SPC1: Special Conference on Sustainable Development

Student Officer: Emir Tigin Bayhan

Issue: Defining marine protected areas in Latin America and the Caribbean

TIMUN '24

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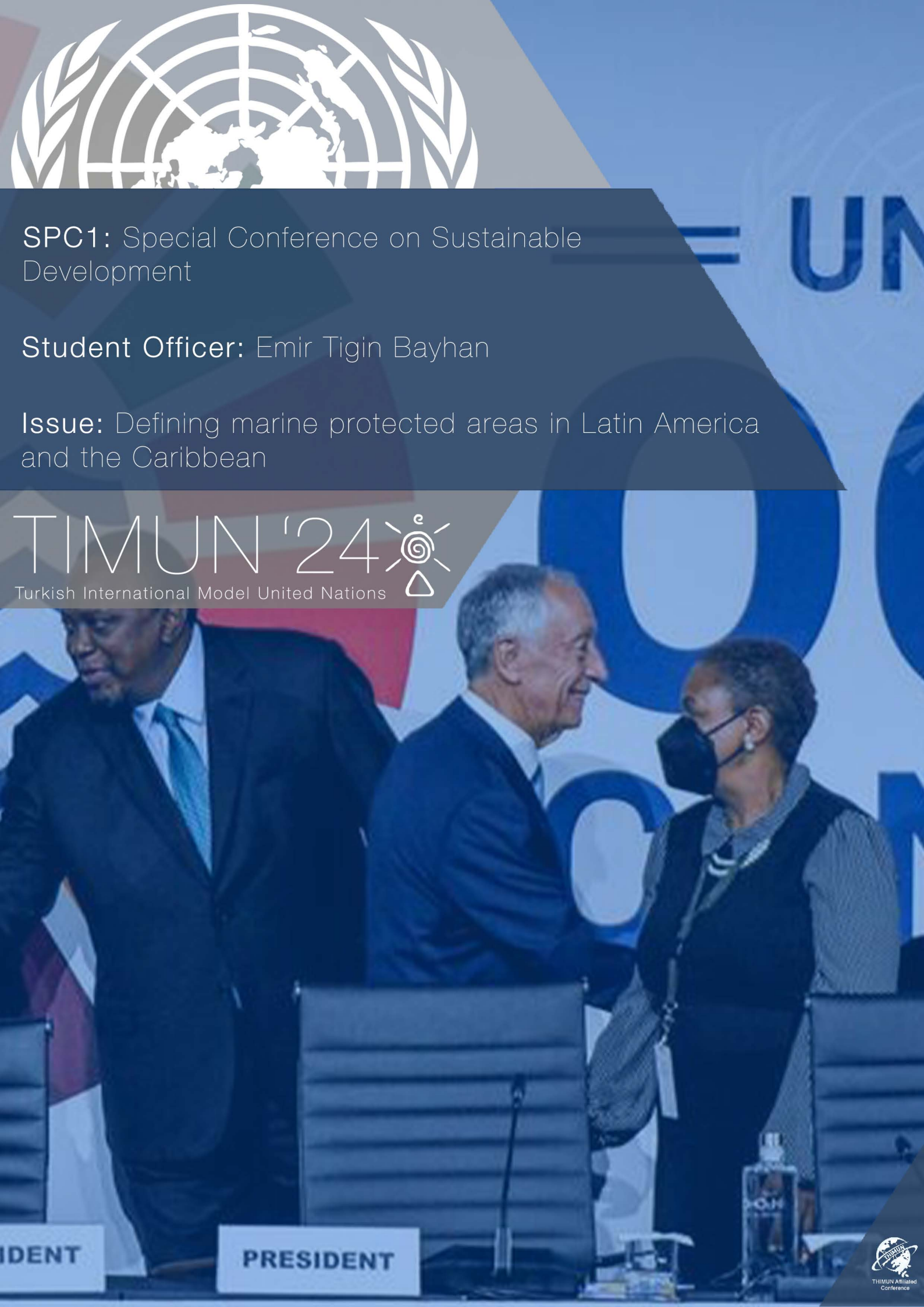

THIMUN Affiliated Conference

Committee: Special Conference on Marine Affairs (SPC1)

Issue: Defining marine protected areas in Latin America and the Caribbean

Student Officer: Emir Tigin Bayhan – Vice President

I. Introduction

As of the 21st century, Marine Protected Areas (MPAs) are becoming more and more significant every day. The global efforts to protect marine biodiversity, support fisheries, and preserve the oceans are crucial for the preservation of marine environments. Latin America and the Caribbean regions are known for their rich and diverse marine ecosystems; however, due to the changing climate, overly accumulated commercial fishing activities, and the rising environmental challenges, these regions are at the forefront of discussions on environmental protection and sustainable ocean practices. These regions present a significant geographic location as the biodiversity of these waters makes them important to the balance of global ecosystems and local economies based on fishing and tourism.

The actual challenges of designating and implementing marine protected areas in these regions start to show up when the complex combination of ecological importance, socio economic interdependence, and geopolitical differences are considered in more detail. As humans cause harm through overfishing, marine habitat destruction, and pollution of the oceans, the need for collective action to effectively designate and manage marine protected areas has become increasingly urgent. It is our responsibility to start the discussion to address these issues. The delegates should aim to bring together a multi-functional discussion that encompasses the environmental information and socio-economic impact, ensuring that the proposed strategies establish sustainable and equitable benefits.

MPAs seem like an ideal solution to resolve the problems in such regions or any and all that face environmental issues. However, they pose difficulties for implementation when considering the laws of the sea regarding both the sovereignty of nations and maritime politics. Delegates should bear in mind that while environmental solutions are generally agreeable in consensus, the jurisdiction of different nations should be considered throughout the implementation of these solutions, which must be specifically addressed in the resolutions.

II. Involved Countries and Organizations

Brazil

Brazil has proven the success of the marine protected areas with its existing reserves in the Amazon Reef and Abrolhos Bank therefore showing its support for more expansive marine protected areas. Brazil has also called for the necessity of an international fund to be created to support the ongoing and future marine conservation projects.

Mexico

Mexico's main intentions in the region are focused on the Gulf of Mexico and the Caribbean Sea. Mexico has called for the establishment of multinational marine protected areas with the cooperation of the United States. The Mexican government further looks for agreements to enhance collaboration between the states of the region.

Barbados

Being an island nation Barbados' almost whole economy depends on marine resources including tourism and fishing. The government of Barbados has stated the need for marine protected areas that can sustainably allow the tourism and fishing industry.

Chile

Chile, having one of the longest coasts in the region, is in the leading position for establishing safety zones and marine protected areas. Chile has shared its experience and supported the adoption of non-strict buffer zones especially in the sensitive marine areas.

United States

The United States is a major factor in this issue due to its sovereignty over the Virgin Islands in the region, as well as its commitment to aid in the underdeveloped world. The CARICOM Development Fund came together with the US in January 2024. The U.S. Agency for International Development/Eastern and Southern Caribbean is dedicated to supporting initiatives that will enhance growth and resilience across the region in the face of climate change. This fund is aimed at investing in small and medium enterprises, especially in Barbados, that are working towards resilience and climate change.

International Maritime Organization (IMO)

IMO, as the governing international body regarding both maritime biosafety and environment, as well as the political regulations regarding international trade. Its mission as a UN sub-agency is described as " to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation." It has significantly worked on the pollution of marine environments after the Torrey Canyon disaster in 1967. For this measure, it has entertained many conventions that hold importance.

Aside from the environmental concerns, IMO can act as a mediator between coastal states in discussions. Further conventions can be called for in order to determine a sound definition and identification of designated MPAs.

Caribbean Environment Programme (CEP)

CEP is one of the Regional Sea Programmes established by the UN Environment Programme. The program recognized the Wider Caribbean Region's fragile ecosystem and the risks posed against its biodiversity. Their working premises include three sub-sections, namely, the Assessment and Management of Environmental Pollution; Specially Protected Areas and Wildlife (SPAW); Communication, Education, Training, and Awareness.

As the governing UN sub-body specifically in the Caribbean region, they have prepared the SPAW Protocol as a regional agreement to put forward the national obligations of Member States in the region in order to uphold the protection and sustainable use of coastal and marine biodiversity. The protocol is discussed further in the related documents section.

The SPAW program also focuses on marine protected areas and wildlife, threatened and endangered marine species, marine and coastal ecosystems, and guidelines for protected areas and species. For instance, they have recently worked on the improvement of the MPA database, which can be further addressed by delegates as it has proven to be an important issue in the region.

Caribbean Community (CARICOM)

CARICOM consists of fifteen member states and six associates and spans sixteen million citizens from a variety of ethnic groups, mainly Indigenous and African. The Caribbean environment resulted in the West Indies Federation (1958), the Caribbean Free Trade Association (1965), and finally, CARICOM in 1973, which has been the utmost level of organization and best for the interests of all Member States. CARICOM states its pillars of regional integration are economic integration, foreign policy consideration, human and social development, and security.

The objectives of CARICOM are mainly, as stated on their website, “to improve standards of living and work; the full employment of labor and other factors of production; accelerated, coordinated and sustained economic development and convergence; expansion of trade and economic relations with Third States; enhanced levels of international competitiveness; organization for increased production and productivity; achievement of a greater measure of economic leverage; effectiveness of Member States in dealing with Third States, groups of States and entities of any description; and the enhanced coordination of Member States’ foreign and foreign economic policies and enhanced functional cooperation.” Delegates should address the conditions in which the people of CARICOM live, including their economic conditions, which should be the primary focus. The inter-economic relations between these countries, which are considered third states, and the rest of the world should also be considered while mitigating the negative impact MPAs might have on international trade.

III. Focused Overview of the Issue

The Caribbean and Latin American regions include the Caribbean Sea, The Gulf of Mexico, and the shores of the Pacific and the Atlantic Ocean, the regions with the most vital marine ecosystems in the world. These regions host many diverse marine species and play a significant role in global marine biodiversity. Besides industries such as tourism and fishing, they are of critical importance to those whose source of income is the oceans, which means millions of people. However, these resources are faced with the direct threat of overfishing, damage to coral reefs, bioaccumulation, biomagnification, and climate change.

The definition and the application process of these marine protected areas involve struggling with several difficulties, including ecological, economic, and social ones. The preservation of biodiversity and the protection of the habitats of vulnerable species are the basic difficulties of the ecological factors. Economically, it is the responsibility of the governments to maintain the balance between the interests of the local communities whose sources of income consist of the resources they provide from the sea and the common good of the marine environment. Socially, it is also the government's responsibility to encourage the local communities to join the execution of the projects and the surveillance and management of marine protected areas. The definition of progress of marine protected areas is not solely to protect marine life and the environment but also to ensure the sustainability of the consumption of marine resources to enhance economic growth and sustainable progress. Effective and well-functioning marine protected areas are critical for the welfare of the world and our oceans.

According to research done in 2008, the current MPAs in Latin America and the Caribbean curtail 51505-kilometer square, with over 570 sites in the coastal and shelf waters. The problem in the specific region is stated to be scarce reporting regarding the implementation of MPAs. Therefore, solutions that

further implement MPAs should have clear clauses regarding the official documentation process. Aside from that, delegates can address the previous lack of reporting through different measures. In hindsight, three types of protected sites are defined in this region: MPAs, MRs that entail no-take throughout the area, and mixed-use limited-take MPAs that include MRs. These types of different protections, even though all have a positive environmental impact, refer to different levels of regulation, including the cessation of trade, pass-through, fishing, etc. Thus, it is important to ensure that the clauses proposing a specific type of protective area outline the specific measures that will be implemented and by what sort of legal enforcement they will be backed, whether national or international.

An important benchmark to note throughout the efforts to stabilize and set forward frameworks in the region through conventions would be the Caribbean and North Brazil Shelf Large Marine Ecosystems (CLME+) Project. This project was implemented both by the United Nations Development Programme and the Global Environment Facility. The project took into consideration an area of 4.4 million km^2, with the involvement of 35 border states and territories. It defines the CLME+ Region, as can be seen in Figure 1.

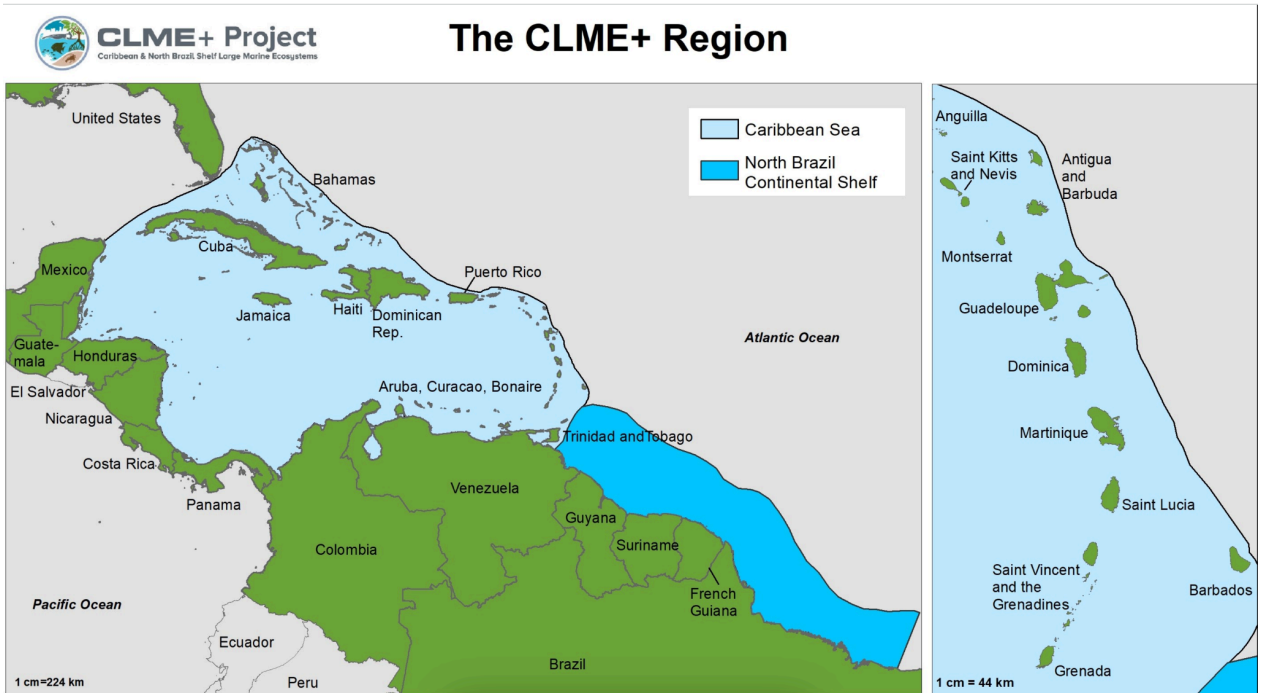

Figure 1: The CLME+ region map

As the region is considered to be immensely geopolitically diverse and complex, delegates should bear in mind that both MEDCs and LEDCs are border countries considered part of this region. These diverse countries share the marine resources available in the region as well as the key issues that have arisen there, including overfishing, pollution, habitat degradation, and climate change. The project employs a five-step plan through iteration, which has helped them identify the main reasons why the Caribbean region is suffering through environmental degradation as weak governance arrangements, lack of human

and financial capacity, inadequate knowledge, awareness and participation, and inadequate ecosystem valuation in decision-making. All of these findings are significant categories for which delegates shall propose resolutions, which will be further addressed in the possible solutions section.

IV. Key Vocabulary

Bioaccumulation/Biomagnification: The accumulation of pesticides, microplastics, or any other sort of poisonous and destructive molecule in organisms. As the energy pyramid goes up, the amount of poisonous material stored increases.

Biodiversity: The variety of plant and animal life in the world or in a particular habitat, a high level of which is usually considered to be important and desirable.

Ecological Resilience: The capacity of an ecosystem to respond to a disturbance by resisting damage and recovering quickly.

Ecological Services: The benefits that ecosystems provide for the free gain of individuals.

Habitat Degradation: The process in which natural habitat is rendered unable to support the species present; this process can be natural or human-induced.

Marine Protected Area (MPA): A region of the ocean where human activities are more strictly regulated than the surrounding waters to preserve natural or cultural resources.

Sustainable Development: Economic development that is conducted without depletion of natural resources.

V. Important Events & Chronology

Date (Day/Month/Year)	Event
1973	CEP was established by the UN Environment Programme.
1973	CARICOM was founded.
1982	UNCLOS was accepted by the UN General Assembly.
1983	The Cartagena Convention was adopted.
1990	The SPAW Protocol was launched.
2015	The Caribbean Large Marine Ecosystem Project was implemented.
2023	The Caribbean Sea MPA Conference was held.

2024	The Caribbean Community Resilience Fund was formed with the United States.

VI. Past Resolutions and Treaties

United Nations Convention on the Law of the Sea (UNCLOS)

Implemented in 1982, UNCLOS defines any and all international regulations regarding marine environments, including seas and oceans. Article 145 on the protection of the marine environment states:

"Necessary measures shall be taken in accordance with this Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from such activities. To this end the Authority shall adopt appropriate rules, regulations and procedures for inter alia:

a) the prevention, reduction and control of pollution and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment, particular attention being paid to the need for protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such activities;
b) the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment."

Delegates should bear in mind the guidelines stated in this article while respecting the sovereignty of other nations involved in the issue. Furthermore, Part XII states the details as to which this clause shall be implemented. Section 5 of this part specifically addresses international rules and national legislation to prevent, reduce, and control pollution of the marine environment.

Article 207.4 classifies some considerations each delegate should bear in mind while proposing their resolution, as it could be a reason for against votes in the committee. This article explicitly states "establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from land-based sources, taking into account characteristic regional features, the economic capacity of developing States and their need for economic development." While dealing with the Caribbean region, it is important to underline the resistance of the relevant countries to change and adapt; as well as the economic ability to do so.

The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention)

This legal regional convention went into force in 1983, important to note as a year after UNCLOS, and included three technical protocols in support, of which one is the SPAW Protocol outlined below. It was highlighted as the only such convention at that time. As stated in the official booklet, " 27 out of 30 Governments of the Wider Caribbean have ratified the treaty and committed to protect, develop, and manage their common waters individually or jointly."

It is important to underline definitions and general provisions put forward by this convention. The area relevant to the Convention is outlined to be " the marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean adjacent thereto, south of 300 north latitude and within 200 nautical miles of the Atlantic coasts of the States referred to in article 25 of the Convention." It is important for delegates to include such definitions while making generalized statements regarding the region in order to avoid jurisdiction and sovereignty disputes.

The convention in general is also important as it constantly circles back to regional cooperation and emergency response, which are both crucial to highlight.

Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region

The SPAW Protocol, as it may be addressed, was adopted in 1990 and ratified by Cuba, the Dominican Republic, France, Grenada, Guyana, Bahamas, Barbados, Belize, Colombia, Venezuela, the US, Honduras, the Netherlands, Panama, Saint-Lucia, St Vincent and the Grenadines, and Trinidad and Tobago. By bringing together all the major actors relevant to the issue, it has put forward claims that should be further addressed by delegates.

Some relevant clauses include Article 4.1, which states " Each Party shall, when necessary, establish protected areas in areas over which it exercises sovereignty, or sovereign rights or jurisdiction". This article might be the basis of arguments regarding the establishment of MPAs by nations without the consent of other nations that have jurisdiction over the same area. Thus, in its nature, causes confusion and controversial arguments due to ambiguity, similar to the New York Convention's controversial "shall" exercise their power clause, Article 1.

Article 5 may be useful for delegates looking for sample protective measures, as more detail is always welcomed with warm regards in resolutions. 5.2, and likewise, 6.2 are therefore guiding principles

for delegates that would like to focus on mitigating the environmental impact of setting up MPAs, as well as how the ideal establishment should be carried out.

UN General Assembly Resolution: A/RES/59/24 (2004)

This resolution, by reaffirming the UNCLOS, states how marine science should be considered a threshold and key in sustainable development. The preamble states: “marine science, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making, is important for eradicating poverty, contributing to food security, conserving the world’s marine environment and resources, helping to understand, predict and respond to natural events, and promoting the sustainable development of the oceans and seas,”. The link between the marine environment and the problems of the underdeveloped countries should be considered in resolutions presented, by highlighting how MPAs will be benefiting -or possibly causing detriments to the- local communities. This can be addressed through the consideration of the economic impact, as well as the long-term problems it may cause, for instance by reducing the area designated for fishing and other practices for locals.

Part X of the resolution which touches upon “Marine environment, marine resources, marine biodiversity” can be an inspiration to delegates who are preparing clauses for this agenda item, as it mentions important agents such as the International Maritime Organization, and their proposed solutions for marine pollution. Specifically, clause 73 can be adapted into the creation of a working task force consisting of marine experts to deal with this manner.

UN General Assembly Resolution: A/RES/77/163 (2022)

This resolution was created in order to support the development of the Caribbean Sea. The resolution focuses on the biodiversity and the ecosystem sustainability of the region. It calls for international cooperation to manage and conserve marine sources efficiently by also addressing the socio-economic impact of climate change.

VII. Failed Solution Attempts

MPA management in Latin America has, during the courses dealing with intractable problems, faced many challenges; most of them, if not all, despite the fundamental role MPAs represent for the protection of marine biodiversity, did not succeed in reaching their foreseen conservation output for various reasons, whether political, social, economic, or environmental.

For example, while over 700 MPAs have been established across the region, their combined area covers less than 2% of coastal and shelf waters. Protection by MPAs remains limited for most areas, with extensive gaps in the southern Pacific and southern Atlantic coasts of South America. Small-scale coverages have thus reduced the capacities for these areas to contribute to protecting marine ecosystems effectively. On this basis, analysis has been more appropriately directed towards more large-scale approaches.

Apart from these, another issue that has plagued MPAs is the lack of efficiency in policing the restrictions. Of this minuscule fraction of the area coming under MPAs, an even smaller fraction is well-managed. This can be gauged from the fact that of 111 regional protected sites, only 11 had an actual gain in fish biomass, as was expected; the remaining 100 showed either a decline or no difference whatsoever due to a lack of proper enforcement of the rules. This is further enhanced by the lack of participation from local stakeholders in the management process, whereby local communities often feel alienated from conservation. It turned many MPA areas within the region into "paper parks"-clear, they exist on paper, but no actual protection of marine biodiversity is being offered. A more recent study identified as many as 55 such areas, most of them in Latin America and the Caribbean, indicating that the fishery resource exploitation continues unabated within their borders, despite being regulated on paper by laws that should curtail them. This nominal protection status versus actual practice points out a serious shortcoming in how these areas were originally established.

It is important to consider that while this chair report spans a lot of conventions and protocols adopted with the aid of the UN; they have not been able to resolve the situation completely. Thus, the delegates must find the loopholes and the negative impact caused by these agreements precisely in order to mitigate the impact on the community and lower the economic strain it causes. Agreements between states without UN mediation or involvement might just be the cure, however tricky to implement; since it is difficult to bring states together this way, however it would be best to consider each nation’s needs through bilateral agreements.

VIII. Possible Solutions

Delegates should be aware that one of the most crucial points of the topic is the collaborative actions taken hand in hand between the countries. Encouraging countries in the Caribbean and Latin America to establish regional mechanisms to preserve marine biodiversity, sustain fisheries, and safeguard the oceans may lead to the creation of a joint rapid response for the marine protected areas.

The marine protected areas depend on the availability of accurate scientific data and the capacity of local authorities to manage these areas. Delegates must be aware of the necessity for efficient funding and

scientific research. Also enhancing the capacity management for the marine protected areas must be ensured so that these areas are being managed for the best of their use.

Considering that many of these countries consist of LEDCs (Less Economically Developed Countries) in the Latin America and Caribbean regions it is expected that they lack the necessary technology to monitor the marine protected environments effectively. Delegates must find ways to encourage MEDCs (More Economically Developed Countries) to share their technology with the regional governments to advance the monitoring of the marine protected areas.

Recalling the CLME+ Project's findings, resolutions should be proposed under the main topics of "s weak governance arrangements; lack of human and financial capacity; inadequate knowledge, awareness and participation; inadequate ecosystem valuation in decision-making." For instance, higher level, internationally binding agreements can be sought after, with the accountability of nations who are lacking in taking responsibility being ensured through judicial consequences. Furthermore, the economic lack in the region should be supported in order to implement any sort of solution that shall be proposed; however, considering sustainable economic development in the region rather than seeking momentary solutions such as loans from MEDCs or the World Bank would be more welcomed, especially those planned in detail with effective strategies. Awareness and participation can be increased through education, employing social media, and other forms of the participation of the public; such as but not limited to polling, forums, and hotlines. While implementing such measures that interact with the public, delegates should bear in mind that the privacy as well as security of civilians is of utmost importance. Lastly, marine scientists and experts should be consulted throughout the implementation of any project in the area, in order to preserve the fragile environment.

IX. Useful Links

Marine-protected areas in Latin America and the Caribbean

Marine Protected Area Diplomacy with the Caribbean

FAO Terminology Portal

Current Status of Marine Protected Areas in Latin America and the Caribbean

X. Works Cited

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