

Challenges to Implementing Regional Marine Spatial Management: The Case of the Seaflower MPA, San Andres Archipelago

Retos Para la Implementación del Manejo Espacial Marino Regional: El Caso del AMP Seaflower, Archipiélago de San Andrés

Les Défis de Gestion de las Scémas de Mise en Valeur de la Mer: Le Cas de La Seaflower MPA, Archipel San Andres

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ABSTRACT

Declared in 2005, the Seaflower MPA was designed prior to evolving broad-based definitions and guidelines for marine spatial planning (MSP). Nonetheless, the process to design Seaflower used many good MSP practices. Planning was led by the regional autonomous environmental authority, CORALINA, and was community-driven and highly participatory. Starting from its mission and multiple-use zoning, defined in agreement with stakeholders, Seaflower focused on sustainable development; combining best available science with indigenous knowledge and integrating ecological, social, and economic objectives with values of adaptive community- and ecosystem-based management, cross-sectoral partnerships, and environmental, social, and intergenerational justice. In spite of its promise and internationally acclaimed planning process, Seaflower has struggled with challenges and threats to its effectiveness as an ambitious experiment in marine planning and the Caribbean's largest MPA (65,000 km²). On-going management issues stem from chronic lack of funding; a legacy of centralized governance and unstable, inconsistent local and national political regimes; marginalization of the archipelago's indigenous (Raizal) people and their lack of political and economic power and voice; weak enforcement; and the natural resources, biodiversity, and strategic location that attract large-scale fisheries, extractive industries, and other interests. Conflicting demands on the territory peaked in the case of *Nicaragua v. Colombia* at the International Court of Justice (ICJ), which resulted in an ICJ ruling that awarded over half the MPA to Nicaragua. The Seaflower experience offers many lessons, along with an exceptional opportunity to examine how MSP could help address cross-border challenges and externalities for Seaflower specifically and sustainable regional ocean management generally.

KEY WORDS: Marine spatial planning, marine protected area, sustainable ocean governance

INTRODUCTION

The San Andres Archipelago is a department of Colombia in the western Caribbean made up of three small inhabited islands and coral banks, atolls, and cays that comprise the largest open-ocean coral reefs in the Americas. Descendants of the first settlers, known as the Raizal people, have lived off these ecosystems for centuries. The population of the archipelago falls into several distinct groups: Raizals, national migrants from mainland Colombia who are now the majority, and a small immigrant population from the Middle East who have substantial economic power. The Raizal people are defined as a national ethnic minority by Colombia and recognized as indigenous by the United Nations. They descend from English Puritans who arrived in 1630 on the Seaflower (sister ship of the Mayflower), African slaves, and migrants from other Caribbean islands. Raizals have a sociocultural and economic history distinct from the rest of Colombia. Besides having a different language, religion, and ethnicity, the archipelago's isolation meant that islanders had a high degree of self-determination for over 300 years, mostly controlling their customary territory until the middle of the 20th century.

In 1953, Colombia declared San Andres a free port and the island developed into an inexpensive tourism and shopping zone run by mainlanders. Losing control of their economy and natural resources, Raizals experienced a severe decline in quality of life, which they have been struggling to restore for over 50 years. The locally managed Seaflower Biosphere Reserve and Marine Protected Area (MPA) are major initiatives to foster sustainable development and improve well-being that the community identified and put in place in partnership with the Corporation for the Sustainable Development of the Archipelago of San Andres, Old Providence, and Santa Catalina-CORALINA, the autonomous regional government agency with authority over the archipelago's natural environment. Declared in 2005, the MPA was designed to protect marine biodiversity, promote sustainable use, and designate marine territory to be conserved for the benefit of the Raizal people and managed to provide long-term access to the resources needed to sustain their livelihoods and identity as a distinct people.

The Seaflower MPA was legally established 10 years ago. It was Colombia's first multiple-use MPA and the largest in the Caribbean at 65,000 km². A little over 2,000 km² of coral reefs, mangroves, and seagrass beds are protected in conservation zones. The MPA is part of the larger Seaflower Biosphere Reserve that encompasses the entire San Andres Archipelago and is divided into three administrative sections: San Andres barrier reef, southern atolls, and lagoons in the Southern Section; Old Providence and Santa Catalina barrier reef and lagoon in the Central Section; and atolls and banks (Quituesueño/Queena, Serrana, and Roncador) in the Northern Section (Figure 1). Deep seas are also found in each section. The coral ecosystems are important locally for fisheries, tourism, and shoreline protection and for national and global conservation. Beyond livelihoods, the marine territory is integral to the Raizal's socio-cultural identity as a distinct people.

CORALINA is responsible for day-to-day management and led the process to design and legally establish the MPA in collaboration with stakeholders, especially primary users such as small-scale fishers and water-sports operators. The MPA

has five zone types that are consistent in purpose across the three sections and are designated for:

- i) Artisanal fishing (traditional methods and users only),
- ii) No-entry (research and monitoring only),
- iii) No-take (non-extractive activities only),
- iv) Special use (as required to assure achievement of MPA objectives; e.g., ports, shipping lanes, cruise-ship anchorage, etc.), and
- v) General use (that does not negatively impact the purpose of other zones)

The MPA was designed following the declaration of the Seaflower Biosphere Reserve (National Law 99/93, UNESCO 2000) to ensure stronger protection and management to ecosystems within the reserves, especially interconnected coral reef-mangrove-seagrass-lagoon ecosystems. Its mission is to conserve biodiversity and ensure sustainable use of coastal and marine resources, while enhancing equitable benefits for the local community. This mission is underpinned by five interconnected objectives that were agreed upon by the community and legally enacted by CORALINA (Accord 021, Article 2). For the MPA to succeed, all five must be met:

- i) Preservation, recovery, and long-term maintenance

of species, biodiversity, ecosystems, and other natural values including special habitats.

- ii) Promotion of sound management practices to ensure long-term sustainable use of coastal and marine resources.
- iii) Equitable distribution of economic and social benefits to enhance local development.
- iv) Protection of rights pertaining to historical use.
- v) Education to promote stewardship and community involvement in management.

Because of its strategic location and geopolitical significance for Colombia, MPA boundaries were declared at the national level by the Ministry of Environment, Housing, and Territorial Development (Resolution 107 of 2005). Stakeholders reached consensus on objectives and zoning, signing zoning and management agreements that were replicated exactly as signed in Accords 021, 025, and 004 and enacted by the appropriate authorities. CORALINA designated the three administrative sections and multiple-use zoning system (Accords 021 and 025 of 2005, respectively). With support from CORALINA's legal department, the San Andres Departmental Fishing Board (*Junta Departamental de Pesca*) established the artisanal

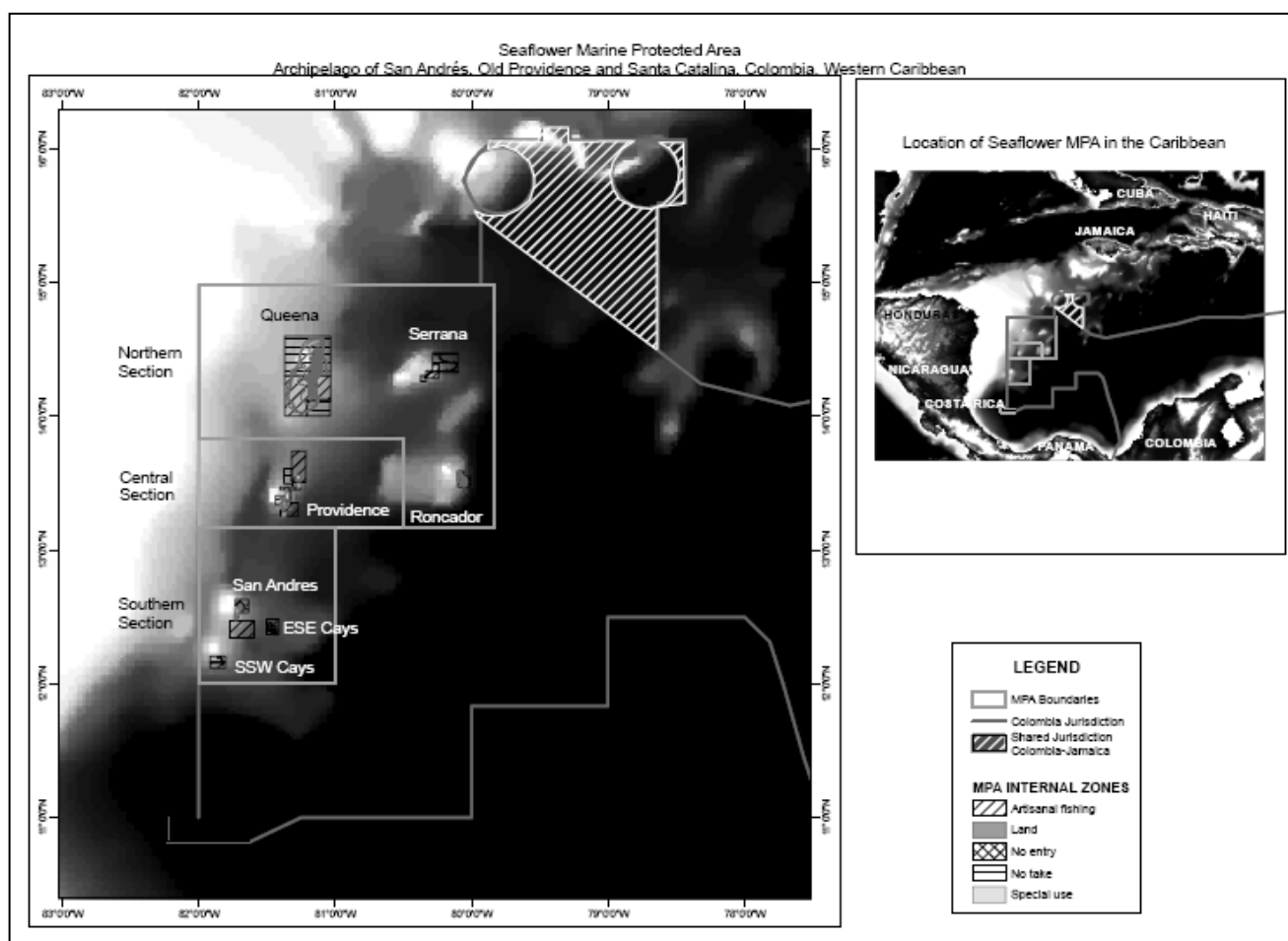


Figure 1. Location, boundaries, and sections of the Seaflower MPA (Source: A. Mitchell CORALINA)

fishing zones as delimited and agreed upon by the community (Accord 004 of 2005).

In spite of an innovative, well designed and executed planning process rooted in principles and processes of marine spatial planning (MSP) that has received international awards and acclaim from IUCN, Convention on Biological Diversity (CBD), World Bank, Global Environment Facility (GEF), and UNESCO, among others, putting planning into practice has been problematic in the 10 years since the MPA declaration. Examining challenges that have confronted Seaflower, the Gulf and Caribbean’s largest MPA, offers lessons about how difficult it can be to bridge the gap between successful spatial planning and effective ocean governance at a large place-based scale, especially in lower income regions.

METHODS AND RESULTS

To understand why it has been so difficult to implement the Seaflower, a threat analysis was needed. To carry out the analysis, the authors defined three steps:

- i) Reviewing background on MSP,
- ii) Deconstructing the lengthy planning process that led to the 2005 declaration of the Seaflower MPA within the framework of MSP, and
- iii) Identifying and ranking challenges to MSP that have emerged in the decade since the MPA declaration (Figure 2). Note that this research is in the first stage and results are preliminary.

Seaflower and MSP

While reviewing background on MSP, we examined definitions, characteristics, planning steps and processes, and recent studies of results. Although not referred to as marine spatial planning at the time, the process CORALINA used to set up the Seaflower MPA was aligned with characteristics of MSP. MSP is defined in various ways and distinctions between MSP, integrated ocean management, marine zoning, etc. are not always clear. A

widely used definition from Ehler and Douvere (2009) reads:

“Marine spatial planning (MSP) is a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that are usually specified through a political process.” (p. 18).

The authors go on to say that effective MSP is:

- i) ecosystem-based - balancing ecological, economic, and social goals and objectives toward sustainable development,
- ii) integrated across sectors and agencies, and among levels of government,
- iii) place-based or area-based,
- iv) adaptive - capable of learning from experience,
- v) v) strategic and anticipatory - focused on the long-term, and v
- vi) participatory - stakeholders actively involved in the process.

The planning process for the Seaflower MPA included most of these characteristics. From pre-planning, the Seaflower MPA had a clear sustainable development mission that combined conservation of coastal and marine biodiversity and ecosystems with local sustainable use. In 1998, CORALINA started a consultative process with coastal and marine resource users to identify the problems they were facing, seek alternative solutions, and finally agree on a single solution. It was recognized early on that a place-based solution was needed, rather than the single-species or single-activity management that was more the norm at that time. It was also understood that within the designated area, multiple uses would have to be accommodated and managed. This necessitated protecting a large space that included entire ecosystems, thus requiring involvement of a range of stakeholders with conflicting

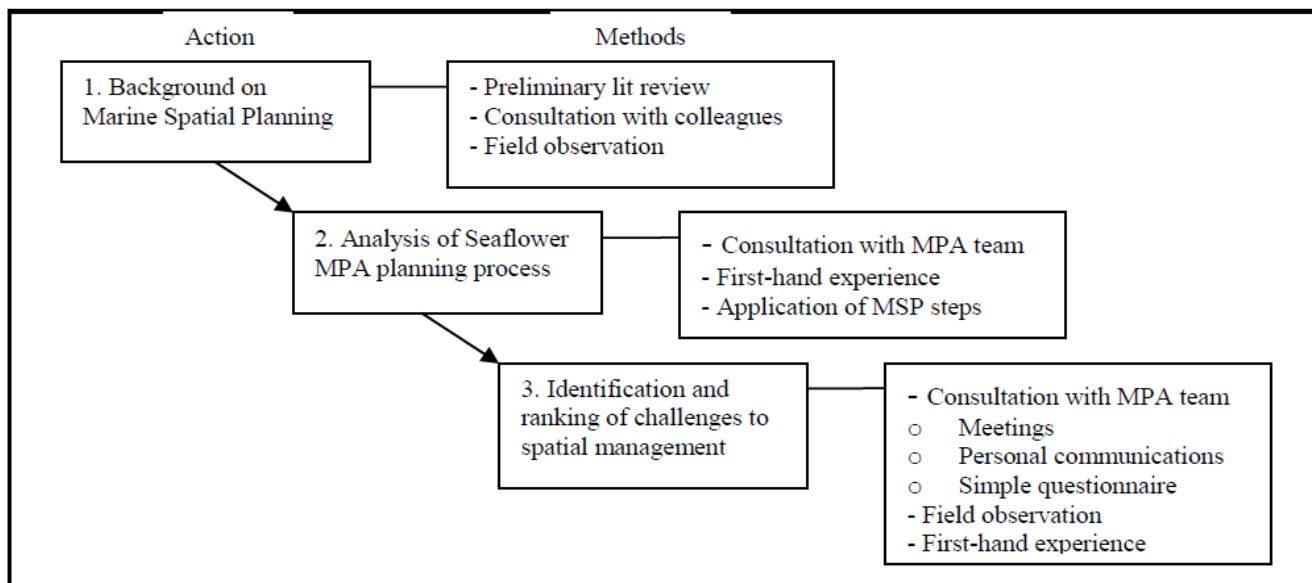


Figure 2. Framework of analysis for Seaflower MPA case study of MSP: From planning to implementation

interests. The resulting zoning and management plans were ecosystem- and community-based, combined indigenous and scientific knowledge, balanced conservation and sustainable use, and were rooted in a long-term vision of adaptive management to support sustainable change.

Thus, a process evolved that brought together stakeholders from all sectors. Primary users, especially artisanal fishers and watersports operators, chose a community-based, multiple-use MPA as the best solution to their problems, sharing decision-making power with CORALINA in design of MPA zoning, management, and regulations. As planning advanced, primary users were brought together with national, sub-national, and local levels of government and military authorities through consultations, special events, field work, focus groups, and management committees. The participatory process involved identifying and training all stakeholders, analyzing power dynamics, adjusting power imbalances, addressing conflicts, sharing decision making, reaching consensus, and respecting the collaborative process and results. A goal of the process was to incorporate indigenous practice with scientific knowledge. Another goal was to create an equitable, level space in which the wisdom, rights, and responsibilities of all stakeholders would be respected and acknowledged. This called for building a new “Seaflower MPA community.”

Seaflower and Implementation of MSP

In 2014, we met with past and present MPA team members, many of whom had been on the team since pre-planning. Based on discussions during these meetings and our own experience on the MPA team, we looked at whether the MPA planning process had covered planning steps for MSP, as defined by Ehler and Douvere (2009), and who had been involved. It was found that every step had been covered during planning and had involved both institutional collaboration and stakeholder participation. Next each step was re-examined to see if action had continued in a regular fashion (continuing), sporadically (intermittent), or stalled (lacking) since the legal declaration in 2005. Results of this analysis are summarized in Table 1.

To identify why it has been so difficult to achieve effective management practice during the past 10 years in spite of the comprehensive planning process, which was appropriately tailored to the archipelago’s ecological, economic, and sociocultural context, MPA team members were consulted in meetings, by phone, and email and also completed a simple follow-up questionnaire in 2015. The team identified factors challenging management (Q1) and ranked them as high, medium, or low (Q2). Whether CORALINA has the jurisdiction or ability to deal with these challenges was considered (Q3). Results are summarized in Table 2.

DISCUSSION

Sixteen challenges to implementing the Seaflower MPA were agreed upon and ranked. Four were rated as extremely challenging: lack of funding, politics and political instability, external interest in natural resources protected in the Seaflower MPA, and the maritime border dispute between Nicaragua and Colombia. In this section,

each of these obstacles is briefly examined.

Lack of funding

Secure funding is essential for effective marine management but this can present an on-going dilemma for poor locations. The budget for Seaflower calls for an estimate of US \$750,000 in annual operating costs to cover recurrent management actions and on-going development programs, with another US \$250,000 required every three years or so to construct, update, or replace infrastructure, facilities, and equipment. Constant monitoring, information management, surveillance and enforcement, education and training programs, awareness and publicity campaigns, advocacy, livelihood support, participatory management, research, and visitor services are all essential. Although this is not an unreasonable amount to manage a protected area as large and diverse as Seaflower, without external support CORALINA has been unable to secure these funds on a regular basis.

CORALINA receives no funding for protected area management from the national budget, in spite of being a government agency set up by Congress (law 99/93). To establish Seaflower, CORALINA had two GEF grants – the first to plan, zone, and legally delimit the MPA and the second to strengthen implementation. Achieving financial sustainability was a primary objective of the second project and a well-designed, diversified financial sustainability plan existed when the project began. Revenue-generating mechanisms included an entrance fee for tourists (with free access for residents), licenses with annual renewals for businesses operating within the MPA, affiliated land-based concessions and retail sales, an innovative payment for ecosystem services scheme to be piloted with hotels, a locally based trust fund, and a US-based “Friends of Seaflower.” However, none of these mechanisms were in place when the GEF project ended earlier this year and why is not fully clear.

To look at one revenue-generating tool, a modest entrance fee alone would cover the annual budget and leave a surplus to seed the trust fund and support other conservation and sustainable development programs. In 2014, 733,926 tourists visited the island, of whom 616,827 were national and 117,099 international. This compared with 678,850 tourists in 2013; 582,329 nationals and 96,521 internationals (Secretary of Tourism, Office of Circulation and Residency). The MPA team reported that the tourist sector strongly opposed introducing this fee, even though studies done by CORALINA in 2001, 2004, and 2011 found that nearly 100% of visitors used the marine environment and were willing to pay an entrance fee. CORALINA has the authority to establish this fee over such objections but did not do so. A lack of clarity about the financial plan may have stemmed from a weak transition following a mid-project change in CORALINA leadership. For example, although it is legal to charge entrance fees for protected areas in Colombia, the MPA team said CORALINA’s new administration was not sure this was true. Whatever the reasons, the team stated that they became confused how to proceed and felt unsupported.

Table 1. MSP in the Seaflower MPA: Analysis of planning steps (based on Ehler and Douvère, 2008)

Step	With community participation	With institutional collaboration	Legal/policy measures or approved plan in place	Initiated during MPA planning	Failure to consistently implement or adapt
1. Identifying need and establishing authority	x	x	x	x	continuing
2. Obtaining financial support (for planning)	x	x	x	x	lacking
3. Organizing the process through pre-planning					intermittent
3.1 Forming the team and developing the work plan	x	x	x	x	-
3.2 Defining principles, goals, and objectives	x	x	x	x	-
3.3 Specifying boundaries and time frames	x	x	x	x	-
4. Organizing stakeholder participation	x	x	x	x	intermittent
5. Defining and analyzing existing conditions					intermittent
5.1 Mapping important biological/ecological areas	x	x	n/a	x	-
5.2 Identifying spatial conflicts capabilities	x	x	n/a	x	-
5.3 Mapping existing areas of human activities	x	x	n/a	x	-
6. Defining and analyzing future conditions					lacking
6.1 Mapping future demands for ocean space	x	x	n/a	x	-
6.2 Identifying alternative spatial scenarios	x	x	n/a	x	-
6.3 Selecting a preferred spatial scenario	x	x	x	x	-
7. Preparing and approving the spatial management plan					lacking
7.1 Identifying alternative spatial management	x	x	n/a	x	-
7.2 Developing/evaluating spatial management plan	x	x	n/a	x	-
7.3 Approving spatial management plan	x	x	x	x	-
8. Implementing and enforcing spatial management measures	x	x	x	x	intermittent
9. Monitoring and evaluating performance	x	x	x	x	intermittent
10. Adapting the spatial management process	x	x	x	x	lacking

Table 2. Challenges to implementing MSP in Seaflower

Q1. Factor challenging effective management	Q2. Level	Q3. Within CORALINA's ability to solve
Lack of awareness of the MPA	Low	Yes
Lack of trained personnel	Low	Partially/ + outside help
Lack of commitment from the community	Low	Yes
Lack of commitment from CORALINA	Medium	Yes
Lack of respect for CORALINA by the community	Medium	Yes
Lack of power of CORALINA	Medium	Partially/ + outside help
Lack of enforcement	High	Partially/ + outside help
Lack of commitment from the Departmental government	High	Partially/ + outside help
Lack of commitment from the National government	High	No
Lack of respect for CORALINA by the Nation	High	No
Lack of respect for the Raizal people	High	No
Lack of power of the Raizal people	High	No
Lack of funding	Highest	Partially/ + outside help
Politics and political instability	Highest	No
External interest in natural resources (fisheries, tourism potential, oil, etc.)	Highest	Partially/ + outside help
Border dispute Nicaragua v. Colombia/ ICJ ruling	Highest	No

Without regular funds guaranteed for MPA management, financial instability is a major obstacle to implementing MSP. The team believes this problem can still be solved to some degree by CORALINA with strong leadership, but not totally. Support of the national and departmental governments is needed to operationalize the diverse financial mechanisms. Once in place, on-going financial management could be effectively handled by CORALINA and the MPA team in collaboration with a partner or sub-contractor.

Politics and Political Instability

A strength of CORALINA as MPA manager is that it has authority over both land and sea. The MPA is integrated into the larger biosphere reserve, which is also managed by CORALINA, and marine and terrestrial ecosystems are regulated as interconnected spatial units. The terrestrial area is very small (57 km²). On the other hand, the marine territory is vast and jurisdiction is complicated as borders are shared with six countries: Panama, Costa Rica, Honduras, Cayman Islands (UK), Jamaica (shared regime), and Nicaragua (disputed). This means that to succeed at a regional level, MSP is likely to require governance at a scale that no country or sectoral authority has the jurisdiction or capacity to provide without outside support.

As a subnational government agency, CORALINA does not have political authority to work with other countries on cross-border issues. Seaflower is part of regional environmental projects, such as the Caribbean Large Marine Ecosystem (CLME) project, but subnational governing bodies are not included or formally consulted in national or Caribbean regional decision-making about ocean management. MPA team members stated that the failure to take San Andres into account stems from Colombia's legacy of centralized governance and also from the national government's historical and ongoing lack of respect for Raizals and inability to acknowledge them as a distinct people with the right to self-determination and to claim the archipelago as customary territory. The team pointed out that the level of stakeholder involvement and commitment to MSP, no matter how high, will always be irrelevant if powerful national and international actors refuse to honor the planning process in the long term and the right of local stakeholders to be involved in decision-making about ocean governance.

The MPA team stated that Colombia's history of centralization, corruption, violence, and inflexible political parties ruled by elites has made it difficult to work across sectors at the national level or to promote political support, coordination, power sharing, and compatible strategies and programs. Although Colombia is making strides on improving governance and has an exceptional national constitution and normative framework, government remains unstable and subject to whimsical, dictatorial control by party politicians. A continuing political culture of patronage, lack of transparency, and elite control prevent power and benefits from reaching beyond privileged socioeconomic sectors in practice, regardless of new systems on paper. This results in a lack of coherence and consistency at all levels of government that impacts MPA

management's ability to implement MSP. Idiosyncratic support from national and local government, political manipulation, and frequent changes of those in power hinder building strong partnerships, long-term collaborations, strong institutions, and awareness of MPA zoning, management, regulations, and even importance. The result is that politicians ignore agreements reached during MSP and changes in government take CORALINA's relationships with other authorities back to "square one" over and over, requiring education, awareness building, and constant re-negotiation about the Seaflower MPA.

External Interest in Natural Resources

The San Andres Archipelago is rich in natural resources. Management of the Seaflower MPA is challenged by the disequilibrium common to external pressures and threats to these resources. Substantial industrial fisheries, especially for queen conch and Caribbean spiny lobster, take place. Popular commercial reef fish and pelagics such as snappers, groupers, jacks, cobia, dolphin, and kingfish are also fished. The MPA has closed the entire Central and Southern Sections to industrial fishing and much of the Northern Section. However, surveillance and enforcement are very weak. Besides not having funds to cover the cost of patrols, CORALINA does not have ocean-going vessels, sufficient personnel, or access to sophisticated surveillance and enforcement tools such as vessel monitoring systems, state-of-the-art integrated records management, radar, cameras, or predictive tracking methods to police such a large area.

Weak enforcement of artisanal fishing and conservation (no-take and no-entry) zones also impacts compliance. If commercial fishing by illegal vessels is not controlled, local fishers, even those who support the MPA, move to catching as much as possible because of pressure from competition and lack of incentive to maintain fisheries. Fishers stop supporting management because seeing their traditional resources exploited illegally, they will do the same to get their fair share. Besides overexploitation, a result of weak enforcement is that the community with customary rights to the fishery is often powerless to change the situation and ultimately loses its livelihood. On the other hand, if fishers have assured property rights through long-term, exclusive rights to restricted fishing areas and also actively participated in selecting conservation zones expected to maintain that fishery, they will effectively control their own fisheries.

The potential for offshore oil production has posed a serious challenge. In 2010, Colombia's National Agency of Hydrocarbons (ANH) leased exploratory blocks to the Latin American-based oil companies Repsol-YPF and Ecopetrol that contained over 20,000 km² of the MPA's 65,000 km². In response, CORALINA and a local fisher's cooperative sued the ANH to halt oil exploration within the Seaflower Biosphere Reserve and MPA, citing constitutional rights, including the right of all citizens to a healthy environment (art. 79), and environmental law, especially the CBD. CORALINA ultimately won this case but it consumed scarce technical and financial resources for nearly two years, severely cutting into MPA management. Then, within a year, the victory was eradicated by the

ruling of the International Court of Justice (ICJ) in *Nicaragua v. Colombia* (discussed in the next subsection).

The area is also desirable for tourism. An example of a present threat is a proposal to develop an upscale resort on Roncador Cay, one of the most accessible, productive fishing grounds for traditional fishers. The MPA team pointed out that CORALINA might be able to effectively manage this challenge with strong leadership in the environmental approval process, but that this would call for another major commitment of resources and also that managers are exhausted. In the 10 years since the MPA's inception, CORALINA has had to expend much time, effort, and money to fend off a constant flow of threats that are often pushed at the national level. This situation is not unique to Seaflower. According to the World Wildlife Fund (WWF), many countries, especially in Latin America, are facing increasing threats from their own government trying to de-gazette, downsize, or degrade protected areas for the benefit of international corporations (Worboys, et al. 2015).

For a poorly funded agency, external threats pose a major challenge to implementing MSP. The MPA team believed that CORALINA could partially overcome this obstacle with strong leadership, an adept legal team (CORALINA has its own legal department), and improved enforcement; all of which require secure, steady funding. On the other hand, the team was adamant that the national government must more consistently support the MPA. Team members pointed out that this would require

commitment to decentralized governance, acceptance of CORALINA's mandate and authority, and respect for the Raizal people's right and capability to decide their own future and manage their own sustainable development.

Nicaragua v. Colombia and the Ruling of the ICJ

In 2001, Nicaragua filed a claim with the ICJ for the islands of the San Andres Archipelago and a new delimitation of its maritime borders with Colombia. For several hundred years, Colombia claimed territorial waters to the 82nd meridian west longitude, giving Nicaragua an EEZ of 66 nautical miles (122.23 km). In 1928, the two countries signed the Esguerra-Bárcenas Treaty that gave Colombia the waters and islands east of the 82nd meridian. In 1980, the Sandinista revolutionary government repudiated this treaty, stating that Nicaragua was invaded by the US at the time of signing. In 2007, the ICJ issued a partial ruling that awarded the inhabited islands of San Andres, Old Providence, and Santa Catalina to Colombia. In 2012, the Court ruled that Nicaragua had the right to extend its Caribbean territorial waters 200 miles from its shore. In some locations, the Court moved the border as far east as the 80th meridian (Figure 3). Colombia retained waters around the three inhabited islands, along with the cays, atolls, and banks (Serrana/ Serrenas, Roncador, Quitasueño/Queena, Bolivar/East Southeast Cay, Albuquerque/South Southwest Cay, Serranilla, Bajo Nuevo/Petrel Islands, and Low Cay). Alice Shoal remained under the shared jurisdiction of Colombia and Jamaica.

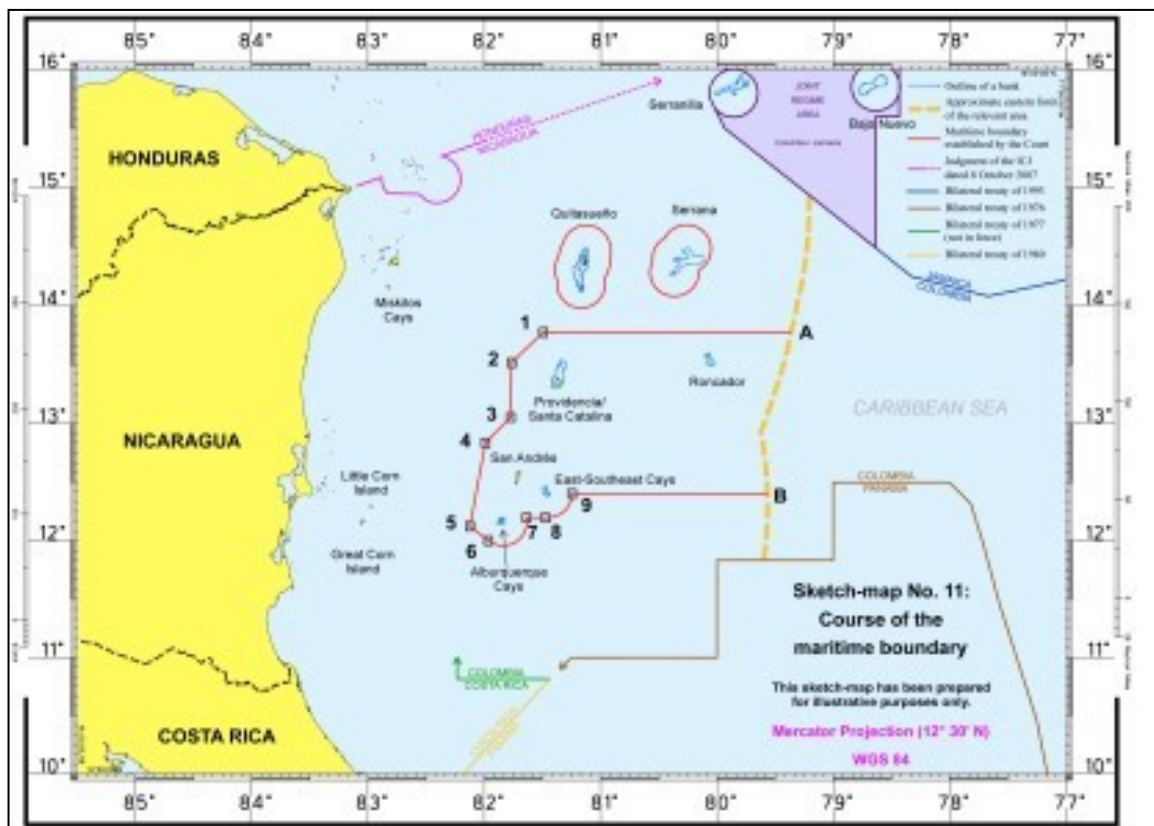


Figure 3. Sketch map of ICJ ruling in the case of *Nicaragua v. Colombia*, 2012 (Source: ICJ)

Although Colombia does not accept the legitimacy of the ruling, Nicaragua has military patrols in the area and is proceeding with plans to explore for oil, mount large-scale fisheries, and build a cross-country canal requiring these waters for transit of mega-ships to and from the canal. The marine territory awarded to Nicaragua would reduce the Seaflower MPA from 65,000 km² to 30,655 km². Boundaries defined by the ICJ are not contiguous, so Raizal fishers must pass through waters awarded to Nicaragua to reach their customary fishing grounds. This has serious implications to livelihoods, particularly for the many small-scale and subsistence fishers. Equally severe is the impact of loss of marine territory on the people's identity. The Raizal people were not consulted, represented, or even acknowledged as stakeholders who would be affected by reapportionment of these seas. Not only were their voices not heard, their existence was not mentioned to the ICJ by Colombia or Nicaragua, nor was the existence of their community-based Seaflower Biosphere Reserve and MPA.

In 2013, Nicaragua brought a second case to the ICJ. In this case, the country is claiming more marine territory with an extended platform of up to 200 more nautical miles. Nicaragua recently filed a third case, citing Colombia's lack of compliance with the ruling of 2012 and that this has rendered them unable to exercise sovereignty. Evidence of 48 encounters between Nicaraguan authorities or fishers and Colombian authorities was presented. On the other hand, Raizal fishers anecdotally report many encounters with Nicaraguan authorities that make it difficult for them to fish. When the ICJ heard the case in October 2015, this time the national government took the archipelago's Raizal governor to The Hague. While this could be seen as an acknowledgement of sorts that the Raizal people exist, the elected governor must represent all residents of the islands, not only the Raizal minority. More importantly, no Raizal lawyers are on the legal team, although there are many, nor are any Raizals included on the scientific or technical teams.

Colombia is party to the International Labor Organization's Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention 169) and the more recent Declaration on the Rights of Indigenous Peoples. Both call for self-determination, representation, voice, and freedom of expression for indigenous peoples. Regardless of the claim of either nation, the Raizal people firmly believe that the entire territory is theirs by custom and charge that authorities from both countries make it difficult for them to access traditional fishing grounds. Following the ruling in 2012, besides questions of CORALINA's ongoing authority over Seaflower territory, implementation nearly came to a stand still when the Raizal people collectively responded with shock. The impact on the community's well-being was so profound that the MPA team reported that Raizal stakeholders suffered trauma, going into a crisis state akin to post-traumatic stress that rendered them unable to work properly. Even though some media referred to the island people going through the stages of grief, similar to a mourning period (Velasquez 2012), the day-to-day impact on indigenous identity and social functioning has been

mainly unrecognized and unacknowledged, with no support available. Given that most of the MPA team and CORALINA leadership are also Raizal, the impact on management effectiveness and operations has been critical.

It remains to be seen what will happen in the near future, what long-term effects will be, and if stress and disequilibrium will continue. Clearly, the situation is outside CORALINA's ability to control or solve. CORALINA has not been consulted, and the people's vision of the Biosphere Reserve and MPA as an alternative model of development for their terrestrial and marine territory has been ignored. The 2012 ruling and on-going contentious situation threaten ocean governance and sustainable ecosystem management in the region. Marine conservation continues to erode, and regional political, environmental, social, and economic instability to increase while governments are unable to work together, cross-border challenges and disputes are growing, and Raizal livelihoods are becoming ever more insecure.

CONCLUSIONS

From the work to date, several preliminary conclusions can be drawn about the challenges of implementing MSP, especially in poorer countries with less stable governance. These are summarized below:

- i) According to UNEP's report on putting MSP into practice (2014), a key enabling condition for an effective transition from planning to implementation is meaningful engagement of stakeholders. While the Seaflower experience fully supports this, the case also illustrates that if stakeholders have insufficient power and voice, regardless of active stakeholder involvement in planning and decision-making, changing or new national, regional, and international economic and political priorities and interests can jeopardize, continuously threaten, or destroy results.
- ii) To be effective, regional MSP requires a level of national and international collaboration, capacity, and commitment to ocean governance that is unlikely to be realistic unless we can deal with poverty, weak and corrupt public sectors, underdevelopment, nationalism, etc.; especially in the seas of the "Global South." In the case of Seaflower, political instability prompted dissolution of strong national support and stakeholder coalitions forged during planning.
- iii) Cross-border threats and changing circumstances, often driven by transnational economic interests, mean that challenges to implementing regional MSP are likely to be beyond the ability of any single country or sector-based management authority to solve, without international support and commitment.
- iv) Large-scale ocean management, governance, and protection are expensive. Where the money to implement MSP will come from and who will control, regulate, and monitor the funds are ongoing questions for poorer countries.
- v) For many years, ocean conservation projects, integrated coastal zone management, ecosystem-

based management, etc. have been rooted in “think globally, act locally.” To implement MSP effectively still calls for local action, but how do we include local voices, balancing and sharing power at the national or regional level to ensure respect for MSP and needed local-level management? The voices of indigenous peoples especially tend to be silenced unless their right to self-determination over their territory is acknowledged and respected nationally and internationally.

- vi) The Seaflower MPA team identified the threat at the heart of MSP implementation as one of elite capture, which always poses a threat when stakeholder processes are not underpinned by empowerment of vulnerable groups. If high-level ocean governance across national borders becomes a reality, can we ensure that the coastal and seafaring communities who depend upon these resources for their livelihoods are not further impoverished and disenfranchised; especially indigenous peoples, traditional users, and the poor?

Douvere (2008) points out that MSP must be continuous and iterative to permit implementation of “*the plan through the execution of programmed works or investments, enabling change, encouraging improvement and through regulation and incentives, and enforcement of proposed changes and ongoing activities in, on, over and under the sea, in accordance with the plans*” (p. 766). Considering the Seaflower MPA, it is apparent that the challenges, obstacles, and constraints faced by MPA managers since 2005 have hindered continuity and the adaptive approach needed for sustainable implementation.

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