

## *Perspective* Reflecting on marine territory: Seaflower MPA, the Raizal people, and the International Court of Justice

### Editor's note:

Marion Howard is long-time advisor to the Seaflower Marine Protected Area and Associate Professor of the Practice in International Development Management at the Heller School, Brandeis University (US). Elizabeth Taylor directed CORALINA when the MPA was established and for its first eight years. Fanny Howard coordinated the recent Global Environment Facility project to strengthen implementation of the Seaflower MPA (2011-2015).

By Marion Howard, Elizabeth Taylor, and Fanny Howard

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 Raizal people, are defined as a national ethnic minority by Colombia and recognized as indigenous by the UN. Raizals descend from English settlers who started arriving in 1630 on the *Seaflower* (sister ship of the *Mayflower*), African slaves, and migrants from other Caribbean islands. They have a long sociocultural and economic history distinct from mainland Colombia. Besides having a different language, religion, and ethnicity, the archipelago's isolation meant that the people had a high level of self-determination for over 300 years, mostly controlling their natural resources and marine-based economy until the middle of the 20th century.


In 1953, Colombia declared San Andres a free port. After the free-port declaration, San Andres developed into an inexpensive tourism and shopping zone controlled by continental Colombians. 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 50 years. A major initiative to foster sustainable development and improve well-being that the community identified, put in place, and has worked on since 2000 in partnership with Colombia's regional environment agency, CORALINA, is the locally managed Seaflower Biosphere Reserve and MPA. Not only was the MPA designed to conserve marine biodiversity and promote sustainable use, but it legally designated marine territory to be managed and conserved for the benefit of the Raizal people and ensure long-term access to resources needed to sustain their livelihoods and continued identity as a distinct people.

Meanwhile, because of its proximity to Central America, Nicaragua had been claiming the archipelago for decades; finally filing a formal international claim in 2001. In 2012, the International Court of Justice (ICJ) awarded much of the archipelago's marine territory to Nicaragua, including over half the community-designed Seaflower MPA. According to the ICJ ruling, the MPA would be reduced from 65,000 km<sup>2</sup> to 30,655 km<sup>2</sup>. Furthermore, boundaries defined by the ICJ are not contiguous so to reach traditional fishing grounds, Raizal fishers must pass through Nicaraguan waters. Although

Colombia does not accept the legitimacy of the ruling and Nicaragua has submitted a follow-up claim for more marine territory, Nicaragua has stationed military patrols in the MPA and is proceeding with plans to explore for oil and natural gas, mount large-scale fisheries, and build a cross-country canal requiring these waters for transit of mega-cargo ships to and from the canal.

Obviously there are serious implications to Raizal livelihoods, particularly for the many traditional fishers, but also severe is the impact of loss of marine territory on the people's identity. People relate to the ocean in many ways, but the role of the sea in defining the identity of human communities is rarely acknowledged in maritime law, policy, or decision-making. For example, the UN Convention on the Law of the Sea (1982) defined a State's territorial seas, contiguous and exclusive economic zones, but do such boundaries align with any reality, vision, or connection coastal and island people have to the sea and its place in their lives?

Historically islanders had no role in defining maritime borders and often were unaware of them. However, the 21<sup>st</sup>-century case of Nicaragua vs. Colombia is being played out in a globalized world with internet, TV, and radio. Raizals are deeply aware that loss of access to the ocean territory that supported and defined them for centuries resulted from a ruling by a panel of judges in The Hague who have never visited San Andres or spoken to a Raizal. Raizals were not consulted, represented, nor even acknowledged as stakeholders who would be affected by reapportionment of these waters. Not only were their voices not heard, their very existence was not mentioned to the ICJ by Colombia or Nicaragua, nor was the existence of their legally established, internationally recognized biosphere reserve and MPA. It remains unclear why Colombia pursued this strategy.

Although this is an immediate issue for the Seaflower MPA and Raizal people, it is not peculiar to them. With the growth of open ocean oil and gas exploration, offshore renewable energy installations, large-scale international fisheries, ocean dumping and waste disposal, to mention only a few practices that cross and extend beyond maritime borders and impact MPAs, as MPA managers and scientists, besides working to confront impacts to ecosystems and economics, we know that the relationship of people to the sea goes beyond environmental science, economics, and international law and into the realm of identity, heritage, culture, and social and spiritual well-being. Seeking arguments and methods to recognize and protect these human dimensions is a legitimate concern, and perhaps even responsibility, of the MPA community. 

### For more information:

Marion Howard. Email: [mhoward@brandeis.edu](mailto:mhoward@brandeis.edu)

Elizabeth Taylor. Email: [elitajay@gmail.com](mailto:elitajay@gmail.com)

Fanny Howard. Email: [frhoward11@gmail.com](mailto:frhoward11@gmail.com)

### To comment on this article:

<http://openchannels.org/node/> \_\_\_\_\_