nations General Assembly, at which the Secretary-General has been requested to present a report on the implementation of the General Assembly resolution on the *Caribbean Sea proposal*, will also convene in 2004.

From the foregoing, it is evident that in Resolution A/RES/57/261, Caribbean SIDS, among others, have been provided with a comprehensive framework for the pursuit of their overall sustainable development, including *the sustainable development of the Caribbean Sea area in the context of sustainable development*. It is important that the subregion's negotiators in New York be fully aware of the potential scope of this concept as discussed above.

Inadequate preparation at the regional level

Related to the lack of a shared understanding of the potential scope of the proposal is the inadequate preparation generally evidenced by Caribbean delegations in the course of the negotiations to date. A single illustration will, perhaps, suffice. In an earlier section of this Paper, reference is made to the Caribbean Sea as a *semi-enclosed sea* in accordance with Article 122 of the 1982 United Nations Convention on the Law of the Sea. During the negotiations at the

General Assembly, the Subregional Headquarters of ECLAC for the Caribbean received an urgent inquiry from New York in light of the insistence of the delegation of a major maritime power to the effect that the Caribbean Sea was not indeed a *semi-enclosed Sea*, implying thereby that the basic thrust of the proposal was flawed!

What this illustration seeks to provide is evidence of the need for thorough preparation by the subregion for all aspects of the negotiating process. Clearly, the concept and the modalities fashioned towards its operationalisation will not be endorsed simply on their intrinsic merits. It is however recognised that this observation relates to what was earlier described as the *political feasibility* of the concept. Nevertheless, Caribbean delegations should have been in a position to effectively deal with the spurious assertion by the delegation in question in relation to the status of the Caribbean Sea in international law.

The changed operational environment, November 1997- March 2003

When the *proposal for the international recognition of the Caribbean Sea as a special area in the context of sustainable development* was first adopted at the Caribbean Ministerial Conference in 1997, there did not exist in this context a *tabula rasa*. The proposal itself, as set out in the *Working Document* produced by the Secretariat, recognised the need *for taking into account regional and international Conventions, for example, the Cartagena Convention; the 1982 United Nations Convention on the Law of the Sea; and its Protocol 1973/78.*

In order to review the significantly changed environment that has evolved since the launch of the Caribbean Sea proposal, a summary review will be made of the pre-existing structures of the Action Plan for the Caribbean Environment Programme of UNEP and to four other related initiatives relating to the sustainable development of the Caribbean Sea area that might have implications for the original Caribbean Sea proposal, its content, and the manner of its promotion. These are, respectively:

- The Millennium Ecosystem Assessment Project;
- The IOCARIBE Large Marine Ecosystem Project;
- The proposal from the United States of America: White Water to Blue Water-WSSD Initiative; and
- Developments in the CARICOM subregion in Fisheries.

These represent but a selection of such initiatives from among many, including some which remain to be properly identified, compiled and analysed.

The Caribbean Environment Programme

The Caribbean Environment Programme (CEP) was adopted in 1981 as one of UNEP's regional seas programmes as a framework for regional cooperation in marine environmental matters.

According to the UNEP literature:

The Caribbean Environment Programme (CEP) helps nations protect the marine environment and promoted sustainable development in the Wider Caribbean Region.

Also:

CEP works as facilitator, educator, and catalyst to coordinate activities and build capacity of all member governments in the region to manage their coastal environments and build sustainable coastal economies.²

Areas of activity pursued by the CEP include:

- Land-based sources of pollution;
- Improved fisheries management and protection of critical habitats;
- Increasing urbanisation and coastal development;
- Unsustainable agricultural and Forestry Practices;
- Promoting sustainable tourism;
- Preventing and preparing for Oil Spills;
- Strengthening Government and institutional capacity.

The adoption of the Action Plan for the CEP in 1981 was followed by the adoption, in 1983, of the legal framework, *the Cartagena Convention*. Today the CEP comprises:

- The *Cartagena Convention* and its three Protocols dealing, respectively, with Cooperation in Combatting Oil Spills in the Wider Caribbean Region (the Oil Spills Protocol); Specially Protected Areas and Wildlife in the Wider Caribbean Region (the SPAW Protocol); and Pollution from Land-Based Sources and Activities in the Wider Caribbean (the LBS Protocol);
- Two Governing Structures: the Inter-Governmental Meeting; and the Meeting of the Contracting Parties to the Cartagena Convention;
- A number of Regional Activity Centres;

² The 28 countries which created the CEP are Antigua and Barbuda; Bahamas; Barbados; Belize; Colombia; Costa Rica; Cuba; Dominica; Dominican Republic; France; Grenada; Guatemala; Guyana; Haiti; Honduras; Jamaica; Mexico; the Netherlands; Nicaragua; Panama; St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; United Kingdom; United States of America; and Venezuela.

- Four main Programme Areas: Assessment and Management of Environmental Pollution (AMEP); Specially Protected Areas and Wildlife (SPA); Information Systems for the Management of Marine and Coastal Resources (CEPNET); and Education, Training and Awareness.
- An informal network of collaborating governmental and non-governmental institutions.

It will be recalled that, with respect to the original *Caribbean Sea proposal*, the relevant Secretariat Working Document identified, the *Cartagena Convention* as one of the regional and international instruments to be taken into account when defining the concept of “*special area*” in the context of sustainable development and in defining/explaining the corresponding rationale.³

A final quote from the UNEP literature informs that:

The principal objectives of the Action Plan are to assist Governments of the region in minimizing environmental problems in the Wider Caribbean through assessment of the state of the environment and development activities in environmental management. Furthermore, the Action Plan will establish a framework for activities requiring regional cooperation in order to strength the capacities of States and Territories of the Wider Caribbean region for implementing sound environmental practices and thus achieve sustainable development of the region

Reference has already been made to the Global Programme of Action, also of UNEP, in the context of its recognition of the imperative of treating development issues related to the marine, as well as the terrestrial environment in tandem.

The Millennium Ecosystem Assessment Project

This Assessment is a four-year process which commenced in April 2001. The Caribbean element was launched in Trinidad and Tobago over the period, 19-21 April 2002.

Recalling and emphasising that an integrated ecosystem assessment is an analysis of the capacity of an ecosystem to provide goods and services important for human development, the project literature also recognises the transboundary nature of ecosystems and their processes. It also recognises that environmental challenges are interwoven and thus, an integrative assessment process is needed to highlight for decision-makers, the linkages among climate, biodiversity, freshwater, marine and forest issues. A basic objective is to build, at the sub-global levels, capacity for widespread adoption of integrated assessment approaches.

The main products of the Assessment will include:

- Assessment of condition, pressures, trends and change in ecosystems and the current economic and public health consequences of those changes;

³ As of May 2002, the date of the last updating of the relevant internet site, of the 28 United Nations member States eligible to ratify the Convention, 21 had ratified to it, as well as the Oil Spill Protocol; 10 had ratified the SPAW Protocol; and 6 had signed the LBS Protocol, without any ratifications.

- Assessment of the state of scientific knowledge, e.g. the response of ecosystems to species loss, invasive species, increased nitrogen input, etc.;
- Assessment of the ecosystem as consequent economic and public health impacts of plausible future scenarios of change in driving forces, e.g. population, consumption, climate, technology, economic growth, etc.;
- Assessment of the strengths and weaknesses of various policy, legislative, technological, or other actions that have either been taken or proposed to improve management of ecosystems;
- Building of human and institutional capacity.

This Project anticipates several aspects of the *special area* concept from the definitional perspective and even goes beyond that to the implementation/operational phase. It goes some way towards answering such questions as: What is the purpose of the *special area*? What activities are to be governed within it? How will the *special area* be implemented? How will it be managed?

The four partners in the Project are the World Resources Institute, the World Bank, UNDP and UNEP. Interest has been expressed by the coordinators of the Caribbean component of this exercise in collaborating in the further development of the Caribbean Sea proposal which is recognised to be very closely related to the Millennium Ecosystem Project.

The IOCARIBE Caribbean Large Marine Ecosystem Project

The IOC Sub-Commission for the Caribbean and Adjacent Regions (IOCARIBE) was created in 1982 as a Regional Subsidiary Body responsible for the promotion, development and coordination of IOC marine scientific research programmes, the ocean services, and related activities including Training, Education and Mutual Assistance in the Caribbean. It is the physical presence and the representation of IOC-UNESCO in the Caribbean and Adjacent Regions. The Regional Secretariat is located in Cartagena de Indias, Colombia.

The formal title of the Project in the corresponding *Concept Paper* is: *Sustainable Management of the Shared Living Resources of the Caribbean Large Marine Ecosystem (CLME) and Adjacent Regions*. In this regard, management is indicated to include *all aspects of management and development that are required for sustainable use of living marine resources, and is understood to be an integrated process involving a wide range of disciplines and stakeholders*.

The countries in which the Project is to be implemented are: Antigua and Barbuda; Bahamas; Barbados; Belize; Brazil; Colombia; Costa Rica; Cuba; Dominica; Dominican Republic; France (representing the DOMs); Grenada; Guatemala; Guyana; Haiti; Honduras; Jamaica; Mexico; Nicaragua; Panama; St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Suriname; The Netherlands (Aruba, Bonaire, Curacao, Saba, St. Eustatius, St. Maarten); Trinidad and Tobago; the United Kingdom (for the Overseas Territories); the United States of America (Puerto Rico, USVI); and Venezuela.

The *Concept Paper* makes reference to *the Caribbean Sea proposal* and to United Nations General Assembly Resolution 55/203, “*Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development.*”

Under *Goal and objectives*, it is stated that:

The goal of this project is:

Sustainable management of the shared living marine resources of the Caribbean LME and adjacent areas through an integrated management approach.

The specific objectives of this project are to:

- *Identify major issues and constraints which need to be addressed to achieve sustainable management of the shared living marine resources in the Caribbean Sea LME; Develop and implement policy and institutional reforms to achieve sustainable marine resource management distinguishing between national and regional efforts;*
- *Strengthen both national and regional institutional capacity for collaboration management of the shared living marine resources;*
- *Develop and implement a strategic approach to incorporating LME level considerations into regional and national level management of shared marine resources;*
- *Increase the shared knowledge base for sustainable use and management of living marine resources by compiling and sharing existing information, conducting research and improving databases for assessments, planning and policy formulation;*
- *Harmonize resource management legislation and improve the effectiveness of the systems for monitoring, surveillance and enforcement of regulations and management measures in the participating States;*
- *Improve public awareness and the involvement of resource users and local communities in the planning and management process.*

This IOCARIBE Caribbean Large Marine Ecosystem Project is being developed for the GEF.

The Regional Project Coordinator of the Project has expressed the hope that his organisation and the Subregional Headquarters of ECLAC “*can find ways to work together on this thrust and avoid the duplication of effort that sometimes besets us.*”

The United States of America White Water to Blue Water - WSSD Initiative

The Subregional Headquarters of ECLAC for the Caribbean became aware of this Initiative in the context of the UNEP-sponsored Tenth Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme and the Seventh Meeting of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean. These meetings of the Governing Structures convened in Montego Bay, Jamaica, over the period 7-11 May 2002.

In its presentation of the Initiative, the delegation of the United States of America explained that the nomenclature of the proposal was meant to indicate that the management of the Caribbean Sea was to encompass the management of watersheds - areas of *white water* -and beyond, to the marine areas - areas of *blue water: a continuum from the mountain range to the ocean covering all areas and zones; reefs and the open sea The ridge to reef concept*. Issues to be addressed were indicated to include land-based sources of marine pollution; coastal zone management; conservation of the coastal zone; sustainable fisheries; and the cross-border management of ecosystems. A cross-sectoral approach was advocated as a means of ensuring enhanced coordination for management purposes among, inter alia, government agencies, NGOs and Community Groups. The focus of the proposal would be the Wider Caribbean. Regional cooperation and capacity-building were indicated to be critical elements. The implementation of the proposal was envisaged as a model that might also be replicated in Africa and the South Pacific.

In order to advance this proposal, the United States of America envisages convening a *United States-hosted Conference in 2003*. This Conference would be used to *kick off* the initiative. The venue was likely to be Miami. Stakeholders would be invited from across the Wider Caribbean and would include regional organisations, Governments, NGOs, the media and the private sector. The proposal was to be further developed at the WSSD *as a Wider Caribbean initiative*. To this end, the Initiative was formally tabled at the Fourth Prep Com for the WSSD which convened in Bali, Indonesia, over the period 27 May-7 June 2002.

The UNEP Meeting was being used as a *sounding board* to elicit the views of the Governments represented on the methodology and scope of the Initiative. Political support was seen as being an essential ingredient if the proposal is to prosper. The Initiative was open to all Caribbean countries that participate in the Caribbean Environmental Programme.⁴ Significantly, it turned out that the United States proposal had been earlier floated at the Third Prep Com for the WSSD when it convened in New York over the period, 25 March-5 April 2002. The Subregional Headquarters of ECLAC for the Caribbean was not represented at that meeting.

Following its presentation at the UNEP meeting, support for the United States proposal was pledged by a number of representatives, including those of Anguilla; Barbados; Colombia; Costa Rica; Cuba; France; Haiti; the Netherlands Antilles; Nicaragua; Panama; St. Lucia; Trinidad and Tobago; the United Kingdom; Venezuela; CIDA; the IMO; and the Intergovernmental Oceanographic Commission (IOC).

At the conclusion of the interventions on the item, the United States delegation undertook to integrate all sentiments expressed and *will continue discussions with all*. Specifically, the delegation undertook *to take on board* the need for coordination with all entities in the region, *especially with the UNEP/RCU*. The delegation also expressed its appreciation of the offers of

⁴ The 28 countries which created the CEP are Antigua and Barbuda; Bahamas; Barbados; Belize; Colombia; Costa Rica; Cuba; Dominica; Dominican Republic; France; Grenada; Guatemala; Guyana; Haiti; Honduras; Jamaica; Mexico; the Netherlands; Nicaragua; Panama; St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; United Kingdom; United States of America; and Venezuela.

collaboration made by Anguilla and St. Lucia.⁵ Stakeholders will be invited to share in the planning of the proposed Conference and anyone interested in being involved in the process is invited to so indicate. The Conference was to take place in either February or May 2003 and firm preparations were to commence shortly after the conclusion of the WSSD. The setting of a precise dates was to be guided by the regional and wider international calendar. Embassies of the United States of America were to undertake the necessary follow-up across the Caribbean.

Governments listed among the *Interested Partners* were those of France, Jamaica, Mexico, Spain, Trinidad and Tobago and the United Kingdom. International organizations similarly identified were UNEP, GPA and the IOC. Support was orally pledged by the representative of the IMO.

In its **Decision VII**, adopted in respect of Agenda Item 7: Wider Caribbean Initiatives for the World Summit on Sustainable Development, the Meeting:

Having reviewed and discussed the international and regional preparations for the World Summit on Sustainable Development to be convened in Johannesburg in September 2002, and in particular **having reviewed** the initiative entitled, “White Water to Blue Water,” (UNEP(DEC)/CAR IG.22/CRP.3) presented by the delegation of the United States of America;

Decides to:

1. **Request** governments to systematically support, at relevant for a, and in particular at the World Summit on Sustainable Development (WSSD), the CEP; the Cartagena Convention; its Protocols; and decisions of the intergovernmental process, with a view to further co-ordination and co-operation, as well as to avoid duplication with other relevant programmes, initiatives and treaties.
2. **Support** in principle the initiative presented to the Meeting by the Government of the United States of America “White Water to Blue Water” which is of special relevance to the CEP Members and the World Summit on Sustainable Development (WSSD) dialogue and **encourage** further consultation in support of its practical implementation.

Developments in fisheries in the CARICOM subregion

On 4 February, 2002, the *Agreement Establishing The Caribbean Regional Fisheries Mechanism* was signed in the context of the Thirteenth Inter-Sessional Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM). Signatories to the Agreement include Barbados, Belize, Grenada; Guyana; Jamaica; St Vincent and the Grenadines; Suriname; and Trinidad and Tobago.

⁵ Anguilla in supporting the U.S. proposal, identified itself as an island which was entirely coastal and offered itself as a laboratory for a pilot project. St. Lucia supported the proposal and, in the context of a number of suggestions, offered to help to work towards strengthening the proposal to ensure it received increased support.

According to Article 4 of the Agreement, the Mechanism shall have as its objectives:

1. the efficient management and sustainable development of marine and other aquatic resources within the jurisdictions of Member States;
2. the promotion and establishment of co-operative arrangements among interested States for the efficient management of shared, straddling or highly migratory marine and other aquatic resources;
3. the provision of technical advisory and consultative services to fisheries divisions of Member States in the development, management and conservation of their marine and other aquatic resources.

According to Article 5, in pursuance of its objectives, the Mechanism shall be guided by the following principles:

1. maintaining bio-diversity in the marine environment using the best available scientific approaches to management;
2. managing fishing capacity and fishing methods so as to facilitate resource sustainability;
3. encouraging the use of the precautionary approaches to sustainable use and management of fisheries resources;
4. Promoting awareness of responsible fisheries exploitation through education and training;
5. According due recognition to the contribution of small scale and industrial fisheries to employment, income and food security, nationally and regionally; and
6. Promoting aquaculture as a means of enhancing employment opportunities and food security, nationally and regionally.

The Caribbean Fisheries Mechanism is scheduled to be launched in Belize, on 26 March 2003. The first meeting of the Forum of the Mechanism is scheduled to convene on 27 March 2003. According to Article 9 of the *Agreement establishing the Caribbean Fisheries Mechanism*, subject to the determination of the overall policy of the Mechanism by the Ministerial Council, the Forum “*shall determine the technical and scientific work of the Mechanism....*”

The Forum comprises:

1. one representative of each Member and Associate Member of the Mechanism;
2. representatives of :
 - (i) Fisher Folk Organisations and Private Fishing Companies within the Caribbean Region;
 - (ii) Regional bodies and institutions and regional organisations whose work in the area of fisheries contributes to the work of the Mechanism; and
 - (iii) Non-Governmental Organisations whose work in the area of fisheries contribute to the work of the Mechanism.

Even more recently, when the Fourteenth Inter-Sessional Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM) convened in Trinidad and Tobago, on 14-15 February 2003, a proposal was tabled by one of the signatory countries to the CRFM for the adoption of a Regional Fisheries Policy for the joint exploitation and conservation of the fishing resources of the region for the benefit of its peoples. Issues identified for consideration in this regard include:

1. Establishment of a single maritime authority to manage the resources, cooperate in research and provide technical support for ongoing fisheries projects in the region;
2. The issuing of licenses to operate in the identified “fishery zone”;
3. Research to determine an “allowable yearly sustainable catch”, with catches and landings thereof being recorded;
4. Making fishing operations without a license “illegal and punishable”;
5. Effective security procedures for reporting by fishing vessels to Coast Guard, Customs and Immigration services when entering and leaving national jurisdictions.

A report on the findings on these issues for the shaping of a regional fisheries policy is to be presented by the CARICOM Secretariat in time for the Twenty-fourth Meeting of the Conference of Heads of Government of the Caribbean Community which convenes in July, 2003. In the context of the institutional dimension of the regime that is being pursued for the Caribbean Sea, the view has been expressed that a CARICOM Regional Fisheries Mechanism, in collaboration with other agencies, could constitute a central element of the management structure.

The Subregional Headquarters of ECLAC for the Caribbean, in collaboration with other relevant agencies and, indeed, the countries of the Caribbean subregion, will need to carefully analyse and monitor the above developments as well as any other similar initiatives that are either being pursued or envisaged and an appropriate strategy developed. Information-sharing among Caribbean SIDS would be a very important activity in this regard.

Canada's oceans strategy

In addition to the developments outlined above, the more recent initiatives in ocean management in Canada are being cited as being of relevance in the further development of the Caribbean Sea proposal.

In his Introduction to *Canada's Oceans Strategy: Our Oceans, Our Future*, which was launched in 2002, the Canadian Minister of Fisheries and Oceans recalls, *inter alia*, that:

As a country bordered by three oceans, Canada is truly an oceans nation. Today we see an ever increasing number of demands on oceans and their resources. While traditional fishing and marine transportation continue to be of prime importance, they are now joined by other uses, such as aquaculture development, oil and gas exploration and development, recreational and commercial fishing, and ecotourism. Canada's oceans

also support important features of Canada's social and cultural identity. Managing these demands is critical to the protection of the marine environment and the long-term sustainability of Canada's oceans and their resources.

Further:

On January 31, 1997, the Government of Canada brought the Oceans Act into force, making Canada the first country in the world to have comprehensive oceans management legislation. The Act authorizes the Minister of Fisheries and Oceans Canada to lead the development of a national oceans management strategy, guided by the principles of sustainable development, the precautionary approach and integrated management.

As stated in the official documentation, Canada's Oceans Strategy defines the vision, principles and policy objectives for the future management of Canada's estuarine, coastal and marine ecosystems. Specifically, the *Strategy* is intended to support policy and programmes aimed at:

- Understanding and Protecting the Marine Environment;
- Supporting Sustainable Economic Opportunities; and
- Providing International Leadership.

Under the Strategy, oceans governance will advance in three areas, as follows:

- Establishment of institutional governance mechanisms to enhance coordinated, collaborative oceans management across the federal government and with other levels of government. New as well as existing mechanisms, such as committees, management boards and information-sharing will be used to promote coordination;
- Integrated Management Planning: to engage partners in the planning and managing of ocean activities. Integrated Management establishes decision-making structures that consider both the conservation and protection of ecosystems, while at the same time providing opportunities for creating wealth in oceans-related economies and communities. It brings together the environmental, economic and social considerations by planning for sustainable use of the oceans in a safe and secure environment. In addition, Integrated Management brings together those citizens who want to be engaged in decisions that affect them;
- Promotion of stewardship and public awareness: Oceans stewardship means acting responsibly to conserve the oceans and their resources for present and future generations.

It is expected that the Strategy will continue to evolve over time. Its further development and implementation will involve active collaboration with partners and the development of a results-based management and accountability framework to measure progress, relevance and effectiveness.

Summary

Canada's Oceans Strategy seeks to:

- Establish the context in which the Strategy is being developed and implemented;
- Set out the framework of a new modern approach to oceans management for the twenty-first century;
- Describe the strategic approach that will be used to achieve the policy objectives; and
- Set out a series of federal activities that support the Strategy.

The sustainable development approach to oceans management contained in the Strategy document provides useful insights which might inform corresponding aspects of the Caribbean Sea proposal. The fact that the Strategy is developed for implementation in the context of a federal system of government might also provide additional insights in relation to the coordination of activities across *discrete* administrative units as in the Caribbean subregional context.

Also of value, is the companion volume entitled Policy and Operational Framework for Integrated Management of Estuarine, Coastal and Marine Environments in Canada. This document, which was conceived as a working document for Canada's oceans community, is also intended to foster discussion about Integrated Management approaches by setting out policy in the legislative context, along with concepts and principles. It also proposes an Operational Framework with governance, management by areas, design for management bodies and the type of planning processes that could be involved.