

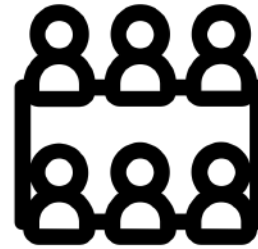


**Session 9:
The Establishing Agreement for the Coordination Mechanism**



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Expected result:

Discuss the preferred type of establishing agreement for the Coordination Mechanism and recommend the way forward

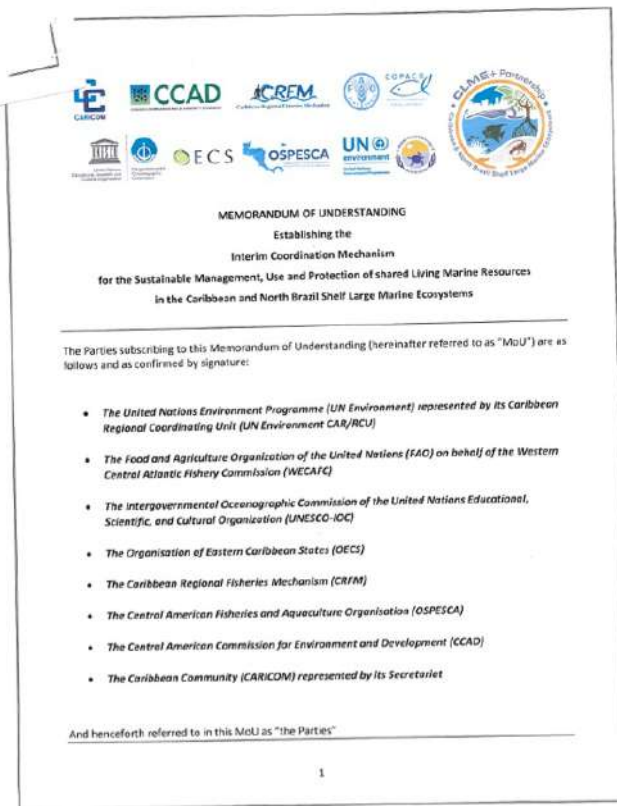
INTEGRATION MECHANISMS WORLDWIDE

LME/ocean region	Agulhas-Somali Current LMEs	Bay of Bengal LME	Benguela Current LME	East Asian Seas region	Pacific Islands Region	Mediterranean
Number of countries in LME/region	10	8	3	14	21	21
TWAP Completeness score (and risk level)	47% (medium)	50% (medium)	80% (low)	n/a	51% (medium)	78% (low)
TWAP Integration score (and risk level)	0.1 (very high)	0.1 (very high)	1.0 (very low)	n/a	1.0 (very low)	1.0 (very low)
TWAP Engagement score (and risk level)	69% (low)	87% (very low)	71% (low)	n/a	64% (low)	85% (very low)
Regional Policy Integration Mechanism	No overarching regional integrating arrangement for ocean affairs; ASCLME Projects appear to be performing that role to some extent. The Regional Seas Nairobi Convention is the main integration arrangement, but covers only pollution and biodiversity	No agency that is formally mandated to provide transboundary integration for living marine resource issues in this region. The BOBLME Project is filling this role in an unofficial capacity.	Benguela Current Commission - the first inter-governmental commission in the world to be based on the Large Marine Ecosystem concept of ocean governance	Partnerships in Environmental Management for the Seas of East Asia (PEMSEA) , a partnership arrangement involving stakeholders in the Seas of East Asia, including state and non-state parties,	The Council of Regional Organisations of the Pacific (CROP) functions as a coordination mechanism between the heads of eight regional organisations in the Pacific, and as a high-level advisory body, to provide policy advice and may assist in facilitating policy formulation at national, regional and international level.	The Mediterranean Commission on Sustainable Development (MCSD) , in association with the Barcelona Convention
Legal Basis for the Integration Mechanism	n/a	n/a	Benguela Current Convention	Haikou Partnership Agreement establishes PEMSEA as the regional coordinating mechanism for the implementation of the SDS-SEA (Sustainable Development Strategy for the Seas of East Asia), adopted in 2003 by the Partner States through the Putrajaya Declaration of Regional Cooperation, a non-binding informational and aspirational document	CROP Charter Agreement establishing the Pacific Islands Forum Secretariat	Barcelona Convention Links to Fisheries: An MoU exists between the UNEP/MAP Secretariat and the FAO General Fisheries Commission for the Mediterranean; Other MoUs, e.g. with UfM

Source: Phase 1 report

Coastal countries in the WCR	Agreements																					
	CLME+ SAP	UNCLOS	UN FSA	UNFCCC	CBD	FAO Compliance	MARPOL 73/78					Cartagena			CRFM	ICCAT	OLDFESCA	OSPESCA	WECAEC	IAC		
							Annex I/II	Annex III	Annex IV	Annex V	Annex VI Protocol 97	Convention	Oil Spills Protocol	LRS Protocol							SPAW Protocol	
Antigua and Barbuda	F	B		B	B		B	B	B	B	B	B	B		B		N	N	C			
Bahamas	F	B	B	B	B		B	B		B	B	B	B		B		N	N	C			
Barbados	F	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B		N	N	C		
Belize	F	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	C		B	
Brazil	F	B	B	B	B		B	B	B	B	N	N	N	N	N	B			C			
Colombia	F	B	B		B		B	B	B		B	B		B	N			N	C			
Costa Rica	F	B	B	B	B		B			B	B		B	N			B	B	C		B	
Cuba		B	B		B		B		B		B	B		B	N		B	N	C			
Dominica	F	B	B		B		B	B		B	B			B			N	N	C			
Dominican Republic	F	B	B		B		B	B	B	B		B	B	N			B	B	C			
France	F	B	B	B	B		B	B	B	B	B	B	B	N	B	N	N	C				
Grenada	F	B	B		B						B	B	B	B			N	C				
Guatemala	F	B	B		B		B	B	B	B		B	B		N	B		B	C		B	
Guyana	F	B	B		B		B	B	B	B		B	B	B	B		B		C			
Haiti	F	B	B		B						B				B			N	C			
Honduras	F	B	B		B		B			B				N	B	B	B	C		B		
Jamaica	F	B	B		B		B	B	B	B	B	B		B			N	C				
Mexico	F	B	B		B	B			B		B	B		C	N	B	B	N	C		B	
Netherlands ²		B	B	B	B		B	B	B	B	B	B		B	N		N	C				
Nicaragua	F	B	B		B		B	B	B	B	B	B		B	N	B	B	B	C		C	
Panama	F	B	B	B	B		B	B	B	B	B	B	B	B	N	B		B	C		B	
St. Kitts and Nevis	F	B	B	B		B	B	B	B	B	B	B		B			N	N	C			
Saint Lucia	F	B	B	B	B	B	B	B	B		B	B	B	B			N	N	C			
St. Vincent and Grenadines	F	B	B	B	B		B	B	B	B	B	B		B	B	B	N	N	C			
Suriname	F	B	B	B			B	B	B	B					B				C			
Trinidad and Tobago	F	B	B	B	B		B	B	B	B	B	B	B	B	B	B		N	C			
United Kingdom ³		B	B	B	B		B	B	B	B	B	B			B	B	N	N	C			
United Kingdom (Montserrat)	F	B	B	B	B		B	B	B	B				B	B	N	N	C				
United States ⁴	F		B	B	B	B	B		B	B	B	B	B	N	B	N	N	C		B		
Venezuela			B	B			B	B	B	B	B	B		B	N	B	B	N	C		B	
% engagement											93	85	37	52	100	52	44	100	92		30	

Source: Inception report based on Fanning and Mahon, 2017



*“The purpose of this MoU is to **formally establish** the Interim Coordination Mechanism as part of ‘the Parties’ efforts to promote the achievement of the SDGs as well as a healthy marine environment, which provides benefits and livelihoods for the well-being of the people of the CLME+ region. The MoU further has the purpose of **defining the status, objectives and core functions** of the ICM.”*

- Entered into force in July 2017, upon signature by member IGOs on behalf of their constituents
- Definition of Rules and Procedures

The establishment of the Coordination Mechanism requires an agreement that includes the mandate, functions and governance structure of the Coordination Mechanism, as decided by countries.

The establishing agreement can be:

- an ***informal network/partnership agreement*** (based on a MoU)
- a more ***formal and binding agreement***
- or a ***sequencing*** of both

The type of agreement needs to be decided based on the scope of the mandate and the governance structure.

OPTION 1: MOU

- Build on the existing CLME+ SAP Interim Coordination Mechanism (ICM), which was established by the Memorandum of Understanding (MoU) between the eight IGOs in 2017. This MoU was endorsed by member countries through their respective IGOs.
- Drafting a new or modified Memorandum of Understanding (MoU) to replace the current ICM MoU, it would be signed by member IGOs and be endorsed by countries.
- **A non-binding agreement is a suitable option for effective and permanent regional cooperation, in line with global governance research and practice; it is not inferior to a legally binding agreement. It has advantages particularly in contexts with high geopolitical complexity and existing subsidiary institutions.**

OPTION 2: FORMAL AND BINDING AGREEMENT

- Develop a more formal and binding agreement, which would be signed (and ratified) by all countries, similar to already existing agreements in the region.
- **Countries have already recommended not to pursue a legally binding agreement at this point (Cartagena, 2018).**

OPTION 3: SEQUENCING OF BOTH

- initial establishment based on MoU signed by IGOs and endorsed by countries,
- consolidation at a later stage through a more formal and binding agreement among States.
- **clarity would be required on which type of decisions need to be legally binding to improve ocean governance**
- **multiple implications for the current RGF that would have to be worked out**

Steps towards the Coordination Mechanism – Step 3

Determine the type of **establishing agreement** for the Coordination Mechanism: an informal **network/partnership agreement (based on an MoU)** or a **more formal and binding agreement**, or a sequencing of both.

Consultancy recommendation: replace the existing MoU of the SAP ICM with a new/modified MoU for the Coordination Mechanism signed by the IGOs and endorsed by countries, and task the Coordination Mechanism itself with developing a more formal agreement among countries.

Thank you
Gracias
Obrigado
Merci
Dank u

