

In-Depth Case Study of the Guinea Current Large Marine Ecosystem^{1,2}

This case study on the Guinea Current Large Marine Ecosystem is one of a series that has been prepared as part of the Global Environment Facility (GEF) Good Practices and Portfolio Learning in GEF Transboundary Freshwater and Marine Legal and Institutional Frameworks Project International Waters Governance project. The objective of these case studies is to provide insight into how these agreements were negotiated and how well they are working. Each case study has been peer reviewed by one or more experts with direct knowledge of the agreement being analyzed.³

1. Background

1.1. Geographic context

The Guinea Current Large Marine ecosystem is one of 64 Large Marine Ecosystems (LME) worldwide. Covering an area approximately 2 million km²,⁴ geographically it is located north to south between latitudes 25° N and 13° S, and west to east between the longitudes 20° W and 32° E.⁵ It may be delineated into four subsystems, but in general the north is strongly defined and characterized by seasonal upwellings, while the south has less distinct borders, and depends more on nutrient input from land drainage.⁶ The

¹ This Case Study was prepared by researchers at the Good Practices and Portfolio Learning in GEF Transboundary Freshwater and Marine Legal and Institutional Frameworks Project at UBC. We thank Hilary Norris, Walther Lichem, Maaria Curiel and Theressa Etmansi for their work.

² Second Meeting Of The Committee Of West And Central African Ministers Of The Guinea Current Large Marine Ecosystem Project/Interim Guinea Current Commission (“The Osu Declaration”) was adopted 2 July, 2010, in Accra, Ghana.

³ For a detailed description of the provisions of the Abidjan Convention, please see *International Waters: Review of Legal and Institutional Frameworks*, UNDP-GEF INTERNATIONAL WATERS PROJECT, (Apr. 5, 2011) at 148-162, available at <http://ilearn.net/publications/misc/governing-marine-protected-areas-getting-the-balance-right-main-report-lower-resolution-2mb>.

⁴ S. Heileman, *Guinea Current LME #28*, In *The UNEP LME Report: A Perspective on Changing Conditions in LMEs of the World’s Regional Seas*, at 1, available at http://www.lme.noaa.gov/LMEWeb/LME_Report/lme_28.pdf (last visited Feb. 12, 2012).

⁵ Olu Sarr, *Environment ministers in Guinea Current area agree on a permanent body to manage ecosystem*, INTERIM GUINEA CURRENT COMMISSION [IGCC] (Jul. 2, 2010), available at http://igcc.gclme.org/index.php?option=com_content&task=view&id=78&Itemid=103.

⁶ See Heileman, *supra* note 4, at 1; *Transboundary Diagnostic Analysis [TDA]*, GCLME REGIONAL COORDINATING UNIT (2006) at 49, available at http://www.unido.org/fileadmin/user_media/Services/Environmental_Management/Water_Management/TDA_book.PDF (last visited Mar. 14, 2012) (hereinafter TDA) at 8.

LME includes the Exclusive Economic Zones (EEZ) of sixteen Western African coastal countries from Guinea Bissau to Angola.⁷

As a Class I highly productive ecosystem, the GCLME includes some of the most productive coastal and offshore waters in the world. Along with its high biological diversity, it is also an area of rich fishery and petroleum resources. This high biological productivity is driven by seasonal upwellings, and the GCLME is subject to climate-change induced variability over the long term, though coastal habitats and marine catchment basins are also critical in maintaining the productivity of the GCLME.⁸ The cold and nutrient-rich waters of the upwelling systems have warmed at a rate of approximately 1° C in 30 years.⁹

1.2. Environmental context

The major environmental issues concerning the area include declining fish stocks, water quality deterioration, habitat destruction and coastal erosion, all of which may be attributed largely to human activity. In the case of fisheries, the rich productivity and diversity of the GCLME supports not only local resident stocks but also transboundary straddling and migratory fish stocks. As a result, both local artisanal fisheries as well as large commercial offshore foreign fishing fleets depend on the fisheries resources of the GCLME. Fishing practices that are destructive and/or lead to excessive by-catch, including the use of small-sized mesh, the use of explosives or chemicals, along with the combination of intense local and foreign pressure, have driven fisheries stocks to risk of collapse.¹⁰ While total reported landings display an overall trend of a steady increase between 1950 and 1990, catch-per-unit-effort and stock biomass have declined. Declining species diversity indicates that overexploitation of fisheries resources has affected the ecosystem as a whole.¹¹

Additionally, with approximately 60% of industry and 40% of the population within 200km of the coast,¹² pollution is another major concern regarding the LME. Land-based sources of pollution, such as untreated sewage and organic pollution from domestic,

⁷ The countries are Angola, Benin, Camaroon, Congo, Cote d'Ivoire, the Democratic Republic of Congo, Equatorial Guinea, Gabon, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria, Sao Tome e Principe, and Togo. From *Guinea Current Large Marine Ecosystem Transboundary Diagnostic Analysis*, GCLME COORDINATING UNIT, (2006) at 5, available at http://www.gclme.org/images/partnership_conf_2011/conf_docs/PC-008-Transboundary%20Diagnostic%20Analysis.pdf.

⁸ See Heileman, *supra* note 4, at 1.

⁹ *Id.* at 2

¹⁰ *Regional Issues*, GCLME (2010), available at

http://www.gclme.org/index.php?option=com_content&view=article&id=22&Itemid=26 (last visited Feb. 21, 2012); Heileman, *supra* note 4, at 6

¹¹ See Heileman, *supra* note 4, at 4-7.

¹² *Id.* at 8

industrial and agricultural wastes have impacted water quality, leading to increased eutrophication and presence of harmful algal blooms (HABs) in the region.¹³

Furthermore, habitat destruction, much of it through human settlement and physical development, is reducing spawning and breeding grounds for most coastal resources, and is leading to reduced biodiversity, productivity, and negative socio-economic impacts. Mangrove deforestation is another serious concern, and these changes in land use exacerbate the existing problems of coastal erosion,¹⁴ which can average several meters of retreat per year in many countries. Human activities, including sand mining and exploitation, river damming, port construction, dredging, and mangrove deforestation (among other activities), have intensified coastal retreat in an area already naturally subject to high erosion.¹⁵

1.3. Socio-economic context

The GCLME region is ethnically, culturally and socially highly diverse. It is an area of high population density; some of the largest urban agglomerations in both the region and the world are also located in the region.¹⁶ Rapid population growth and high rates of urbanization¹⁷ have resulted in approximately 40% of the 280 million people that live within the GCLME region¹⁸ living in coastal areas. The status of the sixteen countries range between levels of medium human development (Gabon, ranked 106) and low human development (DRC, ranked 187) on the UN Human Development Index,¹⁹ and poverty, disease, and social instability are crosscutting issues throughout the region.²⁰ Widespread poverty and rapid population growth not only exacerbate existing environmental problems but also challenge efforts to ameliorate them. Political instability in various countries has also historically challenged the creation of an institutional setting conducive to successful environmental management of the GCLME region as a whole.²¹

¹³ *Id.*

¹⁴ See TDA, *supra* note 6, at 83 – 87.

¹⁵ *Id.* at 9.

¹⁶ As of 2010 Lagos, Nigeria was the 18th largest city in the world at 10.58 million people. *The 30 Largest Urban Agglomerations Ranked by Population Size at each point in time 1950 - 2025*, UNITED NATIONS, DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, POPULATION DIVISION (2009) POP/DB/WUP/Rev.2009/2/F11a, available at http://esa.un.org/unpd/wup/CD-ROM_2009/WUP2009-F11a-30_Largest_Cities.xls (last visited Feb. 12, 2012)

¹⁷ Between 2005-2010, all of the sixteen GCLME countries had urbanization rates above the world average of 1.95 per cent. *Average Annual Rate of Change of the Urban Population by Major Area, Region and Country 1950-2050 (per cent)*, UNITED NATIONS, DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, POPULATION DIVISION (2009) POP/DB/WUP/Rev.2009/1/F6.

¹⁸ See GCLME, *supra* note 10.

¹⁹ *Human Development Index (HDI) – 2011 Rankings*, UNITED NATIONS DEVELOPMENT PROGRAMME (Feb. 10, 2012), available at <http://hdr.undp.org/en/statistics/>,

²⁰ See TDA, *supra* note 6, at 25.

²¹ *Id.* at 26.

Major industries that both impact and are impacted by the integrity of the GCLME include fisheries, industrial activities, tourism, agriculture, oil and gas production, sand extraction, and salt production. In fisheries, the primary industries are commercial (industrial) fisheries and artisanal fisheries, with mariculture and recreational fisheries at emerging stages of development.²² Major industrial activities include oil, gas and mineral exploitation, as well as textiles, leather, and food and beverage processing.²³

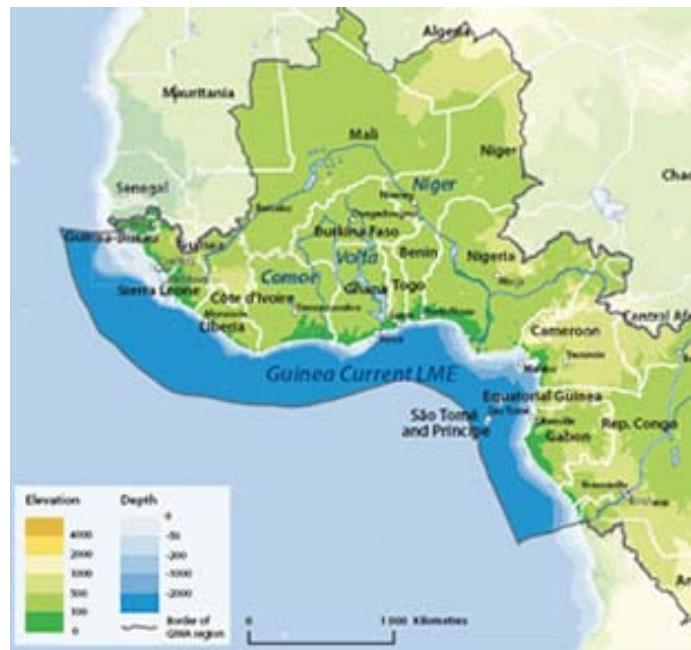


Figure 1. The GCLME²⁴

The environmental issues facing the GCLME are of transboundary nature, but with sixteen countries in various stages of socio-economic development, past governance faced several considerable obstacles, among them the absence of coordinated planning, poor legal framework, weak enforcement and implementation of existing regulatory instruments, insufficient public involvement, varied regional capacities and poor financial support mechanisms.²⁵

1.4. Historical context

The 1981 Abidjan Convention addresses broad marine and coastal issues in Western, Central and Southern Africa, setting regional norms and providing a platform for implementing environmental initiatives under NEPAD (New Partnership for Africa's Development). In addition to the Guinea Current, the Convention also covers the Canary

²² *Id.* at 33-39.

²³ *Id.* at 40.

²⁴ <http://gclme.org>

²⁵ Strategic Action Programme, INTERIM GUINEA CURRENT EXECUTIVE SECRETARIAT, Accra, Ghana, September 2008, at ix.

Current and the Benguela Current large marine ecosystems. As a legal framework agreement it controls various sources of pollution, as well as identifies environmental management issues for which international cooperation is required. It is also considered a framework through which national policy makers and resource managers can implement national measures in the management of the marine and coastal environment of the WACAF Region (West and Central African Region).²⁶ The Abidjan Convention and its associated commissions work closely with various international institutions, including the UNEP, UNDP, UNIDO, NOAA, IMO, FAO and NEPAD.²⁷

²⁶ *Abidjan Convention: The Convention*, UNITED NATIONS ENVIRONMENT PROGRAMME, available at http://www.unep.org/AbidjanConvention/The_Convention/index.asp (last visited Feb. 12, 2012).

²⁷ For more information on the *Abidjan Convention*, see *supra* note 3.

2. Negotiation of the IGCC

2.1. The development of the convention

The Abidjan Convention provides the legal framework for environmental regulations in Western and Central Africa, and falls under UNEP's Regional Seas Programme. Insufficient resources and competing priorities slowed progress on activities under the Convention and the Regional Seas programmes from 1990 to 2002,²⁸ but it was rejuvenated in 2008.

The LME concept was developed in the US in the mid-1980s, in order to better understand and manage ocean productivity. It is a multidisciplinary approach to marine ecosystem management that includes ecosystem-based assessments and decisions in order to manage their goods and services.²⁹

In 1995, GEF launched a four-year project entitled "Water Pollution Control and Biodiversity Conservation in the Gulf of Guinea Large Marine Ecosystem," a regional effort to assess, monitor, and restore the ecosystem and to enhance its sustainability.³⁰ Six countries participated in the project (Benin, Cameroon, Côte d'Ivoire, Ghana, Nigeria and Togo), and its results included improved data and information acquisition, monitoring capabilities, restoration activities, and the development of a functional regional NGO network. A preliminary Transboundary Diagnostic Analysis (TDA) for the Gulf of Guinea was also done.³¹ The project culminated in the adoption of the Accra Declaration in 1998, in which Ministers expressed their wills to cooperate in developing, among other things, a Strategic Action Programme (SAP) for the area, and to perform a TDA of the entire ecosystem.³²

Sixteen countries - Angola, Benin, Cameroon, Congo, Côte d'Ivoire, Equatorial Guinea, Ghana, Guinea, Guinea-Bissau, Liberia, Niger, Nigeria, Sierra Leone, and Togo - participated in the second phase of the project, entitled "Combating Living Resource Depletion and Coastal Area Degradation in the Guinea Current LME through Ecosystem-based Regional Actions" ("GCLME Project"). Financed through UNDP, UNEP, UNIDO and GEF, the project commenced in 2005 and will end in 2011. The project included both a full TDA in 2006, and the SAP in 2008.

²⁸ *West and Central Africa - WACAF*, UNEP REGIONAL SEAS PROGRAMME, available at <http://www.unep.org/regionalseas/programmes/unpro/westernafrica/default.asp> (last visited Feb. 12, 2012).

²⁹ *Large Marine Ecosystems, A Breakthrough Concept*, NOAA (Apr. 17, 2007), available at <http://celebrating200years.noaa.gov/breakthroughs/ecosystems/welcome.html>.

³⁰ *History*, GCLME (2010), available at http://gclme.org/index.php?option=com_content&view=article&id=20&Itemid=24.

³¹ *Id.*

³² *Accra Declaration on Environmentally Sustainable Development of the Large Marine Ecosystem of the Gulf of Guinea ("Accra Declaration")*, (Jul. 10, 1998), available at http://igcc.gclme.org/index.php?option=com_content&task=view&id=18.

Along with identifying the primary issues facing the Guinea Current LME, the TDA also identified various obstacles to sustainable management of the ecosystem, including:

- Limited regional cooperation;
- Fragmented data;
- A low priority of management in national agendas, leading to insufficient resources and resulting in inadequate regional capacity;
- Ill-defined property rights regime.

All of these obstacles contribute to general uncertainty of the ecosystem's status.³³ In order to address this uncertainty, the GCLME countries deemed it necessary to institutionalize cooperation over management and shared it through the signing of the Abuja Declaration in 2006. The Abuja Declaration established the Interim Guinea Current Commission (IGCC), in order to continue on a sustainable basis the GCLME Project through an institutional body.³⁴

Along with its mandate to implement the goals of the Abidjan Convention, the IGCC is also charged with implementing the action plans and targets set by other organizations and agreements, such as NEPAD, WSSD, and the UN Millennium Development Goals.

2.2. Negotiation process

The 1998 Accra Declaration began the process of institutionalizing an ecosystem-wide management approach to the Guinea Current LME,³⁵ which the GCLME Project continued by formulating the model for the institutional design of the IGCC. The GCLME Project developed a regional network that included a Programme Coordinating Unit, a Steering Committee, and others, which provided a model for the IGCC.

The IGCC itself is to provide the basis for the permanent Guinea Current Commission. It was launched through the 2006 Abuja Declaration. In order to efficiently utilize limited resources, a senior legal consultant created a draft declaration, which was sent to the various countries of the GCLME for their approval, with the Steering Committee disseminating relevant information to the countries. The declaration was signed unanimously at the first meeting of Committee of Ministers in 2006.³⁶

³³ See TDA, *supra* note 6.

³⁴ See Heileman, *supra* note 4, at 14.

³⁵ *Project Brief: Combating Living Resources Depletion and Coastal Area Degradation in the Guinea Current LME through Ecosystem-based Regional Action*, GEF, at 12, available at http://www.iwlearn.net/iw-projects/GCLME/project_doc/gclme-project-brief-acrobat.pdf (last visited Feb. 12, 2012).

³⁶ *First Meeting of the Committee of Ministers of the GCLME*, available at http://www.gclme.org/index.php?option=com_content&view=article&id=24:first-meeting-of-the-committee-of-ministers-of-the-gclme&catid=37:meetings&i=16 (last visited May 18, 2012).

The Osu Declaration, adopted in July 2010, established the permanent Guinea Current Commission. Details of the character of the GCC, including financial obligations, are to be reviewed by member states with support of a working group of five member countries and five UN agencies, with the GCC Executive Secretariat facilitating consultations between member states.³⁷ Consultations with member countries are ongoing, as mandated by the Osu Declaration.

³⁷ Second Meeting Of The Committee Of West And Central African Ministers Of The Guinea Current Large Marine Ecosystem Project/Interim Guinea Current Commission:The Osu Declaration, available at http://www.gclme.org/images/basic_documents/2010/osu_declaration_english_version.pdf (last visited May 18, 2012).

3. The Convention

3.1. Overview

The Guinea Current Commission (GCC) is an institutionalization of regional cooperation within the framework of the Abidjan Convention, Millennium Development Goals and Johannesburg Plan of Implementation (JPOI), of the World Summit on Sustainable Development (WSSD).

Comprised of three organs (the Committee of Ministers, the Steering Committee, and the Executive Secretariat), the Interim GCC (IGCC) assumed leadership of the GCLME when it was signed in 2006. Its responsibilities include: building capacities for the implementation of various international agreements and programmes applicable to the area, particularly the Abidjan Convention, WSSD JPOI, MDGs and the GCLME Strategic Action Plan (SAP), facilitate negotiations and relationships with member countries and other international bodies, and to encourage the establishment of a permanent Guinea Current Commission.

The IGCC is mandated to implement the targets of the 2008 SAP, a negotiated policy document that indicates policy actions, legal and institutional reforms, and investments needed to address transboundary issues in the GCLME that were identified by the TDA. It also provides measurable and quantifiable indicators for IGCC performance. All sixteen of the Guinea Current countries ratified the SAP.

The SAP is to be implemented by National Action Programmes (NAPs), which are intended to translate the broad political goals of the SAP into concrete action at the national levels. They are intended to be adopted and endorsed by relevant legislation of each member country.

Dispute resolution

The SAP indicates that the Guinea Current Commission is to determine specific dispute resolution mechanisms, but may refer parties to pre-existing dispute mechanisms.³⁸

³⁸ See SAP, *supra* note 25, at 1,7.

Financing

GCLME funds go to the Interim Guinea Current Commission to cover operational costs, though the Abuja Declaration also obligates member countries to also provide co-financing.³⁹ The Declaration also urges “international cooperating partners,” such as specialized donor agencies and the private sector, to assist both the IGCC and GLME countries in addressing environmental concerns and their causes.⁴⁰

The SAP outlines the total predicted costs for full implementation of the report. These activities are to be funded by domestic contributions, contributions from donors, and public-private partnerships. It also describes various mechanisms to encourage financial self-sufficiency, including economic incentives, self-sustaining activities, private sector financing, trust funds, revolving funds from industries and governments, user fees, access penalties; and the polluter pays principle.⁴¹ In order to ensure sustainable investment actions, the document also describes the criteria which potential private partners are to meet,⁴² and makes note of the intention to introduce new specific economic instruments in order to encourage environmental investments.⁴³

Though the GCC and the projects in the GCLME currently depend on the support of various international organizations, it is intended that the member countries assume full financial responsibility for financing the GCC over a five-year period ending in 2016 in a gradual transition.⁴⁴

Data and information exchange

While the Abuja Declaration has no specific provisions for it, data and information exchange is central to the major issues and targets outlined in the SAP. The document encourages states to “collaborate, establish linkages, and network with the other states for their mutual benefits.”⁴⁵ It also urges public transparency be promoted through the wide dissemination of information.⁴⁶ One of the five Activity Centres created to coordinate activities under the SAP, based in Lagos, Nigeria, specializes in developing an

³⁹ *Ministerial Declaration On The Creation Of The Interim Guinea Current Commission (Igcc): The Abuja Declaration (“Abuja Declaration”),* (22 September 2006) art. 5, available at http://igcc.gclme.org/index.php?option=com_content&task=view&id=22&Itemid=66 (last visited Sep. 14, 2011).

⁴⁰ *Id.* art. 6.

⁴¹ See SAP, *supra* note 25, at 1,27.

⁴² *Id.* at 1,23.

⁴³ *Id.* at 1, 27.

⁴⁴ Personal communication with Christian Susan, Industrial Development Officer, United Nations Industrial Development Organization (UNIDO), Water Management Unit, (Oct. 29 2010) (on file with author).

⁴⁵ See SAP, *supra* note 25, at 2.1, i.

⁴⁶ *Id.* at 2.1, j.

environmental information management and decision support system.⁴⁷ Data and information exchange is particularly important in the process of achieving sustainable fisheries in the GCLME.⁴⁸

Flexibility of agreement

How does the agreement account for uncertainty?

Uncertainty, whether it may be scientific, legal, or political, is a major challenge to sustainable management and development of the LMEs. In the case of the GCLME, not only is the ecosystem naturally highly variable and fragile, but rapid development and change within the GCLME countries themselves has made these changes more dramatic. Accordingly, governance in the area has sought to ensure long-term stability by emphasizing development of monitoring and assessment of the GCLME ecosystem's changing states. The previous "Combating living resource depletion and coastal area degradation in the Guinea Current LME through ecosystem-based regional actions" project sought to do so by strengthening national and regional institutions, improving policy/legislative frameworks,⁴⁹ as well as improving general knowledge of the ecosystem. The SAP continues these aims, and promotes principles of adaptive management, such as the precautionary principle.

Flexibility of parties to alter or update the agreement

Governance regarding the GCLME is designed to be collaborative and adaptive. As part of the framework of adaptive management, SAP activities include regular assessments of success, so that changes may be made where needed. Additionally, each country is to determine what its individual goals and actions regarding the ecological integrity of the GCLME are to be through their creation of individual NAPs. Mid-term and final reviews of the SAP will allow member countries and partners to assess progress and update the SAP as needed. In specific areas, such as fisheries, the GCC intends to enter cooperative agreements with pre-existing bodies in order avoid institution duplication.

⁴⁷ *Id.* at 1,34.

⁴⁸ *Id.* at 1, 35.

⁴⁹ See GEF, *supra* note 35, at 1.

4. Implementation and Monitoring

4.1. Steps taken by parties to implement Convention

The SAP presents an impressive list of targets and policy actions for the (I)GCC to achieve.⁵⁰ While much of the SAP remains to be achieved, implementation appears to be underway. While the National Action Plans have not yet been completed, they are expected to be finished by the end of 2010. Demonstration projects have commenced through the Activity Centres established through the SAP,⁵¹ and the February 2010 Project Steering Committee noted that “the performance of the project is at an appropriate level to ensure the timely and complete realization of all immediate objectives.”⁵² The GCC member countries are also satisfied with current developments; the preamble to the 2010 Osu Declaration makes note of the “remarkable” progress made by the project in strengthening regional coordination mechanisms and identifying priority environmental issues.

4.2. Monitoring mechanisms

The SAP stresses the importance of assessment and evaluation of progress in implementing its targets. The IGCC (and then the GCC, once in operation) is to evaluate the SAP’s overall progress every 5 years, and make changes where necessary.⁵³ National governments are also to assist the SAP in monitoring the progress of SAP and NAP implementation. The document states that the (I)GCC will use the monitoring data to publish annual ‘State of Coast’ Reports.

Some of the SAP monitoring mechanisms have been implemented. Since 2005, the Project Steering Committee met eight times, and submitted 8 half-yearly reports to UNEP and seventeen quarterly operational reports to UNDP.⁵⁴ The IGCC publishes a newsletter on a regular basis, and has done so since 2005.⁵⁵

4.3. Operational Management

The Committee of Ministers, the highest organ of the GCC, is responsible for SAP implementation and may establish new bodies and delegate tasks as needed for this

⁵⁰ See SAP, *supra* note 25, Annex V: *Priority Actions within Each Category of Intervention*.

⁵¹ Sixth Regional Steering Committee Meeting, Annex 9, IGCC, (25 February 2010), available at http://gclme.org/images/basic_documents/2010/final_report_6th_rscm.pdf

⁵² Sixth Regional Steering Committee Meeting, IGCC, (25 February 2010) at 20, available at http://gclme.org/images/basic_documents/2010/final_report_6th_rscm.pdf,

⁵³ See SAP, *supra* note 25, at 1, 28.

⁵⁴ See IGCC, *supra* note 52, at 22-23.

⁵⁵ Newsletters, IGCC, available at http://gclme.org/index.php?option=com_content&view=article&id=48&Itemid=14 (last visited Feb. 12, 2012).

specific purpose. It is comprised of a minister from each member country, appointed by that country.

The Steering Committee, responsible for monitoring and evaluating both the implementation of the SAP and the status of the Advisory Groups, is of high government representatives, who must not be below the rank of Director, and representatives from various international organizations. These Advisory Groups are located at several demonstration Activity Centres in member countries, and address specific issues such as pollution management, fisheries, and others.⁵⁶ It is also responsible for information dissemination to the member countries.

The Executive Secretariat, inherited from the GCLME Project's Regional Coordinating Unit with the project's Regional Director serving as Executive Secretary, performs administrative and communication tasks for the GCC.

⁵⁶ See SAP, *supra* note 25, at 32 - 34.

5. Assessment

5.1. Does the agreement accomplish its objectives?

The creation of the GCC marks the early stages of governance in the GCLME. The first phase of the GCLME project and the SAP focused on capacity-building, through increasing technical knowledge and expertise, and strengthening institutional capacity. The second phase, which will commence once the National Action Plans have been completed, will focus on implementing actions to address environmental problems on the ground.⁵⁷

Given that sixteen countries negotiated the SAP, it is not surprising that its obligations are general. However, the National Action Plans (NAPs) are intended to highlight specific actions and goals to be undertaken by each country. The NAPs will largely determine the continued success of the SAP, for they are responsible for implementing the goals of the SAP on the ground and feed results back into subsequent SAPs.

5.2. Is there a need for additional agreements?

In accordance with the principles of adaptive management, governance in the GCLME is not defined by a single agreement. The SAP document notes that member countries are committed to its implementation over the next five to ten years and beyond GEF intervention. They are to jointly adopt appropriate legislation and economic mechanisms that will support the work of the GCC.⁵⁸ Additionally, the GCC aims to avoid overlapping with other institutions by intending to enter into cooperation agreements with pre-existing bodies in areas such as fisheries.

Governance in the GCLME is notably flexible in design. In an area of significant ecological, as well as political, uncertainty, adaptive governance appears to be a sound model to promote. This flexibility in governance design is owned by the national political structures of its members. Though the lack of strong legal or institutional frameworks for environmental protection is a current obstacle to effective ecosystem management, it implies that Guinea Current countries are able to be more flexible in adopting new legislation, as they lack the “bureaucratic layering”⁵⁹ of long-established institutions possessed by more developed countries.

⁵⁷ See IGCC, *supra* note 52, at 7.

⁵⁸ See SAP, *supra* note 25, at 1, 30.

⁵⁹ Video: K. Sherman, *Africa on the Cutting Edge*, NOAA, available at http://www.lme.noaa.gov/index.php?option=com_content&view=category&layout=blog&id=44&Itemid=70 (last visited Feb. 12, 2012).

6. Concluding Remarks

The Guinea Current Commission is a novel governance model based on an environmental management approach that is itself relatively new. The Guinea Current was one of the first regions outside the US to adopt the LME approach as a framework for marine resource management,⁶⁰ and it has since gained popularity worldwide for its long-term, holistic approach to ecosystems that it promotes.

The youth of both the GCC as an institution and the LME as the framework it employs, makes evaluations of their successes in promoting effective marine resource management at this point premature. As it matures and becomes operational, the GCC will face significant, though not insurmountable challenges. Sixteen countries and multiple international organizations are directly involved in GCC actions and decisions; with so many interests at stake, important decisions may be challenging to reach. In spite of these obstacles, GCLME countries continue to move towards greater integration. The development of the GCC has taken place over a decade; as each GCLME project concluded, the countries involved opted to increase cooperation, rather than allow it to cease. Furthermore, as the SAP notes, every country has an interest in the sustainable management of coastal resources and the improvement of the significant environmental degradation of the GCLME.⁶¹

Furthermore, governance of the GCLME has been designed with the ecological and political conditions of the area in mind. GCLME governance is flexible, with its emphasis on collaboration and adaptive governance. The GCC also promotes the environmental principles, such as the precautionary approach to development and resource management in the GCLME. These approaches have proved successful; along with creating a new institutional body, international cooperation on the GCLME has led to the development of mangrove restoration programmes, and joint surveys and assessments of the ecosystem, and has contributed to developing greater understanding and knowledge of the ecosystem.

A central factor in ensuring the success of the GCC as an effective governance model will be its ability to promote capacity and ownership by its member countries. Though much remains to be done, past projects in the GCLME have done good work to build capacity amongst GCLME states. Past GCLME projects included various capacity building workshops, which facilitated the first ever African-planned and implemented joint bottom trawl surveys of fish populations.⁶² Much work has been done to assist the

⁶⁰ See TDA, *supra* note 6, at iii.

⁶¹ See SAP, *supra* note 25, at 1.

⁶² *The Restoration of the Guinea Current Large Marine Ecosystem, OCEANS AND THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT*, at 2, available at http://www.lme.noaa.gov/LMEWeb/Publications/brochure_guinea_current.pdf (last visited Feb. 12, 2012).

Guinea Current countries in creating their own individual National Action Plans, which will target their specific targets and intended actions.

Governance of the GCLME is now in transition; with the institutional framework for international cooperation now complete, it is now time for implementation and action. The GCC may become the institutional body through which all environmental concerns are addressed by member countries. If a success, the GCLME may become the model for ecosystem-based governance of LMEs worldwide.