REPORT TO THE UNITED NATIONS SECRETARY-GENERAL
“Towards the Sustainable Development of the Caribbean Sea for Present and Future Generations”

AND

*SYNTHEIS OF ISSUES AND CHALLENGES SURROUNDING THE CARIBBEAN SEA INITIATIVE

REPORT TO THE UNITED NATIONS SECRETARY-GENERAL

AS REQUESTED ON THE OPERATING PARAGRAPH 6 OF THE RESOLUTION
A/RES/61/197:

“TOWARDS THE SUSTAINABLE DEVELOPMENT OF THE CARIBBEAN SEA FOR PRESENT AND FUTURE GENERATIONS”

INTRODUCTION

This Report covers the activities of the ACS in respect of actions highlighted in Resolution “Towards the sustainable development of the Caribbean Sea for present and future generations” (A/RES/61/197), as well as other issues covered as set out in paragraph 11:

“Calls upon the international community, the United Nations system and the multilateral financial institutions, and invites the Global Environment Facility, within its mandate, to support actively the national and regional activities of the Caribbean States towards the promotion of the sustainable management of coastal and marine resources.”

The Report specifically dealt with the issues covered in paragraphs 11, 2, 3, 4 and 5 of said Resolution.

Sets of activities are dealt in some details are:

1. Sustainable Tourism.
2. Caribbean Sea Commission.
3. Disaster Reduction.

Recognizes that the unique biodiversity and highly fragile ecosystem of the Caribbean Sea require that Caribbean States and relevant regional and international development partners work together to develop and implement regional initiatives to promote the sustainable conservation and management of coastal and marine resources, including, inter alia, the further development of the concept of the designation of the Caribbean Sea as a special area in the context of sustainable development, without prejudice to relevant international law.

Notes with interest the creation by the Association of Caribbean States of the Commission on the Caribbean Sea.

Notes with interest the efforts of the Caribbean States to further develop their concept of the Caribbean Sea as a special area in the context of sustainable development, without prejudice to relevant international law, and invites the international community to recognize such efforts.

Notes the concerted efforts of the Caribbean countries to create conditions leading to sustainable development aimed at combating poverty and inequality, and in this regard notes with interest the initiatives of the Association of Caribbean States in the focal areas of sustainable tourism, trade, transport and natural disasters.

Notes upon Member States to improve as a matter of priority their emergency response capabilities and the containment of environmental damage, particularly in the Caribbean Sea, in the event of natural disasters or of an accident or incident relating to maritime navigations.”
The Scientific Argument for Designating the Caribbean Sea as a Special Area in the Context of Sustainable Development

The peoples of the Caribbean are defined by the Sea whose shores they inhabit. In the rich diversity of cultures and nations making up the region, the one uniting factor is the marine ecosystem on which each ultimately depends.

If that ecosystem is under threat, so are the livelihoods of millions of people. The economic activity of the Caribbean is based to a very great extent on the bounty of the Sea and the natural beauty which attracts visitors from around the world – which in turn require the healthy functioning of complex physical and biological processes. The coral reefs and the seagrass beds, the white-sand beaches and the fish shoals of the open ocean: these are natural capital assets whose loss or degradation has huge implications for the development of the region.

Apart from the economic importance of the ecosystem, it shapes the lives of all the inhabitants of the Caribbean in ways which defy statistical analysis. The Sea and its coasts form the stage on which the cultural, spiritual and recreational life of the region is played out.

It may be united by its sea, but the Caribbean region is divided by its history. Five hundred years of settlement by Europeans, Africans, Asians and people from other parts of the Americas has bequeathed to the region a patchwork of independent states and numerous colonies administered by governments in a different hemisphere. This presents unique challenges to the establishment of the cooperative policies needed to manage this ecosystem for the common good, and to achieve the most secure long-term future for the Caribbean peoples.

The situation is made even more complex by the impact of decisions on the ecosystem of the Caribbean Sea. These decisions are usually made in parts of the world with no direct territorial link to the region: from the use of the waters for fishing by Asian fleets and by international shipping, including the transport of nuclear waste en route to the Panama Canal and oil shipments from the Middle East to refineries in the Gulf of Mexico; to the pollution and sediments carried by rivers from deep inside the South American continent; and even the energy choices of societies throughout the world which have major implications for the Caribbean Sea, particularly in light of the threat of global warming.

These complex factors combine to create an urgent need for a new partnership between the international community and Caribbean Sea countries to secure a sustainable future for Caribbean peoples while respecting international norms and Conventions.

Four major global scientific integrated environmental assessment processes initiated or funded by the UN have recognized the central importance of the natural resources of the Caribbean Sea to the economic and social well-being of its peoples. These assessments have also recognized that the sustainability of the services provided by these resources is threatened by damaging human-related activities.

For example, the Global International Waters Assessment (GIWA) completed in 2006 did a diagnostic of the reasons for the degradation of the Caribbean Sea and identified the main drivers of ecosystem degradation as coastal land use change, pollution and over-exploitation of natural resources. The Millennium Ecosystem Assessment (MA), completed in 2007 a further sub-global component called the Caribbean Sea Assessment (CARSEA) that assessed the major ecosystem services which contribute to human well-being. Caribbean Sea fisheries were determined to be worth more than one billion United States dollars per annum while the Caribbean was shown to be the most dependent region in the world on tourism. This assessment highlighted the lack of integrated management as a major driver of change and recommended the formation of Caribbean Sea Technical Commission to deal with the problem.

The Inter-governmental Panel on Climate Change (IPCC) completed its main reports in 2007 and highlighted the particular vulnerability of the small islands of the Caribbean and low lying states of Central America to extreme events and disasters as well sea level rise and coral bleaching. The attendant loss of resources from climate change was projected to have a significant effect on other things amenity value of the region for tourism. The Global Environmental Outlook 4 (GEO4) launched at the UN in 2007 further confirmed that effects such as climate change are additive to the already serious longstanding problems such as degraded coasts and polluted seas.

Three key messages can be highlighted from these assessments. First, some of the vital services which human communities derive from the Caribbean Sea ecosystem are being placed in jeopardy, often by the very activities and industries whose long-term future depends on the continuing provision of those services.

Second, a reduction in the stresses being placed on the natural functions of the Caribbean Sea will require new ways of working together amongst the disparate political authorities making up the region.
Finally, the combination of dependence on the integrity of its marine ecosystem and vulnerability to global forces beyond its control puts the Caribbean in a special position which merits recognition and concrete action by the international community.

The Sea and its People

The semi-enclosed Caribbean Sea Large Marine Ecosystem (LME) is a distinct ecological region, bounded to the North by the Bahamas and the Florida Keys, to the East by the Windward Islands, to the South by the South American continent, and to the West by the isthmus of Central America. Covering an area of more than 3.2 million square kilometres, it is the second largest sea in the world, after the Mediterranean. The Caribbean Sea is however special when compared to all other Large Marine Ecosystems (LME) in that it has the largest number of countries surrounding it in the world (Annex - Fig. 1). Further, the disproportionate number of maritime boundaries imposes special challenges with regard to governance of the living resources of the maritime space.

The Caribbean, home to more than 116 million people, is divided among 22 independent states, of which nine are continental countries of South and Central America, and the remainder islands and archipelagos. In addition, four colonial powers – the United States, the United Kingdom, France and the Netherlands – still exercise political control over eleven island territories in the region.

The complex political structure, produced by the historic struggles for control of the resources of the Caribbean, and reflecting a wide cultural diversity arising from that history, has left the region with a series of overlapping regional authorities exercising varying degrees of policy co-ordination over parts of the Sea. This creates a significant problem in the exercise of a holistic approach to the management of the Caribbean Sea ecosystem.

What unites the people inhabiting this region is a common dependence on two particular products of the marine ecosystem, referred to as ecosystem services. These are tourism and fishing. Both activities strongly illustrate the interdependence of human well-being, economics and the environment within the context of sustainable development.

Are people in the Caribbean more dependent on tourism and fishing than other seas of the world?

A few facts and figures help to justify why the Caribbean Sea is special in the context of sustainable development.

Tourism in the Caribbean is based on the high amenity value of its ecosystems. According to World Tourism and Travel Council (WTTC) assessment of the 14 major tourism regions of the world, relative to its size the island population of the Caribbean is more dependent on income from tourism than that of any other part of the world. In 2004, more than 2.4 million people were employed either directly or indirectly in travel and tourism, accounting for 15.5% of total employment, a proportion nearly twice as high as the global average. The sector contributed US$28.4bn to the Gross Domestic Product, 13% of the total, and US$19bn or 16% of exported services and merchandise. Over one-fifth (21.7%) of all capital investment was linked to tourism, well over twice the global average. On several islands tourism accounts for more than 90% of GDP. The wider Caribbean also has even more tourist visitors than the Small Island Developing States (SIDS), especially the Central American countries such as Cancun and Cozumel in Mexico as well as Costa Rica.

Twenty-five million tourists choose to holiday in the Caribbean each year, in large part in pursuit of a dream of sensuous relaxation shaped by its natural features – palm-fringed beaches, blue-green lagoons with crystal-clear water, opportunities to see multi-coloured fish swimming amongst coral reefs. Dependence on tourism, therefore, also implies dependence on the capacity of nature to continue providing the conditions which make the Caribbean such a popular destination. In cases such as the diving industry, this connection is so close that degradation of ecosystem quality can be measured directly as lost income.

Since tourism is the main economic activity of most of the Greater Caribbean States and the Caribbean Sea is recognized by the ACS Member States and Associate Members as a common asset and a potential unifier in their development, the Leaders of the ACS signed the Convention Establishing the (STZC): the Sustainable Tourism Zone of the Caribbean, in December 2001.

The Sustainable Tourism Zone of the Caribbean will expand as a network of communities and countries committed to ensure that tourism is not only providing economical benefits, but that this benefits are reaching all levels of the population, enhancing the protections of the natural and cultural values, today and in the future.

The process to select and evaluate destinations to become part of the STZC is one of the main projects being implemented. The objective is to further develop the sustainable tourism indicators as identified in the Convention and to create practical tools for destinations managers to monitor the sustainability of the tourism sector in their areas. The indicators in the STZC Convention can be categorized as: social, economic and environmental indicators: Five destinations have already been evaluated in the Pilot Phase. Seven other destinations are currently being evaluated.

Fishing is also a significant provider of jobs and income in the Caribbean. It is estimated that more than 200,000 people in the region are directly employed, either full-time or part-time, as fishers. In addition, some 100,000 work in processing and marketing of fish, with additional job opportunities in net-making, boatbuilding and other supporting industries. Assuming each person employed has five dependents, more than 1.5 million people in the Caribbean rely for their livelihood on commercial fishing. The activity also brings in approximately US$1.2bn annually in export earnings (Annex - Fig. 2), with the United States the principal destination.

However, the true importance of fishing is not fully reflected in these figures. In a region where most of the population has access to the Sea, fish provide a vital resource...
II. PLAN OF ACTION

(i) INSTITUTIONAL FRAMEWORK

a. Entities being established:

The Caribbean Sea Commission has agreed to form:

- A Bureau comprising the Chair, the two Vice-chairs, and the Secretariat;
- A Legal Sub-Commission;
- A Scientific and Technical Sub-Commission;
- A Governance, Public Information and Outreach Sub-Commission;
- A Budget Committee

The Bureau will be responsible for oversight of the work of the Commission, initiating actions in respect of relations with external entities and preparation of the annual report to the Ministerial Council.

The Sub-Commissions will be chaired by national experts.

(b) Composition and Terms of References of the Sub-Commissions

The Sub-Commissions will support the mandate of the CSC in three specific areas by:

- Clarifying the information that the CSC requires to meet its mandate to provide advice to the ACS council;
- Identifying individuals, organizations or projects that can provide the expertise and information needed;
- Coordinating the acquisition, review and synthesis of the information needed;
- Formulating or overseeing the formulation of draft advisory documents for consideration by the CSC;
- Obtaining and providing clarification as requested by the CSC on any submitted draft advisory documents in a timely manner.

The suggested areas of competence of the three Sub-Commissions are:

Scientific and Technical Sub-Commission – All scientific and technical aspects relating to the sustainable use of the Caribbean Sea, including but not limited to, status of scientific capacity, status of fisheries, drivers and pressures resulting in habitat degradation and pollution from various sources, and their socio-economic and ecological impacts on the Caribbean Sea;
Governance, Public Information and Outreach Sub-Commission – All institutional arrangements that may relate to the sustainable use of the Caribbean Sea, including but not limited to, status and role of regional and sub-regional bodies, national coordination, role of civil society, identification of stakeholders, consequences of decision-making affecting the sustainable use of the Caribbean Sea on stakeholders and delivery of information and awareness materials to stakeholders;

Legal Sub-Commission – All legal arrangements required among stakeholders that may be required to facilitate the sustainable use of the Caribbean Sea including but not limited to establishment of regional and sub-regional organizations, status and implications of MEAs. The major area of competence of the Legal Sub-Commission will be overseeing the good faith implementation of the legal regime adopted by the ACS Ministerial Council and taking all the legal steps necessary to promote the declaration of the Caribbean Sea as a Special Area in the context of Sustainable Development.

These areas necessarily overlap and there will be close collaboration among these committees in their work.

The institutional recognition of the Caribbean Sea Commission

The CSC will sign memoranda of understanding with regional centres of expertise related to its work programme. Members of the Commission and its Sub-Commissions will recommend these centres.

(ii) LEGAL FRAMEWORK

I. Consistent with Agreement No. 14/07 and No. 3/08 – Secretary General will write the United Nations Secretary General requesting high level DOALOS team to meet the mandate A/RES/61/197.

This would be prior to taking steps to set up the Conference on Oceans and Law of the Sea Experts.

II. ACS CONFERENCE OF OCEANS AND LAW OF THE SEA EXPERTS

1. Juridical Underpinnings
   (i) Convention Establishing the ACS.
   (ii) Ministerial Council Agreements No. 6/06, No. 14/07; and No. 3/08.
   (iv) ACS Summit Declarations.

2. Objectives
   (i) To design a legal regime which will be legally binding upon the membership of the ACS and which will govern the operation and implementation of the declaration of the Caribbean Sea as a Special Area in the context of Sustainable Development;

   (ii) The regime which will be formally adopted by the Ministerial Council of the Association, will operate:

   (a) without prejudice to the existing rights and obligations of members of the Association.
   (b) without prejudice to international law, particularly the international law of the sea.
   (c) consistently with the spirit and operative paragraph of A/RES/61/197 and succeeding UNGA resolutions.

3. Preparatory Activities
   (i) Consultant to be contracted to Draft a Working Paper for the Conference – 2 months.
   (iii) Review and approval of the Working Paper, as revised by the Sub-Commissions, by the plenary of the Caribbean Sea Commission (CSC).

4. Participants in the Conference
   (i) The Legal Sub-Commission of the CSC.
   (ii) The Scientific and Technical Sub-Commission of the CSC.
   (iii) Oceans and Law of the Sea Experts of the Members and Associate Members.
   (iv) Representative of the Founding Observers of the ACS.
   (v) DOALOS.
   (vi) Observers from:
        a) Interested third States.
        b) Institutions of the United Nations System and competent international organizations.
        c) Competent NGO’s, academic institutions and other stakeholders.

5. Format and Modus Operandi
   (i) Six Sessions over a 12 - month period, with the possibility of it being extended, upon the motion of the Conference, with the concurrence of the
(iii) SCIENTIFIC AND TECHNICAL ISSUES

Caribbean Large Marine Ecosystem Project (CLME)

The full CLME project proposal was given approval by the GEF on April 11, 2008 and implementation will begin shortly. The Global Environmental Facility (GEF) has approved USD 6 million and the countries of the region are providing more than USD 40 million of in-kind support. The job of Regional Project Coordinator for the CLME project has been advertised and the appointee will assume office at IOC/ARCO in Cartagena, Colombia. The CLME Project will focus on fisheries governance initially. Further funding will have to be raised to expand the project to deal with other issues such as pollution.

Project Goal:
Sustainable management of the shared living marine resources of the Caribbean LME and adjacent areas through an integrated management approach that will meet WSSD targets for sustainable fisheries.

The specific objectives are:

- To identify, analyze, and agree upon major issues, root causes and actions required to achieve sustainable management of the shared LMRs in the Caribbean Sea LME in a manner that is consistent with relevant international agreements, e.g. the Law of the Sea, the UN Fish Stocks Agreement;
- To improve the shared knowledge base for sustainable use and management of the transboundary LMRs by compiling and sharing existing information, filling critical data gaps and improving databases for assessments, planning and policy formulation;
- To implement legal, policy, and institutional reforms to achieve sustainable transboundary LMR management;
- To develop an institutional and procedural approach to LME level monitoring, evaluation and reporting.

Project Components

The key components of the Full Sized Project are:

- Characterise and analyse the root and underlying causes of trans-boundary issues relating to the management of marine resources in the CLME through the mechanism of a Transboundary Diagnostic Analysis and develop and agree on a Strategic Action Programme to address those causes.
- Compile and share existing sources of information required for good governance of marine resources, and identification and filling of knowledge gaps through appropriate technical programmes.
• Establish a culture of networking and cooperation among the countries for management of marine resources, focusing on strengthening existing institutions and structures.

• Establish a monitoring and evaluation framework for the ecosystem status of the CLME in line with the ecosystem management approach and SAP implementation.

• Create successes that serve as examples of how countries can collaborate to manage transboundary marine resources through ‘Strengthening by doing’.

• The Association of Caribbean States and its Caribbean Sea Commission is expected to play a major role in the governance dimension of the project, thus ensuring that scientific and technical outputs find their way into the relevant national and regional policy cycle and consequential implementation.

• The ACS Secretariat will take the formal steps necessary to establish the association as a co-financing partner of the Project.

III. ACS HIGH-LEVEL CONFERENCE ON DISASTER REDUCTION

The Heads of State/Government of the ACS Members, in their 4th Summit held in Panama City, Panama on 29 July 2005, acknowledged the vulnerability of our countries and territories to disasters and the negative impact they have on the efforts to ensure sustainable development. They also shared the idea that integrating disaster management and risk reduction into development policies and plans at all levels of government is the best way to combat vulnerability to disasters. Further, they reaffirmed the importance of international co-operation, particularly at the regional level, in order to strengthen the national and regional bodies dedicated to the disaster risk reduction.

In consequence, the ACS Special Committee on Disaster Risk Reduction set to organize a Conference to exchange experiences, lessons learnt and best practices in the areas of disaster risk reduction, as well as to determine areas of intra-regional co-operation in view of the sheer number of initiatives in our region, the scant resources and the heterogeneity of the different actors.

The High-Level Conference on Disaster Reduction of the Association of Caribbean States was held 14–16 November 2007 in Saint-Marc, Republic of Haiti. This first-ever meeting on the subject for the countries of the Greater Caribbean was attended by delegations from 21 ACS Members (including Ministers, high-ranking disaster reduction specialists and experienced diplomats), over 18 international and regional organisations as well as members of civil society. In all, over 120 delegates participated in the Conference.

The Conference was financed by the government of the Republic of Haiti, ACS, UN International Strategy for Disaster Reduction (ISDR), and the Government of the Republic of Turkey. Crucial technical and other support was also provided by UNOCHA, UNISDR, IADB, UNECLAC, CDERA, CEPREDENAC, IFRC, PAHO and UNDP.

The Saint-Marc Plan of Action, as the Outcome of the Conference has been endorsed by the ACS Ministerial Council as a 27-point document which will soon inform the Work Programme for the ACS in the area of disaster risk reduction. The Saint-Marc POA takes into account, inter alia, the five priorities for action stemming from the Hyogo Framework for Action, adopted by the World Conference on Disaster Reduction, held in 2005.

The Saint-Marc Conference is a milestone not only for the ACS, but for all the international and regional organizations involved in Disaster Reduction in the Greater Caribbean. The Conference raised the profile of the ACS as an ideal forum for bringing together countries that may vary greatly in size and culture but share the same vulnerabilities and creates a framework for deliverables in the work of the ACS in disaster risk reduction and its link to the international agenda agreed at the UN.
ANNEX

Fig. 1. Geopolitical complexity of the Caribbean Sea Large Marine Ecosystem

Fig. 2. The annual value of Caribbean Sea Fisheries

Fig. 3. Overlapping and Nested Fisheries Related Organisations in the Caribbean

Source: Caribbean Large Marine Ecosystem Project, University of the West Indies (UWI)
SYNTHESIS OF ISSUES AND CHALLENGES SURROUNDING THE CARIBBEAN SEA INITIATIVE

The objective of this synthesis is to provide the representatives of the ACS Member Countries to the United Nations with the most relevant aspects regarding the subject of the Caribbean Sea, thereby offering them pertinent information to seek consensus at the United Nations General Assembly, in support of the idea of a resolution declaring the Caribbean Sea a Special Area in the context of Sustainable Development.

Section 1: Situational Analysis

Conservation of the marine environment has been on the global agenda as far back as 1987 and articulated in the Bruntland Report. Several other international meetings resulted in plans and strategies such as Agenda 21, Barbados Programme of Action (BPOA), Johannesburg Plan of Implementation (JPII), and the Mauritius Strategy. These Conferences have recognized the special situation of Sustainable Development of Small Islands Developing States (SIDS) and have attempted to support conservation of the marine environment through various multilateral environmental agreements.

To date, there are several Conventions dealing with this issue, such as the United Nations Convention on the Law of the Sea (UNCLOS) or Montego Bay Convention, the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal, the IAEA Code of Practice on the International Transboundary Movement of Radioactive Waste and the IAEA Regulations for the Safe Transport of Radioactive Materials. Of more relevance to the Caribbean Region are the Montego Bay Convention and the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean (Cartagena Convention) and its Protocols. The latter Conventions address specially conservation of the coastal and marine environment of the Caribbean.

Other regions such as the South Pacific, the Mediterranean and the Black Sea States, cognisant of their uniqueness, have put in place institutional arrangements to support the relevant Conventions and Agreements and have also established institutional mechanisms in the form of Commissions. In this regard, the ACS proposes to encourage sustainable use of the coastal and marine environment of the Wider Caribbean Region through the implementation
of the proposal to have the Caribbean Sea declared a Special Area in the context of sustainable development. Crucial to that implementation is the recent establishment by the Ministerial Council, of an Inter-Governmental Commission to do the strategic planning and technical follow-up for the advancement of the proposal and to formulate a work programme for the purpose, taking into account the work already undertaken in this regard by the Technical Advisory Group (TAG) and other competent regional actors.

The Caribbean Sea is a large sub-oceanic basin with an area of approximately 1.02 million square miles. It is included among the large marginal seas and bays on the western side of the Atlantic Ocean and it is a fragile and complex marine area. It is shared by some 40 countries, States and Territories of varying sizes and stages of economic development, which depend on it, to a greater or lesser degree, for their socio-economic and environmental well-being. Among these countries, States and Territories are legal archipelagos within the meaning of the 1982 United Nations Convention on the Law of the Sea, as well as littoral states, countries and territories. The countries, states and territories under reference are separated by straits that are used for international navigation. With some 75 per cent of its circumference separated from the open ocean by either continental or insular land masses, the Caribbean Sea constitutes an excellent example of a semi-enclosed sea. It 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.

It is needless to say that the sustainable utilisation and preservation of this Sea is important. The vulnerability of this environment, in conjunction with its importance in providing income and supporting livelihoods of whole communities, highlights the need for acquiring further knowledge and formulating guidelines for coastal and marine management. The final aim of the action should be to reconcile ecological and socio-economic demands and suggest a pathway towards sustainable use.

Recognition of the implications of these challenges (and the fact that the ecosystems of the sub-region 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 this sea in conformity with marine regionalism, with the attendant rights and obligations. In order to pursue this goal, the Caribbean Ministerial Meeting on the Programme of Action for the Sustainable Development of Small Islands Developing States (SIDSPOA), held in Barbados from 10-14 November, 1997, formulated a proposal for "the international recognition of the Caribbean Sea as a 'Special Area' in the context of sustainable development." What this envisaged was a concept that recognised that Article 57 of the 1982 United Nations Convention on the Law of the Sea placed enormous tracts of ocean space at the disposal of coastal States. For SIDS, this provision had an even greater impact since it placed the jurisdiction areas of maritime space that are, in many cases several times larger than the respective land spaces. More importantly, the SIDS generally lack the financial, manpower and institutional prerequisites to enforce their rights and jurisdiction over or to utilise the resources of these areas of maritime space on a sustainable basis.

Following the November 1997 Caribbean Ministerial meeting, as many as four resolutions embodying the objectives of the Caribbean Sea Proposal have been adopted by the United Nations General Assembly, namely resolutions 54/225, 55/203, 57/261 and 59/230 which were adopted at the Fifty-Fourth, Fifty-Fifth, Fifty-Seventh and Fifty-Ninth Sessions respectively. To date, the call made by the States Parties to the Greater Caribbean to declare the Caribbean Sea a special area has not yet been approved.

The ACS proposal to have the Caribbean Sea declared a special area in the context of sustainable development is made in recognition of the importance of the marine environment as a key resource of social, economic and political significance to the Caribbean reality.

Section 2: The Economic and Social Challenges

The generally open economies of some of the countries of the Caribbean, in addition to their geographical location between continents, have contributed to the growth of many ports. The massive transhipment ports in Kingston and San Juan are only 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.

For Caribbean countries, the marine environment is the most important natural resource, since approximately 60% of their Gross National Product (GNP) depends on the exploitation of its resources.

Naturally, there is great interdependence between the economies of the Caribbean, the well-being of the Caribbean people and the coastal and marine
environment. For example, marine-based tourism and fisheries are major economic pursuits and the coastal area is the principal site of settlement. The core services accruing to the regions from the Caribbean Sea include aesthetic, cultural and recreational values. In the economic sphere, in most islands, tourism revenue accounts for 15-99% of goods and services.

Section 3: The Environmental Context

Among the more important implications of the varied nature of the Caribbean seascape, are the following:

- The existence of several strategic straits and their implications for sea lanes and other sea uses;
- The relationship between port development, maritime traffic and marine pollution;
- The relatively meagre resource endowment of the major portion of the Caribbean Sea area, both in terms of living, as well as non-living resources;
- The complexities of fisheries including that of migratory and straddling species and general resource management, arising from the above;
- The objective need for cooperation, whether bilateral or sub-regional, in areas such as pollution management and the conservation of living resources, among others.

The Johannesburg Plan of Implementation (JPOI) and the Mauritius Strategy of Implementation (MSI) recognise the inextricable link between activities conducted in the terrestrial and marine environments. In effect, the explicit expansion of the scope of application of the sustainable development concept, serves to highlight a number of operational areas that are of fundamental importance to the SIDS of the Caribbean. Unfortunately, these ecosystem goods and services are under threat from the following:

- The climate change and rise in sea levels;
- The deforestation and land dazing for intensive tourist development. This includes the destruction of mangroves and seagrass beds that promote soil loss and fertilizer run off leading to algal blooms, putting a lot of pressure on the coastal zones;
- The destruction of coral reefs and their associated flora and fauna;
- The pollution and especially land based sources of pollution - domestic wastes have been identified as the main source of pollution of the Caribbean coastal waters;
- The accidents from marine oil exploitation and shipment;
- Movement of nuclear and hazardous waste shipments.

In addition, the following examples illustrate some of the potential dangers to regional development:

a) Domestic wastes have been identified as the main source of pollution of the Caribbean coastal and marine waters. In 1993, only 10% of the waste generated in the region was treated. The little coverage and poor conditions of existing systems of water treatment combined with poor public education and awareness about waste disposal have had severe impacts on coastal waters.

b) The blasting of channels through coral reefs to facilitate the development of port facilities and marinas, pollution from internal shipping, ballast water, waste from yachts, cruise liners and large extra-regional commercial fishing vessels, compromise highly fragile ecosystems in countries where the population’s livelihood is dependent on the coastal and marine resources.

c) 50% of the world’s cruise passenger traffic traverses the Caribbean Sea.

d) The region is located in one of the seven areas of regular tropical storms, of which around 10 per year on average transform into hurricanes and at least 3 of these reach the islands and territories of the Caribbean region. Effects of storms and hurricanes will possibly increase because of global warming and its related sea level rise. This is especially important for the Small Island Developing countries in the region. The development of greater capacity to deal with even the current frequency and severity of tropical storms and hurricanes is a common concern for all the ACS States. A growing concern is also the ability to monitor the risk of tsunamis. Although historically infrequent in the Caribbean Sea, the devastation wreaked by the 2004 Indian Ocean Tsunami has raised some legitimate concerns about the survival of the millions of people in the many small and vulnerable Caribbean States.

e) Natural resources extraction, such as fishing, will increase because of population increase and development activities that could overwhelm the yield limits or recovery rates. This increase has already put many species in danger of extinction.

f) Land based sources of marine pollution, intensive tourism development (Tourism, in the region is responsible for more than 34% of the GNP,
Section 4: Juridical Framework and Institutional Challenges

a) The Geopolitical Context:

Politically, there are, colonies (for example British Virgin Islands and Montserrat), an Associated State (Puerto Rico), Overseas Departments of France (Guadeloupe, Martinique and French Guiana), the Netherlands Antilles (Dutch) and territories belonging to the United States of America. Therefore, the many littoral Caribbean States constitute a political, cultural, linguistic and constitutional mosaic (Dutch, English, French, Spanish and Creole).

Concerning the Law of the Sea issue, challenges confronting these countries of the Greater Caribbean are, 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 utilize the resources of the Exclusive Economic Zone (EEZ) on a sustainable basis;
3. The development of a comprehensive inventory of the resources of the EEZ: living, as well as non-living; and
4. The establishment of marine protected areas.

All of these matters are thus closely related to the call to have the Caribbean Sea declared a Special Area in the context of Sustainable Development.

b) The Legal, Political and Institutional Challenges:

Notwithstanding any progress that has been made, the major outstanding issue remains the definition of what is to be understood by a "special area in the context of sustainable development". The ACS States and Territories of the Greater Caribbean have to determine the envisaged regime. The ensuing represents the output of discussions by the Caribbean Sea Commission established by the ACS.

What is to be understood by a "Special Area in the Context of Sustainable Development"? What would such an arrangement look like?

The Special Area in the context of sustainable development falls within the rubric of the United Nations Convention on the Law of the Sea (UNCLOS) Articles 122 and 123, as well as being arguably compatible with the provisions of MARPOL. The Special Area conforms as well, with the Regional Seas Programme of the United Nations Environment Program (UNEP) in terms of the management scope and the rights and duties of the subjects of international law to whom it applies. It is also eminently compatible with both Agenda 21 and the SIDSPOA. In its construction, 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 added in support, or in furtherance of, the proposal, including its operationalisation. It was in that context that it was indicated that the "special area in the context of sustainable development" proposal would seek to advance the Cartagena Convention, as well as MARPOL 73/78.30. 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".

With the foregoing in mind, we may therefore propose the following as a working definition of the Caribbean Sea as a Special Area in the context of sustainable development:

The Caribbean Sea as a Special Area means the semi-enclosed sea, including its resources and appurtenant coastal areas, which, for acknowledged technical reasons relating to its oceanographic and ecological condition, requires the adoption of special mandatory measures for its preservation and sustainable development, with due regard to economic, social, as well as environmental parameters.

Given the importance of this aspect of the discussion, it is more than useful to reiterate some "benchmarks" that must accompany any effort aimed at giving institutional life to the foregoing definition. They include some imperatives which have long been agreed by ECLAC and other important stakeholders. The ACS, through the Commission, recognises the need to work in the following areas:

- The adoption and implementation of a strong and well-structured regional agreement emerge as critical elements of any regional regime
for the management of coastal and marine areas. Such an agreement would define the scope and jurisdiction of the regime and endow the management process with certainty, as well as legitimacy;

- A regional agreement is also necessary for the clear definition of the obligations, duties and benefits of the respective contracting parties. A noticeable weakness of existing regional agreements is the absence or inadequacy of enforcement and compliance provisions;

- Given the international legal framework governing coastal and marine areas, any regional agreement must be in conformity with international law;

- In order to be effective, the regional agreement must be binding on all the coastal States of the region;

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 soft law of the principles embodied in the Rio Declaration on Environment and Development as fundamental elements;

- Regional agreements have the added advantage of endowing the ensuing regional action plans, strategies and policies with the force of law. As indicated earlier, 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 as proposed by the MEB to support the implementation of the Regional Agreement, the Regional Action Plan and projects;

- 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, and technology issues.

These challenges, together with the fact that the ecosystems of the sub-region are shared among the countries located within, or on the littoral of, the Caribbean Sea, have 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. Hence, Caribbean countries still asking the international community to declare the Caribbean Sea to be a "Special Area in the Context of Sustainable Development."

Section 5: The Role of the ACS

Now it is also appropriate to place into the discussion, firstly, the recent decision taken by the Ministerial Council of the Association to establish, according to the agreement 5/05, a Follow Up Commission to the Initiative of the Caribbean Sea to prosecute the fundamental goals, that is to say to recognise the Caribbean Sea as a Special Area in the Context of Sustainable Development.

Among other things, the Agreement defined the mandate of the entity, which has been re-named the Caribbean Commission, as follows:

To do the strategic planning and technical follow-up work for the advancement of the Caribbean Sea Initiative and to formulate a practical and action-oriented work programme for the further development and implementation of the Initiative taking into account the work already undertaken by the TAG and other relevant regional stakeholders.

Conclusion:

On behalf of the people of the Greater Caribbean for whom the Caribbean Sea is patrimony, the ACS intends to persevere with its legitimate demand that the international community recognise and accept that the Caribbean Sea be declared a Special Area in the context of sustainable development. The ACS has made a number of proposals, including providing a working definition on the concept of the "special area"; by establishing the key institutional mechanism, commencing discussions on the financial sustainability of the Commission, as well as entrusting to it the task of elaborating a legal framework for regional and international acceptance.
THE ASSOCIATION OF CARIBBEAN STATES (ACS)

The Convention Establishing the Association of Caribbean States (ACS) was signed on July 24, 1994 in Cartagena de Indias, Colombia.

Functions include the strengthening of the regional co-operation and integration process, with a view to creating an enhanced economic space in the region; preserving the environmental integrity of the Caribbean Sea which is regarded as the common patrimony of the peoples of the region; and promoting the sustainable development of the Greater Caribbean.

Focal Areas: Trade, transport, sustainable tourism and natural disasters.

Organisation: The main organs of the Association are the Ministerial Council, which is the principal organ for policy-making and direction of the Association, and the Secretariat.

Special Committees focus on: Trade Development and External Economic Relations; Sustainable Tourism; Transport; Natural Disasters; and Budget and Administration. There is also a Council of National Representatives of the Special Fund responsible for overseeing resource mobilisation efforts and project development.

Member States have the right to participate in discussions and to vote at meetings of the Ministerial Council and Special Committees of the Association. The Member States are: Antigua and Barbuda, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Suriname, Trinidad and Tobago, Venezuela.

Associate Members have the right to intervene in discussions and vote at meetings of the Ministerial Council and Special Committees on matters which affect them directly, falling within their constitutional competence. The Associate Members are: Aruba, France (on behalf of French Guiana, Guadeloupe and Martinique), the Netherlands Antilles and the Turks and Caicos Islands.

Founding Observers: CARICOM, CTO, ECLAC, SELA, SICA and SIECA.

Observers: Argentina, Brazil, Canada, Chile, Ecuador, Egypt, Finland, India, Central American Economic Integration Bank (CABEI), Italy, the Kingdom of the Netherlands, Korea, Morocco, Peru, Russia, Spain, Turkey, Ukraine, and the United Kingdom.
MEMBERSHIP OF THE CARIBBEAN SEA COMMISSION

Member States and Associate Members:

Antigua and Barbuda
Bahamas
Barbados
Belize
Colombia
Costa Rica
Cuba
Dominica
Dominican Republic
El Salvador
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
St. Kitts and Nevis
St. Lucia
St. Vincent and the Grenadines
Suriname
Trinidad and Tobago
Venezuela
France (in respect of French Guiana, Guadeloupe, Martinique)
Aruba
Netherlands Antilles

Experts:

Prof. John Agard
The United Nations Environment Programme (UNEP)

Permanent Members:

The Secretary General of the ACS
The United Nations Economic Commission for Latin America and the Caribbean (UNECLAC)
Caribbean Community (CARICOM)
Latin American Economic System (SELA)
Central American Integration System (SICA)
Permanent Secretariat for the General Agreement on Central American Economic Integration (SIECA)
Caribbean Tourism Organization (CTO)