

Presentation by Lee A. Kimball
Regional Ocean Governance

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After the Conclusion of the U.N. Convention on the Law of the Sea
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This presentation will cover the “what, why, and how” of regional ocean governance.

The What of Regional Ocean Governance

Regional ocean governance refers to the international legal and policy frameworks governing ocean use at the regional level and the international organizations active in any particular region. The 1982 U.N. Convention on the Law of the Sea (UNCLOS) provides the basis for regional approaches to ocean governance. It makes particular mention of regional approaches in its provisions on enclosed and semi-enclosed seas (art. 123), marine environmental protection (Part XII), conservation and management of high seas living resources (articles 117-119), and regional marine scientific and technological centres (art. 276).

With regard to marine environmental protection, the global UNCLOS framework is fleshed out through a series of regional seas agreements, as discussed by Mr. Jorge Illueca in his presentation. These date from the 1970s and now include thirteen conventions and several additional regional action plans. With regard to fisheries conservation and management, the 1995 Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks elaborates UNCLOS provisions and strengthens the call for regional arrangements. There are over thirty regional fishery conventions and about twenty regional bodies that play a role in fisheries development and conservation, several of them organized under the auspices of the U.N. Food and Agriculture Organization (FAO). Numerous international organizations, governmental and non-governmental, are engaged at the regional level in strengthening scientific and technical skills for ocean management.

The Why of Regional Ocean Governance

The LOS Convention takes a comprehensive approach to inter-related oceans problems. From a philosophical perspective, it is based on using ocean resources equitably to increase food security and human welfare.

In the twenty years since adoption of the Convention, it would be nice to think that we have learned something. It has now been about 18 years since Martin Belsky first argued that the Convention supported an ecosystem-based approach to ocean management, drawing on the example of the 1980 Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) -- the first convention to adopt this approach. Only during the last three years or so have the international policy expressions of the United Nations oceans informal consultative process and the General Assembly begun to incorporate this concept. Earlier this month, the World Summit on Sustainable Development (WSSD), in the section of its Plan of Implementation on oceans, seas, islands and coastal areas, adopted a goal of encouraging the application of the ecosystem approach by 2010. Thus, the evolution of scientific knowledge is finally beginning to take hold in international legal/policy circles:

- that it is important to understand predator/prey relationships and interactions between the environment and species at different scales; and

- that it is essential to look comprehensively at all sectoral impacts on coastal and marine systems, determine which are most serious, and set priorities.

Relating this to ocean management, the resources and systems we're trying to maintain – fish stocks, transboundary habitat like wetlands and reefs, and large marine ecosystems -- are not global. They occur at local, national and regional scales. At the same time, as human activities expand in area and grow in intensity, oceans problems are increasingly international in scale. Links between oceans and freshwater systems or airborne pollution also expand the scale of oceans problems and internationalize them.

Evolving scientific understanding has changed the WHY of more coordinated approaches to ocean governance. After nearly thirty years of working around the UN system, one is very aware of the rationale of avoiding duplication and overlap among international institutions; current emphasis on market-oriented approach favors the term “efficiency”. The efficient use of international institutional resources is indeed important, but a far more compelling reason to coordinate international oceans-related institutions today is the imperative of integrated approaches to multi-sectoral problems in an ecosystems context. Only through this approach can we protect the natural resources base – the environmental goods and services that form the infrastructure of social and economic development. A regional focus approximates the scale of oceans problems and their linkages.

Other rationales for regional approaches to ocean governance include:

- political collaboration and confidence-building;
- scientific and technical collaboration and networks to strengthen capacity in each region and develop shared knowledge of common problems as a stimulus for joint action;
- economies of scale in such functions as information management and joint enforcement, the latter pioneered in the South Pacific region with respect to fisheries enforcement; and
- to deepen involvement in ocean management, as regional fora are more accessible than global fora to those living in the region, from representatives of different government ministries and civil society to the scientific and technical community and the private sector.

The How of Regional Ocean Governance

Together with the growing internationalization of the scale of oceans problems, the last twenty years have also witnessed a sharp increase in the number of international institutions (legal and policy frameworks and international organizations) active in ocean affairs, especially at the regional level. This includes many new regional conventions and protocols, and their interactions with global instruments like the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Convention on Biological Diversity, and the Ramsar Convention on Wetlands of International Importance. In many cases, the problems addressed by these conventions are linked, such as marine living resources conservation and protecting the marine environment and coastal habitat; watershed management and coastal habitat protection; or marine pollution control and the transport, management and disposal of hazardous and other wastes. These linkages should be taken into account as the different conventions are implemented at national and regional levels in order to tackle problems effectively and use resources efficiently.

Today many global and regional intergovernmental organizations (IGOs) support different aspects of ocean management, and the number of innovative partnerships involving governments, IGOs, non-governmental organizations (NGOs), and the private sector is increasing. These help realize the principle of common but differentiated responsibilities in achieving sustainable development. But there is a great deal of room for more coordinated approaches in the design and implementation of these programs so that they take account of inter-related oceans problems and concentrate on true priorities.

A key challenge is to tailor and focus international institutional efforts on the *particular* environmental and socio-economic conditions of *each* region, based on an ecosystems approach. In most regions, this will require stronger governance mechanisms in order to:

- develop specialized regional assessments that emphasize the environmental and socio-economic implications for those in the region who depend on ocean resources, improving the quantity and quality of information for decision-makers at national and regional levels;
- set goals and priorities in an ecosystems context;
- sort out the best use of different conventions (regional and global) and ensure the adequate and integrated expression of global conventions at the regional level;
- determine how to use the program resources of IGOs (regional and global) efficiently, taking economies of scale into account; for example, programs in information and assessment or technical and legal training; and
- draw on the knowledge and skills of NGOs and civil society, the scientific and technical community, and the private sector in setting goals and priorities and helping realize them.

It would be useful to agree on a regional mechanism(s) to better cohere the activities of UN bodies active in ocean issues and sort out relationships among other relevant bodies. An effective regional mechanism or forum could provide firm and agreed guidance for the programs carried out by global and regional bodies, in keeping with applicable conventions. In my view, this mechanism(s) should be designed/agreed in each region and provide for the involvement of civil society and the private sector. In many regions, the evolution of the regional seas arrangements toward more comprehensive ocean management offers a substantial building block. The Mediterranean Commission on Sustainable Development, already mentioned by several speakers, is a potential model for multi-stakeholder involvement.

There remain several vital roles for global ocean governance:

- the over-arching legal framework provided by the LOS Convention;
- the overview of oceans developments provided by the annual report of the U.N. Secretary-General and review by the oceans informal consultative process and the General Assembly;
- information exchange and collaboration among regional oceans programs (inter-regional), and the review of links with global IGOs and conventions, evidenced by the regular annual meetings of the regional seas arrangements under UNEP auspices; meetings of regional fishery bodies under FAO auspices; and, increasingly, efforts by the Intergovernmental Oceanographic Commission of UNESCO (IOC/UNESCO) to promote information exchange among its regional programs; and
- mobilizing worldwide expertise, technology, and finance to address oceans problems, for example through the Global Programme of Action on Protection of the Marine Environment from Land-Based Activities (GPA).

This would be an effective, multi-layered system of ocean governance that responds to the WSSD mandate to protect and manage the natural resource base of social and economic development.

Regional ocean governance is evolving, but we need to designate mechanisms at the regional level that can help each region use international institutions (conventions, IGOs) more effectively to tackle their specific oceans concerns and priorities and the linkages among them.