



The World Today

The Caribbean Sea Initiative

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The first observation to be made is that the Caribbean Sea Initiative is an initiative of the Association of Caribbean States (ACS) and should be distinguished from the Caribbean Basin Initiative which was launched by the United States for the primary purpose of securing its strategic interests in the region. On the other hand, the ACS Initiative is seeking to persuade the United Nations General Assembly to pass a resolution declaring the Caribbean Sea a Special Area in the context of sustainable development. One may be inclined to think that there would be widespread support for such an Initiative at the United Nations (UN), but in view of the diversity of interests which exist within the UN, it is submitted that such a conclusion may be ill-considered.

To its credit, the ACS is not taking anything for granted and is basically mobilizing diplomatic support for its Initiative. On October 5 and 6, 2006, a high-powered ACS delegation, including the Secretary-General and the Chairman of the ACS Caribbean Sea Commission, travelled to New York to meet with members of the Group of Latin America and Caribbean Countries (GRULAC), representatives of the Non-Aligned movement, Group-77 and Permanent Representatives of the ACS countries to the United Nations to make a presentation on the Caribbean Sea Initiative.

The groups identified in the preceding paragraph are all within what has come to be known as the Third World. This suggests that the tactic is to build on Third World solidarity. This could hardly be faulted, but it must be stressed that the diplomatic thrust must extend beyond the Third World, because in the final analysis it is only a resolution based on consensus, and not one based on a majority of the votes cast, that would be adequate to the needs of the region. The support of the major maritime powers is considered to be vital for achieving the goal of the sustainable use of the marine resources of the Caribbean Sea. However, it is feared that they are likely to resist the ACS Initiative on the ground that it may adversely affect the exercise of their right of freedom of navigation.

The calm waters of the Caribbean Sea certainly belie the potential for conflicts between its various uses. For the countries which border the Caribbean Sea the primary consideration is the optimum use of the marine resources and the preservation of the marine environment. Conversely, states such as the United States would focus mainly on strategic and transportation issues. To a large extent the 1982 UN Convention on the Law of the Sea has struck a proper balance between the various interests, but the problem

of the transportation of hazardous waste, including nuclear, has remained and, indeed, is proving to be almost intractable.

ACS States have condemned the passage of nuclear ships through the Caribbean but their protest has been ignored. Caribbean States are concerned that in the event of an accident involving a ship carrying nuclear material irreparable harm could be done to the marine environment, resulting in the heavy loss of marine life. For their part, the flag states contend that the necessary safety precautions have been taken in accordance with the rules of the International Maritime Organization (IMO). Owing to the high risk associated with the shipment of nuclear material, there is a strong case for imposing a ban on ships traversing the waters of the Caribbean Sea when they are carrying nuclear waste. All the available evidence suggests that the Caribbean Sea has a fragile eco-system and for this reason preventative measures must be taken to preserve it.

The Special Area concept already enjoys some legitimacy, but in a narrower context than that sought by ACS States. The Caribbean Sea has been considered a Special Area under the 1978 Protocol to the Mar Pol Convention and under the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. For the purpose of the ACS Initiative both instruments are limited because in one case the focus is on vessel-source pollution, and in the other case only states of the region are parties to the Convention. The introduction of the sustainable development concept provides the notion of special area with far greater reach and amplitude.

It is worthy of note that the ACS Ministerial Council intends to pursue the Caribbean Sea Initiative relentlessly and as a result has created the Caribbean Sea Commission with the mandate to formulate a work programme for the further development and implementation of the Initiative. This is good as far as it goes but it is argued that the Caribbean Sea Initiative commission should not put all its proverbial eggs in the Caribbean Sea Initiative basket. Its remit should be extended to include a framework for cooperation in such critical areas as marine scientific research, the coordination of efforts to combat the source of land-based pollution, surveillance of the exclusive economic zone and the management and conservation of the living resources of the Caribbean Sea.

ACS States must consider that even if they succeed in getting the resolution in the form in which they want it, and this is far from certain, it would not be binding because the General Assembly is not vested with legislative authority under the UN Charter. At best, the resolution may help to influence behaviour, consolidate state practice, and may eventually serve as the basis of a multilateral treaty.

The Initiative taken by the ACS deserves the support of the entire region, but it must be stated that, notwithstanding the high risk posed by the passage of highly toxic waste through the waters of the Caribbean, activities conducted on land cause the greatest harm to marine life in the Caribbean Sea. The wanton and unpardonable destruction of mangrove results in the death of various species, and reefs are being destroyed as a result of a high level of chemicals which are taken from the land by streams and rivers. If such

problems are not addressed at the regional level, it is hardly likely that the ACS proposal would receive from the rest of the international community the amount of sympathy which it deserves.