

Good practice guidelines for successful National Intersectoral Coordinating Mechanisms (NICs)

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ACRONYMS AND ABBREVIATIONS

CCO Colombian Ocean Commission

CFMC Caribbean Fisheries Management Council
CIRM Inter-ministerial Commission for Sea Resource

CLME+ Caribbean and North Brazil Shelf Large Marine Ecosystems

DAP District Advisory Panel

EAF Ecosystem Approach to Fisheries
EBM Ecosystem-Based Management

EEZ Exclusive Economic Zone
FAC Fisheries Advisory Committee

GEAF Governance Effectiveness Assessment Framework

ICZM Integrated Coastal Zone Management

IMC Inter-Ministerial [or Inter-Ministry] Committee (often synonymous with NIC)

IW International Waters
MPA Marine Protected Area

NGO Non-Governmental Organization

NIC National Intersectoral Committee/Coordination Mechanism (same as IMC)

OECS Organization of Eastern Caribbean States

OGC Ocean Governance Committee
RGF Regional Governance Framework
SAP Strategic Action Programme

TDA Transboundary Diagnostic Analyses

1 INTRODUCTION

1.1 Background

The combined region of the Caribbean and North Brazil Shelf Large Marine Ecosystems (CLME+) is one of the geopolitically most diverse and complex in the world. There are twenty-six independent states and eighteen dependent or associated territories that are located within, or border, the CLME+ region. In 2013, a 10 year CLME+ Strategic Action Programme¹ (SAP) was finalized and politically endorsed by over 20 states in the CLME+ region.

Outcome 1 of the UNDP/GEF Project on Catalysing Implementation of the Strategic Action Programme (SAP) for the Sustainable Management of Shared Living Marine Resources in the Caribbean and North Brazil Shelf Large Marine Ecosystems (CLME+ Project, 2015-2020) is 'Integrative governance arrangements for sustainable fisheries and for the protection of the marine environment'. Under this, Output 1.2 is 'National Intersectoral Coordination Mechanisms (NICs). A first step towards this output is to determine: (a) best practices related to NICs in LME projects globally and (b) the trends and status of NICs in the CLME+ region.

The approach to NICs must be carefully crafted if the CLME+ Project is to contribute to establishing and/or strengthening mechanisms in a way that will serve both the needs of the regional organizations and the countries more broadly. The approach that is more likely to be sustainable for documenting and understanding best practices of NICs is to: (i) outline the functions of a NIC, (ii) determine the existence of NICs, or what similar mechanisms have been tried in CLME+ countries and territories to carry out related functions; (iii) use a participatory approach to monitor and identify progress with the intention to help establish and strengthen the operation of these mechanisms.

The establishment of NICs is identified in the CLME+ SAP as a target at the national level for implementing ecosystem-based management (EBM) and an ecosystem approach to fisheries (EAF) for shared living marine resources in CLME+. In the CLME+ region no existing NIC is perfect, however, the prevalence of legal mandates and increasing interaction among economic sectors and stakeholder interests reveals potential. Awareness of the need to design these institutions to be adaptive has grown. More consideration is being given to inclusivity and the dynamics of stakeholder interactions within the NICs and between them and other interests in the policy domain.

Processes in NICs are poorly documented and consequently institutional memory is often also poor. A survey of NICs in LMEs and the CLME+ region was conducted in 2015. The NICs survey report (CERMES 2016) was divided into two parts: part 1 - a global rapid survey of NICs in a selection of LMEs; and part 2 - the results of the survey of NICs in the CLME+ region. The results of the survey concluded that there was a high level of positive response concerning adherence to the principles of good governance, particularly participation, and that stakeholders were

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¹ "10-year CLME+ Strategic Action Programme for the Sustainable Management of the shared Living Marine Resources of the Caribbean and North Brazil Shelf Large Marine Ecosystems"

open to establishing or reactivating NICs on some level during their marine governance processes. The guidance presented herein is good practices exemplified by some functioning NICs within some CLME countries. These good practices can be used to improve governance that could lead to the successful establishment and/or reactivation of NICs structures throughout the CLME+ region.

1.2 Using these guidelines

These guidelines on good practices that favour success are intended for all current and potential NIC stakeholders. These range from citizens as members of the public to policy-makers as leaders in governance. Sections that follow cover some key features and functions of most NICs, good practices for success, some samples of successful NICs, and references and resources for readers to obtain more information. The document is kept as short and simple as possible for such a complex subject. Abundant guidance exists online on governance institutions and processes suitable for all types and scales of arrangements. Readers are encouraged to peruse these concise guidelines for general context, and then seek more specific information that addresses their queries or concerns.

2 NIC FEATURES AND FUNCTIONS

Many social and economic sectors and government agencies with their multi-stakeholder partnerships have an interest in marine affairs. The mix of agencies varies by country, within country and over time as responsibilities shift and issues change in nature, priority or prominence. In the CLME+ region NICs and similar arrangements include some Fisheries Advisory Committees (FAC), sustainable development commissions, sustainable ocean governance committees, integrated coastal management institutions, climate change processes and other mechanisms for intersectoral coordination. These may have greater or lesser roles in marine affairs depending upon many factors that are constantly changing. NICs must be adaptable and resilient in order to be sustainable under very dynamic conditions.

2.1 Role within governance framework

The causal chain and transboundary diagnostic analyses of the UNDP/GEF CLME (2009-2014) capacity building project identified weaknesses in transboundary living marine resource governance arrangements. It appeared that if such governance was better articulated and coordinated, within a structured regional governance framework, a substantial increase in the positive impacts of the many ongoing and planned initiatives in the region could be achieved.

Given the nature of the issues faced by many of the states and territories in the CLME+ region, addressing them will require and/or benefit from having nationally well-coordinated, and regionally linked, intersectoral mechanisms operating through complete and nested policy cycles. Hence there is the need for having NICs in place not only for projects such as CLME+, but also for broader aims such as achieving the sustainable development goals (SDGs). The latter and governance effectiveness under the CLME+ Project aim to improve human well-being. This

calls for governance, including NICs, to span both the social and ecological parts of the system (Figure 1).

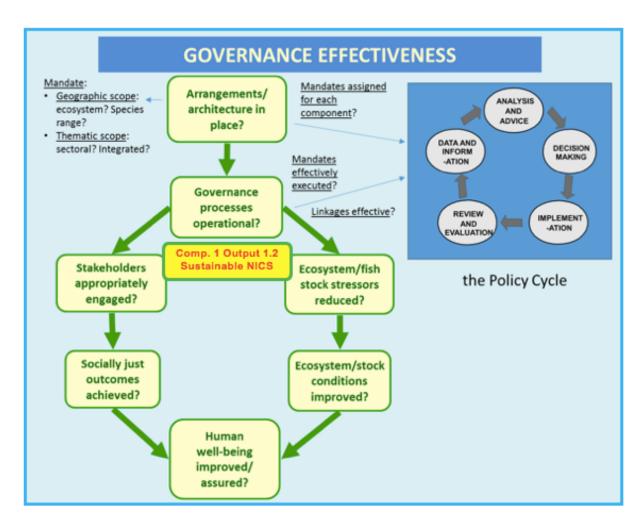
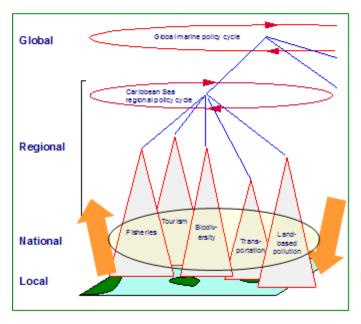


Figure 1 NICs can be seen as the operational input into governance processes

Component 1, output 1.2, of the CLME+ Project focuses on the functioning and sustainability of NICs. Depending upon their mandates and circumstances NICs may handle all or some stages of the policy cycle. As shown in Figure 1 the five basic stages are (1) data and information, (2) analysis and advice, (3) decision-making, (4) implementation, and (5) review and evaluation. A properly functioning NIC carries out its mandate within the assigned stages of the policy cycle while demonstrating good governance in practice. Section 2.2 elaborates on how NIC design is tied to good governance within the governance effectiveness assessment framework (GEAF), which facilitates results-based planning, monitoring and evaluation (Mahon et al. 2012). The NIC can be seen as an operational arm of governance/policy processes, nested within multilevel policy cycles that can span several issues and economic sectors (Figure 2).



NIC
Scaling up
Scaling down
Connecting actors
Integrating interests

Figure 2

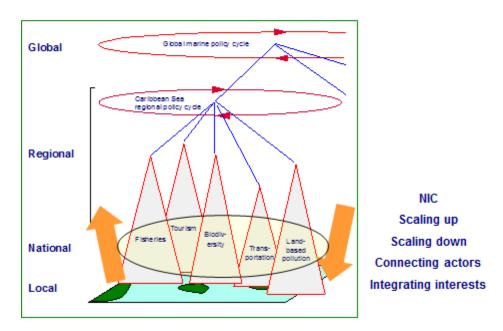


Figure 2 NICs are critical in integrating and scaling in governance

Since NICs for marine affairs play key roles in national and regional ocean governance processes they should be permanent assets of regional ocean governance arrangements. They should also be valued as permanent multi-stakeholder components of these processes: connecting the national to local levels vertically and connecting sectors laterally within countries in transboundary matters. Countries can monitor governance by assessing how well their NICs perform, therefore within the policy cycle, reviews and evaluations should be a critical focus for all good practicing NICs. NICs could be an important vertical link between regional and national levels of the complete policy process (Figure 2).

2.2 Design criteria

A well designed and led NIC for marine affairs, based upon principles of good governance, within a range of possible arrangements, would:

- Involve stakeholders comprehensively:
 - State actors government agencies, parastatal bodies
 - O Non-state actors NGOs, CBOs and academia
 - o Private sector from small to large enterprise
- Promote an enabling environment that ensures opportunity and support for stakeholder participation and encourages change agents such as individual leaders and champions;
- Have a clear mandate that is at least administrative (politically endorsed) but preferably legal (for legitimacy and accountability) to ensure:
 - o Internal communication among stakeholders
 - A system for documentation of activities to promote transparency and responsiveness
- Have an institutionalized mechanism for regular review, evaluation, learning and adaptation (for efficiency, effectiveness and responsiveness);
- Serve to integrate sectors and actors involved in marine affairs at the national level;
- Function as a two-way linkage between national and regional government processes;
 and
- Address other functions specific to their scope and mandate including, inter alia, using marine ecosystem-based approaches, social-ecological system frameworks, risk analysis and resilience or vulnerability concepts, the details of which will differ by circumstance and change over time.

2.3 Common challenges and complaints

Establishing and sustaining NICs is challenging. Given the track record of NICs becoming inactive it is important to monitor the performance and activity levels of newly established NICs. Contrary to expectations it appears that many currently inactive NICs have mandates in areas covered by a single department or ministry (e.g. environment, fisheries, coastal zone) rather than broader ones (e.g. sustainable development, climate change).

Factors explaining the inactivity of NICs after their establishment include: ineffective leadership; disinterest of parties involved; inability to dedicate time; lack of stipend or travel support for participants; inability to get follow-up commitment from members; disagreement on the state agency that should chair the NIC; and political interference or changes. These are also barriers to establishment.

More than half the NICs surveyed in 2015 had legal mandates, but the high proportion that were administrative suggests that establishment under law was not necessarily essential for success. There may be more latitude for experimenting, learning and adapting under administrative rule. However, without legal status a NIC may not be taken seriously unless its mandate is formal.

For NICs it is important to connect and integrate economic sectors and stakeholder interests (to the extent feasible) laterally within countries and trans-boundary matters. The presence of several sectors does not, however, guarantee that all sectors are committed at all, equally committed, or able to influence the outcome of a NIC.

Some NICs may not be well matched to the ideal mandate. The survey results suggested that currently there are no NICs that are a perfect fit to the scale and scope required by the CLME + Project. Issues of mis-matches of scale and scope have impacts on NICs in several ways. We identified the following main types (Figure 3):

- Topical scope of NIC (topical focus is too wide (e.g. Sustainable Development, CC/DRR))
 or too narrow (e.g. fisheries governance);
- Geographical scope of NIC too narrow (e.g. coastal zone management) or terrestrial (climate change);
- Stakeholder and sectoral scope of NIC is too narrow (e.g. few different state or nonstate actors);
- Transboundary scope of NIC too limited (e.g. only national matters receive attention and few external linkages are used).

Despite the mis-matches, and depending on the limits and approach to scaling up, several near NICs may have the potential to expand and improve, but in other cases new NICS may need to be established.

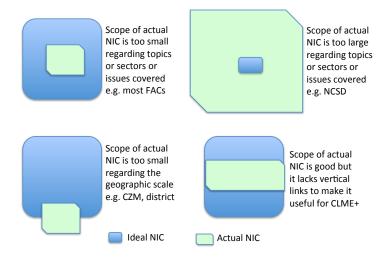


Figure 3 Types of mis-matches between an actual NIC and an ideal NIC

3 GOOD PRACTICES FOR SUCCESSES

The main lessons learned from the survey of NICs globally, but particularly in the CLME+ region, provide factors that appear to favour success. We found good practices that can be used as guidance for establishing, strengthening and sustaining NICs. These practices are shared next.

Promote and practice the principles of good governance as fundamental to NIC

The most prominent good practices concern promoting and implementing the principles of good governance. Most of the remaining recommendations are derived from these principles. More must be done in this regard. The survey results indicated that participation was generally thought to be good (rated the highest in the survey) and NIC responsiveness was less than optimal (rated the lowest). Good participation and transparency may be a reflection of high levels of sector and stakeholder involvement. Accountability was also considered to be good and this was consistent with NICs that had either a legal mandate or had at least an administrative organization. More detailed information is required to properly identify successes and best practices in existing NICs related to the entire suite of principles of good governance such as can be provided by the level 2 assessments of the performance of good governance arrangements (Mahon et al. 2012).

2) Ensure the availability and use of up-to-date and non-conflicting legislation

Whether or not a NIC is enshrined in legislation does not necessarily determine its success. NICs often make use of legislation that is important to their functions and problems may occur when the legislation NICs draw upon is not up-to-date. Reliance on outdated legislation makes executing decisions of the NIC difficult. It is therefore important to consider not only whether a NIC is formally institutionalized but also whether the legislation in use to achieve objectives is up-to-date. It is important to have modern legislation that does not overlap excessively, and does not cause conflicting mandates.

3) Innovatively reduce the operational costs of meetings and communicating

Cost can be a constraint in the establishment and operation of NICs. Operational costs are particularly problematic for larger developing countries in which NIC members have to travel inconvenient distances with high costs of transport and time demands. Examples include Jamaica and Belize. The situation is similar in countries that are made of up of several islands, such as St. Vincent and the Grenadines. In the case of the Exclusive Economic Zone (EEZ) Commission of Bonaire, Saba and St. Eustatius, these islands are located relatively far apart and high travel costs make it difficult for the members to participate, and for inviting stakeholders to the meetings. This was partly overcome by aligning the EEZ Commission meetings with other funded meetings. Cost-saving measures such as teleconferencing, wholly or partially online meetings, using text broadcasts and otherwise investing in information and communications technology is a best practice.

4) Mobilize champions and leaders to give a NIC new energy and direction

Clear incorporation of a NIC within a Ministry or Department appears to be crucial in sustaining NICs. NICs need clear leadership to be sustained and develop next steps. In Barbados the demise of the National Commission on Sustainable Development (1995-2005) was argued to be partly due to the untimely death of its chair as well as the fact that after the development of the National Sustainable Development Policy no agency actively championed the responsibility

to implement the policy. After two failed attempts over the past 10 years to establish an oceanoriented NIC, it was argued that the future Ocean Governance Committee (OGC) that is currently being developed in Barbados has to have a clear institutional backing, with strong and dedicated leadership within the Ministry of Foreign Affairs. Mobilizing champions and leaders therefore appears to be best practice.

5) Develop internal problem-solving and conflict management mechanisms

In one NIC, with a focus on marine governance and in which a large number of sectors were officially represented, one of the reasons stated for its failure (or current inactivity) was that some sector representatives (e.g. the Fisheries Department which was considered crucial) would fail to show up for meetings. While there may have been reasonable reasons for this, the case highlighted that NICs may not have adequate internal problem-solving or conflict management mechanisms to be adaptive. Here, conflict is not necessarily a dispute, but any type of interaction that serves to defeat the objective of the institution. Employing conflict management, declaring conflicts of interest and active problem-solving are all practices that help prevent a NIC from unnecessarily grinding to a standstill over small matters.

6) Exert more policy influence by effectively mapping and managing networks

In a NIC even though a large variety of sectors are present, representation by "low-ranking officials" such as junior personnel rather than high-ranking staff who are usually better connected to policy advice or decision-making may reduce effectiveness. As a result, committees are not able to make progress and influence decision-making with their advice. NICs cannot and should not always be at policy level, and but they must legally, administratively or informally be able to exert policy influence. Policy and network mapping of their design and operation, with regular monitoring and evaluation, can serve as a best practice as was shown in some co-management studies of near NICs (McConney et al. 2003a and 2003b) and on the marine science-policy interface (McConney et al. 2012).

7) Include multiple stakeholder groups directly or through sub-structures

In the NIC survey many respondents considered it essential to have stakeholders present from not only the state but also civil society and the private sector; a fair number (26%) only had state members, but most NICs contained non-state members. Where non-state stakeholder groups were not well represented, those NICs have sub-committees or technical committees that are heavily involved in the NIC and comprise scientists, NGOs, and private sector actors. NGOs and other civil society actors are therefore often consulted either formally, informally through sub- or technical committees or in *ad hoc* stakeholder meetings. This is more encouraging than exclusion, and *ad hoc* forums were also prevalent in the study on regional marine science meeting preparation (Mahon et al. 2010). Inclusive sub-structures within NIC governance can be a significant factor for success. They are included as best practices where more direct inclusion is not feasible. In some situations, there are a number of overlapping focal points for various projects, economic sectors and international or regional organizations. It may be useful to have a separate sub-structure for this common form of representation in order to

address the inter-organizational communication, coordination and collaboration separate from the substantive resource management. The result should be more effective engagement.

8) Understand the hidden power dynamics associated with NIC stakeholders

Information on the membership of NGOs and other non-state actors in a NIC or its sub-committees (stakeholder identification) does not inform about the distribution of power, authority and responsibility on the NIC (stakeholder analysis). Similarly, chairmanship and other formal designations alone cannot reveal these features (especially the exercise of power) at the individual level. Understanding these dynamics requires deeper analysis. These features may be important to success in terms of change agents, champions and leadership particularly in difficult times of NIC adaptation and change management. It is unlikely that many NICs will have access to insight on their dynamics from social science as such skills are seldom present in, or acquired by, lead marine agencies such as fisheries departments (Mahon and McConney 2004). However, paying attention to the often hidden dynamics in NICs seems to be critical, and it is a good practice to understand stakeholder power dynamics.

9) Increase private sector participation for economic links and policy influence

The survey results showed that the private sector was significantly less officially involved than NGOs/civil society (37% versus 63%). Private sector membership is expected to increase, consistent with recent emphasis on more public-private partnerships. NICs with a majority of low-level government officers, and those that address technical matters removed from policy-making, are not likely to wield much influence in ocean governance. In such cases NGO and private sector members may significantly elevate the status and profile of the NIC, and hence its performance potential. Several interviewees stated the importance of improving the linkages with the private sector. As this research did not elaborate on the functioning and membership of sub- and technical committees, which is most often where private sector members can be found, the extent of both involvement as well as influence and successful public-private partnerships are still largely undetermined. Nevertheless, increasing private sector engagement is likely to be a best practice and improve the functioning of a NIC.

10) Document processes for transparency, accountability, institutional memory

Some NICs show more inclination to share documents online than others. This may less reflect the character of the particular NIC than it does the practices of the parent organization or public information policy of the country. Documents shared were typically final products and not minutes of NIC meetings or the documents that NICs used to reach decisions. Persons outside of the NIC are thus unlikely to know how it operates or what it is doing. The limited sharing of process documentation most likely contributed to impaired institutional memory.

4 SAMPLES OF SUCCESS

The survey did not identify a comprehensive NIC success story that could clearly be proposed as a model for NICs in the CLME+ region. Given the region's diversity, it is unlikely that a single

model would be useful for all types of NICs and governance arrangements in the region. A few NICs (not researched in full) provide examples of the majority of desirable features. Since these were investigated through literature and online sources we cannot validate the information as reflecting what is actually practiced on the ground. Inevitable differences in experiences, and views among the stakeholders familiar with these NICs, will no doubt make consensus unlikely. The reader is guided to interpret the information that follows accordingly, and to generally be aware that the nature of vested interests in NICs typically leads proponents to claim success.

Brazil Inter-ministerial Commission for Sea Resource (CIRM)

Scope

The CIRM in Brazil is one of the NICs that appears to have been successful over a long time, and may have created an enabling environment for marine governance. It was initially created as an academic initiative in 1974 comprising multidisciplinary scholastic groups devoted to the governance of the ocean in Brazil. It aimed to meet the requirements of the scientific community in order to develop policies and plans for the marine and coastal environment. After five years, the commission decided it needed to create a body to implement the decision of the CIRM. For that purpose, in 1979, the Secretariat of the CIRM-SECIRM was created. Since its inception the SECIRM was structured to be articulate and implement the plans and actions of CIRM. The move to an implementation agency therefore appears to be a major factor in the success of this NIC.

Structure

Scientific research is still the central component of this Brazilian NIC. It is legal in status yet apparently flexible in that after its creation in 1974 its governing legislation was amended in 2001, 2003, 2007, 2008 and 2009. It is a large organization with a specialized secretariat and four official working groups. Despite the start as a scientific group, the CIRM has high-level policy-relevant representation. The members of the CIRM, recommended by the head officers of their respective agencies are in high posts with high technical-professional capacity. They are assigned by the State Minister of Defense, through delegation competencies from the President of the Republic, to the CIRM Coordinator. NGOs and private sector interests are not officially members of the committee; however, they are closely involved through sub-committees and working groups.

Puerto Rico/US Virgin Islands Caribbean Fishery Management Council (CFMC)

Scope

The CFMC is responsible for the creation of Fishery Management Plans (FMPs) for fishery resources in the US Caribbean EEZ off Puerto Rico and the US Virgin Islands. As the CFMC is focused purely on fisheries in appears to be a rather narrow based near NIC, yet successful lessons are to be learned. The CFMC is one of the eight regional fishery management councils, established in 1976, under the Magnuson- Stevens Act as amended in 1996 and 2007, and now

called the Sustainable Fisheries Act for conservation and orderly utilization of the fishery resources of the United States of America. Although the CFMC is not regional it has wide influence through engagement with regional fisheries bodies, and the Western Central Atlantic Fishery Commission (WECAFC) in particular concerning the management of queen conch. This interaction touches upon all stages of the policy cycle for that fishery in the region. It illustrates some vertical and lateral linkages at and between national and regional levels.

Structure

The CFMC has ten members, seven with vote and three with voice but no vote. All members come from state agencies and there are no NGOs, civil society actors or private sector members of the committee. However, under the CFMC there are three District Advisory Panels (DAPs) which operate at the local level. DAPs are advisory to the CFMC on the development and management of fisheries; coordination of activities; identifying potential conflicts between user groups of a given fishery resource; current trends and developments in fishery matters. The DAPs were established in 2014 and show an increasing tendency to involve stakeholders in their processes. They have a large number of NGOs, civil society actors and private parties on board covering the three areas of St. John, St. Croix and Puerto Rico.

Stakeholder participation increased since the new system was put in place (from 15-20 in total to 45 in total). Meetings of the DAPs are open to the public, and fishers and other interested persons are invited to participate with oral or written statements on agenda items. The minutes and reports of the CFMC meetings are available on their website.

Organization of Eastern Caribbean States (OECS) Ocean Governance Committee (OGC)

Scope

The OECS Sustainable Ocean Governance initiative has previously been mentioned. The OECS, serviced by its Commission, currently has ten members: The British Virgin Islands, Anguilla, Antigua and Barbuda, St. Kitts and Nevis, Montserrat, Dominica, Martinique, Saint Lucia, St. Vincent and the Grenadines and Grenada. The sample terms of reference of a national Ocean Governance Committee (OGC) was showcased in Appendix 6 of the report on the survey of NICs (McConney et al. 2016) as a good example of the scope of a NIC. The concept of the OGC continues to be examined and to evolve and adapt under the scrutiny of the Commission's Ocean Governance Team.

Structure

The initial national OGC composition was entirely governmental. The current move to engage non-governmental and community-based organizations is more inclusive and participatory. The scope has also broadened in range of topics, and extent of civil society outreach and stewardship. Lessons to be learned from these small islands as good practices have much to do with the above adaptation and the need to coordinate a diverse array of initiatives and developmental directions, many of which are short to medium-term projects. This calls for

flexible and nimble institutional arrangements. It will be informative to monitor how these NICs continue to grow in policy influence and develop to deal with changing ocean regimes, some of their own making as seen in the present thrust to institutionalize marine spatial planning.

The geo-political connections among the national OGCs and between them and the OECS Commission are clearly embedded in the design of the institutional arrangement for sustainable ocean governance. It is too soon to be clear on how the linkages between the stages of the policy cycle are functioning within and between governance levels in this case. This will be monitored.

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5.2 Online resources

The table below provides a variety of online resources of relevance to NICs. These range from the web sites of some NICs to online research tools and publications of interest. These are only a sample. Many more are available. Web links may, however, become broken. If a link does not work, then use a search engine to find the resource by key word once it is still available online.

Resource	Web link	
Some NIC web sites		
Comisión Colombiana del Océano	http://www.cco.gov.co	
Caribbean Fishery Management Council	http://caribbeanfmc.com	
National Ocean Council	https://obamawhitehouse.archives.gov/administrat	
	ion/eop/oceans	
Comite Nacional de Pesca y Acuicultura	http://www.gob.mx/conapesca	
Comisión Intersecretarial Para El Manejo	http://digaohm.semar.gob.mx/CIIO/cimaresCIIO.ht	
Sustentable De Mares Y Costas	<u>ml</u>	
Belize National Climate Change Committee	http://climatechange.ict.gov.bz/belize-national-	
	<u>climate-change-committee</u>	
Bahamas Environment, Science and Technology	http://www.best.gov.bs	
Commission		
Inter-ministerial Commission for Sea Resources	https://www.mar.mil.br/secirm/ingles/secirm.html	
Online tools, publicati	ons and other resources	
Overseas Development Institute publications	https://www.odi.org/publications	
Resilience Alliance publications	http://www.resalliance.org/publications	
FAO EAF Toolbox	http://www.fao.org/fishery/eaf-net/toolbox/en	
Good governance guide	http://www.goodgovernance.org.au	
UNESCAP What is good governance?	http://www.unescap.org/sites/default/files/good-	
	governance.pdf	
Institutional Analysis and Development	https://ocsdnet.org/about-ocsdnet/about-ocs/iad-	
Framework	<u>framework</u>	
Ecosystem-Based Management Tools Network	http://www.natureserve.org/conservation-	
	tools/ecosystem-based-management-tools-network	