

World Oceans Day 2010 - Our oceans: opportunities and challenges

Roundtable discussion on the United Nations Convention on the Law of the Sea
fifteen years after its entry into force

IS REGIONAL COOPERATION A WAY TO ENHANCE OCEAN GOVERNANCE?

*By Lucia M. Fanning**

Our current state of knowledge regarding the oceans, particularly its transboundary nature, leads us to a conclusion that effective ocean governance¹ transcends national, political and geographical boundaries. However, there is clearly an inherent tension between the level of cooperation that is required to address transboundary issues, (as outlined, for example, in Part IX of the United Nations Convention on the Law of the Sea (UNCLOS) and the rigorously defended concepts of sovereignty and jurisdiction. So, before the question “Is Regional Cooperation a Way to Enhance Ocean Governance?” can be answered in the affirmative, it is important to ensure that the enabling conditions that would facilitate and support regional cooperation are clearly understood. Below is a listing of what some of these conditions might include:

- 1) A recognition by neighbouring States that their rights, as conferred by UNCLOS, cannot be disconnected from their responsibilities. Given the dynamic and transboundary nature of the ocean, these responsibilities can best be met collectively at the regional level.
- 2) The willingness and ability of neighbouring States to cooperate. Some the major factors affecting this include:

* Director, Marine Affairs Program, Dalhousie University.

- a) Level of hostility or existing relationship among the member countries;
- b) Capacity to participate in regional level initiatives, including human capacity, technical capacity, financial capacity and perhaps most importantly, regime-building capacity;
- c) Identification of a common suite of tractable problems and a shared vision of the collective benefits to be gained from addressing these at the regional level;
- d) The **ideational** capacity to formulate pare-to-optimal solutions so that no member State is worst off for having participated in regional level cooperative initiatives.

These factors suggest agreement on shared principles that not only include the ecosystem approach, sustainable utilization and the precautionary approach but also principles espousing social justice and equity and a commitment to abide with conventional and customary law at the regional and international levels. It also requires a recognition that governments alone cannot achieve effective governance of the oceans.

Is this belief in regional cooperation wishful thinking, or can it be actually accomplished? Current examples including those from the Caribbean Region, the Mediterranean Region and the South Pacific Islands suggest the latter option. In the interest of time, only the example from the Caribbean Region will be further highlighted.

With the assistance of a suite of stakeholders and policy actors, including the Global Environment Facility, IGOs, private foundations such as the Nippon Foundation and the Lighthouse Foundation, a host of NGOs, the private sector and academia (most notably the Centre for Resource Management and Environmental Studies at the University of the West Indies), member countries, through regional organizations (such as the Association of Caribbean States) and sub-regional organizations (such as CARICOM and SICA), are working

collectively towards the implementation of a Large Marine Ecosystem (LME) Governance Framework. The Framework allows all actors and marine sectors to see exactly where and how they can contribute to achieving more effective ocean governance, using a nested, network approach. This effort is not seen as discretionary, but absolutely necessary to ensure the region's ability to effectively respond to the growing environmental, economic and social pressures confronting the countries bordering the Caribbean Sea LME. To that end, building the capacity necessary to address these issues remains a critical priority for the countries in the region. One particular capacity-building program that contributes to this priority and which should be highlighted is the UN Nippon Fellowship Programme, coordinated by the host of today's event, the UN Division of Ocean Affairs and Law of the Sea.

¹ Governance as used in this context is understood to be the public and private interactions that are undertaken to address challenges and create opportunities within society. Governance thus includes the development and application of principles, rules, norms and enabling institutions that guide public and private interactions. (Armitage, 2007)