



CLME+ Project
Caribbean & North Brazil Shelf Large Marine Ecosystems

CLME+ PSC Meeting 11-12 October, 2021



Agenda Item 3- Coordination Mechanism

3a. Overview of the approach followed towards gathering and compiling (final) comments on the draft Memorandum of Understanding (MoU)

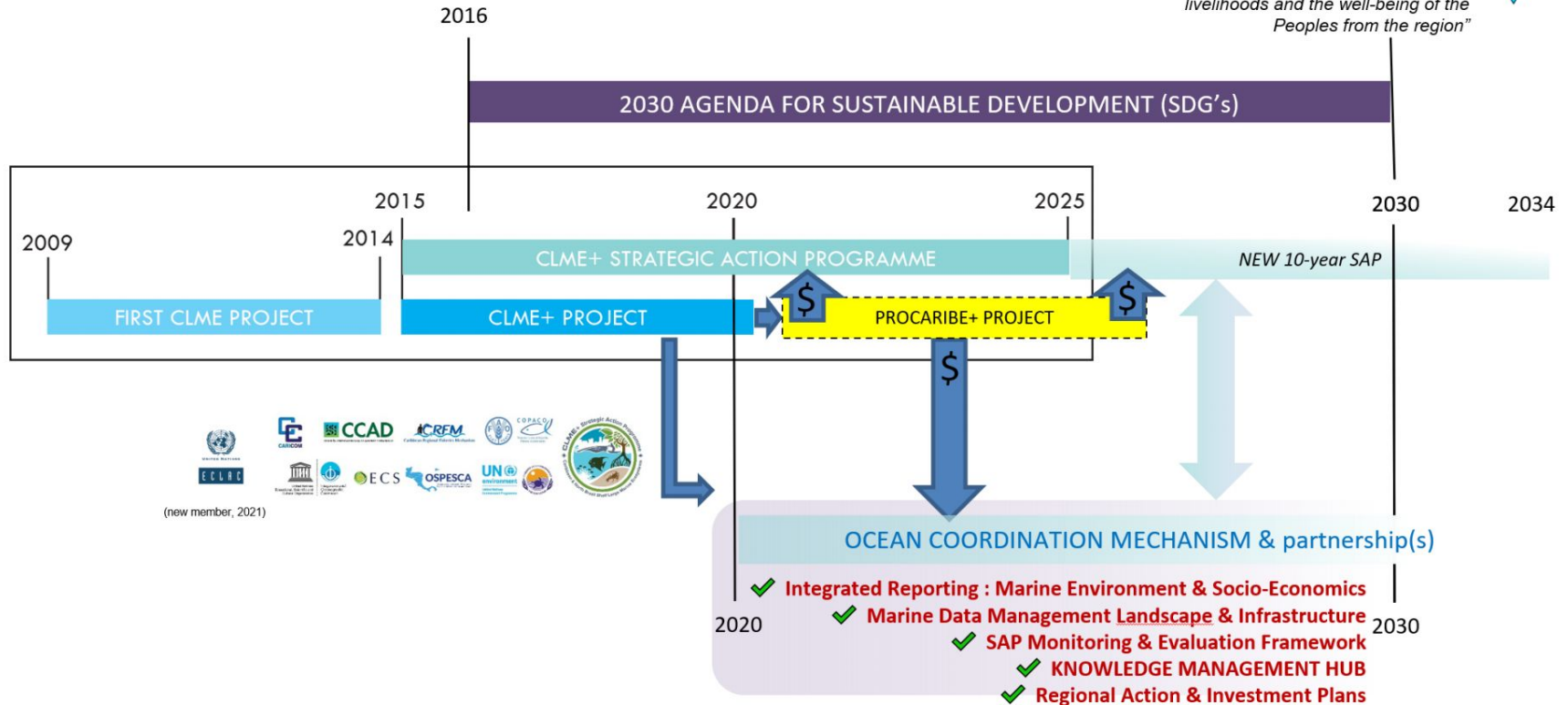


QUICK OVERVIEW: WHAT CAME BEFORE - WHERE ARE WE HEADING TO

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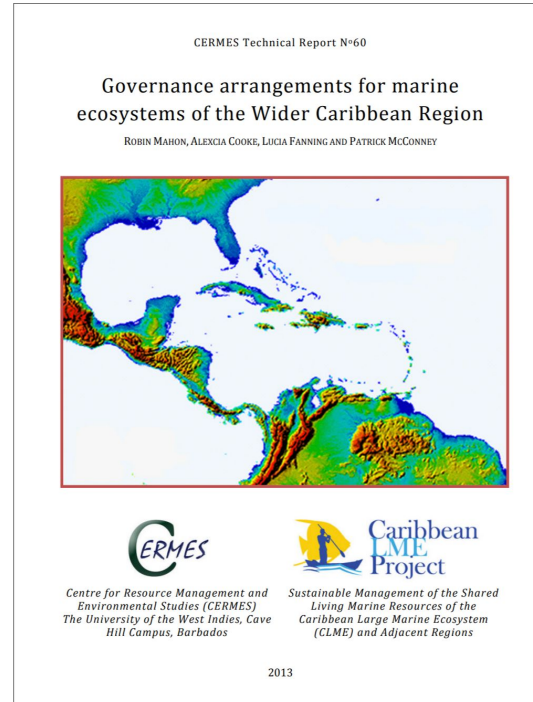
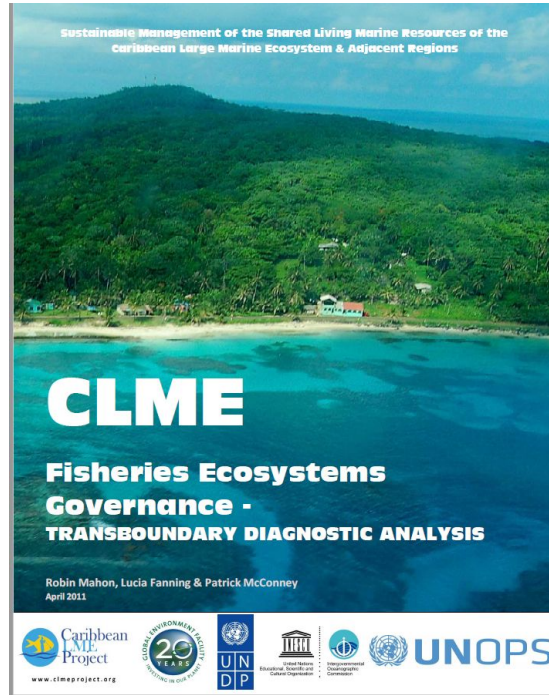
CLME+ Vision

"a healthy marine environment
(in the wider Caribbean) that supports
livelihoods and the well-being of the
Peoples from the region"



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2013: TRANSBOUNDARY DIAGNOSTIC ANALYSES (TDA's, GEF \$)

Weaknesses in governance = root cause of environmental degradation

High levels of **fragmentation**

Key: creation of **coordination mechanism**

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10-year CLME+ STRATEGIC ACTION PROGRAMME (SAP) 2015 - 2024

(politically endorsed, 26 States + 8 Overseas Territories)

2015-19 + 2020-24

STRATEGY 3 Establish and operationalise a regional policy coordination mechanism for ocean governance, with initial focus on shared Living Marine Resources		Time Frame	
		Short-Term (0-5 yrs)	Medium-Term (6-10 yrs)
3.1 (A)	Decide upon and establish an interim coordination mechanism amongst the regional sub-arrangements for sustainable fisheries and for the protection of the marine environment		
3.2 (A)	Evaluate all options and propose a permanent policy coordination mechanism with a clear mandate which is financially sustainable, geographically inclusive and politically acceptable and which takes into account the principle of subsidiarity (this may include the identification of appropriate reforms)		
3.3 (A)	Adopt and operationalise the permanent regional policy coordination mechanism for shared Living Marine Resources (sLMR) governance	adopt	
			operationalize



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CLME+ PROJECT: 2015 - 2021 → *SAP Actions 3.2 and 3.3*

background research & preliminary consultations → CLME+ consultancy: 2016-2019

“most recent” consultations on the coordination mechanism (mid-2018 onwards)

- “Evaluating/Selecting Options”: 2 dedicated **Regional Consultations** (Sept 18, July/Aug 19)
 - “Agreement on core aspects of the CM”: 1 Dedicated **CLME+ PSC Meeting** (Jun 20)
 - “Drafting the CM MOU”: 4 meetings of the **CM MOU Drafting Group** (Aug 20; Sep 20; Sep 20; Sep 20)
 - “Drafting the CM MOU”: 1 online **survey** + 1 **Regional Consultation** (Feb 21)
 - “Finalizing the CM MOU”: 1 Dedicated meeting with **Legal Experts from IGO’s** (Oct 21)
 - “Finalizing the CM MOU”: 2 Dedicated **CLME+ PSC Meetings** (Feb 21, **Oct 21**)
- 2 Regular (June 18; Feb 21) and 3 Extraordinary **CLME+ PSC Meetings** (June 20; Oct 20; Oct 21)
- 8 Meetings of the **CLME+ SAP ICM** (July/Aug19; Sept19; Mar20; Sep20; Dec20; Feb21; Jun21; Sep21)



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new PROCARIBE+ PROJECT (start: second half 2022?)

- Project concept (PIF) **proposes to operationalize (and financially support) the (agreed upon) Coordination Mechanism**
- PIF submitted to GEF in March 2021, *following the successful technical clearance of the Coordination Mechanism MoU text in February 2021*
- Project concept note **approved at June 2021 GEF Council Meeting**
- Already **20+ confirmed participating States & Territories**
- GEF grant: **USD 17 million. Full Project Proposal to be submitted early 2022**



Third and Final Regular CLME+ Project Steering Committee Meeting - February 2021

CLME+ PSC Meeting 11-12 October, 2021

[Recommendations and Decisions in relation to the Coordination Mechanism MoU:](#)

FINAL FINE-TUNING AND TECHNICAL ENDORSEMENT OF THE COORDINATION MECHANISM MEMORANDUM OF UNDERSTANDING

2. **TECHNICALLY ENDORSES** the content of the *Memorandum of Understanding Enabling the Creation of a Coordination Mechanism to Support Integrated Ocean Governance in the Caribbean and North Brazil Shelf Large Marine Ecosystems* and the associated Annex 1



Third and Final Regular CLME+ Project Steering Committee Meeting - February 2021

CLME+ PSC Meeting 11-12 October, 2021

Recommendations and Decisions in relation to the Coordination Mechanism MoU:

Way forward = following steps:

4. PCU to **conduct a LANGUAGE RECONCILIATION** of the MoU (...) + share with PSC
5. Prospective Signatories to **conduct LEGAL REVIEW** to allow for MoU FINALIZATION and opening for signature, and to submit any comments/recommendations to the CLME+ PCU ***no later than end of April 2021.***



Third and Final Regular CLME+ Project Steering Committee Meeting - February 2021

CLME+ PSC Meeting 11-12 October, 2021

Recommendations and Decisions in relation to the Coordination Mechanism MoU:

Way forward = following steps:

6. PCU to **convene a special CLME+ PSC Meeting** *before the end of June 2021* to **finalize and open the MoU for signature.**



Subsequently postponed till **October 2021** to give prospective Signatories **extra time** to finalize their legal review and provide their comments



“COMFORTABLE” TOTAL TIME WINDOW OF 7 MONTHS

Steps undertaken for Language Reconciliation

March - April

- After the February PSC meeting, editorial corrections submitted by the United States were assessed by the PCU and included in technically endorsed MOU
- Draft MOU shared with regional organisation, OSPESCA, for additional review
- Review of additional editorial corrections to Spanish version considered and included into draft MOU by PCU
- Corrected MOU shared with Steering Committee and observers

May - June

- Additional corrections to Spanish version obtained
- Editorial suggestions reviewed by PCU and incorporated into revised version of MOU
- Corrected MOU shared with Steering Committee and observers

(Legal) Review of MOU

CLME+ PSC Meeting 11-12 October, 2021

- Draft MOU shared with Steering Committee and observers on **3 March 2021** to allow for the **commencement of the final (legal) review**, whilst awaiting the finalisation of the language reconciliation assessment
- Draft MoU, with language reconciliation concluded, shared on **24 March**. **Reminder of 30 April 2021 deadline**. **Additional Reminder on 22 April 2021**
- **PSC Meeting postponed** following **ICM11 recommendation** (June 21), due to **pending reviews** (especially IGO's) → **new “deadline”** for comments was set as **31 July 2021**
- **Final Reminder on 16 September 2021** with **final (revised) deadline** for comments = **5 October 2021**
- **Final PSC Meeting = 11-12 October** (CLME+ Project ends 31 October)
- *(in parallel, a consultation process was also run within the ICM)*



(Legal) Review of MOU

CLME+ PSC Meeting 11-12 October, 2021

PCU reviewed comments received (*see also next Agenda Sub-Item*) and defined approach for addressing comments:

- 1. Differentiate between **request for clarifications** and **requests for changes**
- 2. Question:
 - Is the feedback aligned with the **purpose** of the **final review**?
 - *Issues with MoU text that may constitute **legal obstacles** possibly impeding finalization and (opening for) signature*
 - *Issues with MoU text that may **impede the achievement of** the CM's **objectives***
 - Can the issue be resolved by engaging with the concerned party?
 - Does the issue need to be brought to the PSC (or ICM)?



(Legal) Review of MOU

CLME+ PSC Meeting 11-12 October, 2021

PCU reviewed comments received (*see also next Agenda Sub-Item*) and defined **approach for addressing comments**:

- PCU engaged directly with the concerned party (one-on-one): provided clarifications, highlighted nature of the review, helped identifying remaining issues still to be brought to PSC
- PCU facilitated meeting(s) of the Interim Coordination Mechanism, with CM MoU on the Agenda (PCU as ICM Secretariat)
- PCU facilitated dedicated meeting for IGO's, involving their Legal Experts, on 5 October 2021 and in preparation for the PSC
- **Proposed MoU amendments emanating from the aforementioned process are being tabled for discussion under Agenda Item 3c during this Meeting**



Purpose of the Special Steering Committee Meeting:

- Address any remaining (legal) comments *received* on the draft Coordination Mechanism MoU text
- Finalize the Coordination Mechanism MoU, and allow for its subsequent opening for signature
- Review and where necessary revise the roadmap towards the operationalisation of the Coordination Mechanism MoU

Last PSC Meeting = **Unique Opportunity** and **Critically Important**

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- Negotiations have reached final stage. Culmination of many years of hard work:
 - *solid background research*
 - *many rounds of consultations*
 - *wide-ranging participation*
- Opportunity to **capitalize on all our collaborative efforts** and reach our **common goal** of enabling the Coordination Mechanism (*SAP milestone*)
- CLME+ Project: made it possible for the region to count with a PCU that could support this process over 6 years (*CLME+ PCU ceases to exist 31 October 2021*)



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KEY CONSIDERATIONS:

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- MoU provides **general framework**, CM itself defines further details:
 - MoU is **not intended to provide all details** of how CM will work/what the CM will do
 - MoU **allows the CM to commence** and **enables and empowers the Signatories** to fine-tune any aspects not explicitly addressed in the MoU through the CM Steering Group and Executive Group, e.g.:
 - *adoption of rules and procedures*
 - *adoption of CM Work Programmes (fine-tuning of mandate)*
 - **Goal today:** final verification that the MoU text **(1)** does **not contain any (legal) barriers** for prospective Signatories to come on board (in due time); **(2)** will **suffice** to allow the CM to achieve its objectives. **Finalize**

→ Finalization of MoU will enable CM commencement and allow Signatories to take ownership

