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The SPAW Protocol and Caribbean Conservation: Can a Regional MEA Advance a Progressive Conservation Agenda?

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1. INTRODUCTION

The Caribbean Natural Resources Institute (CANARI)⁴ is an independent, non-profit organization involved for the last 25 years in a variety of regional processes, all of which try to improve resource management in the wider Caribbean region. Its focus is on those natural resources most critical to regional development, including, but not limited to, those elements of the marine environment of greatest value and interest to coastal communities. CANARI has a particular commitment to participatory approaches to capacity building, technical training, and research sharing. It sees these mechanisms as the ones most likely to bring about progressive change in the conservation policies and practices that must be modified if Caribbean resource management is to be better informed and more sustainable over time.

From this perspective we reflect, here, on the SPAW Protocol to the Cartagena Convention.⁵ More specifically, we first examine in detail several

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⁴ CANARI is registered as a not-for-profit corporation under the laws of Trinidad and Tobago, Saint Lucia, and Saint Croix. See <http://www.canari.org>.

⁵ The Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region was adopted in Cartagena, Colombia, on 24 March 1983 and entered into force on 11 October 1986, for the legal implementation of the Action Plan for the Caribbean Environment Programme. The Convention has been supplemented by three Protocols, one of which is known as the SPAW Protocol and is more formally called the Protocol Concerning Specially Protected Areas and Wildlife (SPAW) in the Wider Caribbean Region. It was adopted on 18 January 1990 and entered into force on 18 June 2000.

marine conservation projects undertaken in recent years in Saint Lucia, where CANARI has long been an advocate of innovative, participatory, natural resource management initiatives and where it has worked hard to establish effective working partnerships with a wide range of local and national communities and organizations.

Saint Lucia is a small island developing state that offers a good starting point for analyzing the ways in which the SPAW Protocol is actually being implemented on the ground in the Caribbean. The various implementation experiences we analyze are then contrasted with the goals and objectives that the Protocol set out to achieve. We conclude with a critical discussion of the relevance of the SPAW Protocol for achieving contemporary conservation objectives and for addressing increasingly accepted norms of participation in sustainable development policy.

2. THE POLICY CONTEXT IN SAINT LUCIA

The insular Caribbean is a region of high ecological, cultural, political, and economic diversity. While situations can differ markedly from country to country, small island developing states generally face similar challenges in recognizing and managing their diverse endowments. They have to be able to cope, for example, with the differing patterns of rainfall and geology that shape their terrestrial resources, which can include tropical forests, dry woodlands, wetlands, watercourses, beaches, diverse soil types, and variegated wildlife populations. They must also deal with a variety of marine resources, such as reef and pelagic fisheries, seagrass beds, and seaweeds. In island systems, although the occurrence of these resources can be highly localized, they have to be managed in a broader national context where there is an intense political struggle to shape the nature and direction of development,⁶ whether it concerns economic growth, foreign investment, food security, employment, or the need to generate fiscal revenues.⁷

This is, broadly speaking, the context in which a conservation agenda is being advanced in Saint Lucia. This particular small island state is grappling with the transition from an economy founded on agriculture and fishing, to one that relies on the service sector, and most especially on tourism. In the post colonial era, the structure of the local economy was underpinned

The text of the Cartagena Convention is at <http://www.cep.unep.org/pubs/legislation/cartxt.html>. The text of the SPAW Protocol is at <http://www.cep.unep.org/pubs/legislation/spaw.html>. For an overview of the Cartagena Convention and its protocols, see <http://www.cep.unep.org/law/cartnut.html>.

⁶ John K. Gamman, *Identifying and Overcoming Obstacles to Resolving Cross-Cultural Environmental Disputes*, 19 *CULTURAL SURVIVAL QUARTERLY* 44-49 (1995).

⁷ Inter-American Development Bank, *Conflict Management and Consensus Building for Integrated Coastal Management in Latin America and the Caribbean*, IDB Sustainable Development Department Technical Papers Series (F. Rijsberman, ed., 1999).

by preferential trade agreements, which saw the banana sector flourish and become the island's economic mainstay. More recently, these entitlements have been contested at the World Trade Organization on the grounds that they are an impediment to freetrade.⁸ Bananas now make a much smaller contribution to the national economy and tourism is the new hope for a brighter economic future.

3. CHALLENGES TO THE IMPLEMENTATION OF A PROGRESSIVE CONSERVATION AGENDA IN SAINT LUCIA

Saint Lucia is a place where CANARI has done some of its most important field work in the last two and a half decades.⁹ The lessons of this field work point to four essential requirements for the development and implementation of what can broadly and reasonably be described as a progressive conservation agenda, by which we mean an agenda that recognizes the primacy of human sustainable development while also accepting that both people and nature have rights that must be respected. The following sections take up each of the four requirements in turn.

3.1 Institutions Must Encourage and Enable Participation

While it is now widely accepted that participation by stakeholders is critical to effective and equitable approaches to conservation and natural resource management, this result does not occur in the absence of appropriate institutional arrangements. Saint Lucia's experience illustrates this point. It shows the importance of developing a commitment to participation and progressive conservation over time among all relevant agencies. It also raises the question of whether the SPAW Protocol can encourage this sort of outcome.

Consider the case, for example, of the Mankòtè Mangrove Reserve, on the south-east coast of Saint Lucia. While small by international standards, at 63 hectares, Mankòtè is the largest integral mangrove area on the island. In 1986 it was declared a marine reserve under the 1984 Saint Lucia Fisheries Act, following the formation of the Aupicon Charcoal and Agricultural Producers Group (ACAPG), a collective organization representing a diverse array of local charcoal producers and part time fishermen. Although ACAPG quickly assumed an active role in the management of the mangrove, it was not formally recognized by the Saint Lucia Department of Fisheries as a management partner for a decade and during that time it received no direct encouragement and support from the government for its contributions to capacity building for resource management. There were useful inputs from

⁸ For one interesting introduction to the history of the controversy and the issues it raises, see *e.g.*, <http://www.globalissues.org/TradeRelated/Bananas.asp>.

⁹ This is evident from the list of CANARI publications at <http://www.canari.org/subject.html>.

non-state actors, particularly the Saint Lucia National Trust (SLNT), which received a government grant to support its own activities and then provided technical assistance to ACAPG.

Now, the management arrangements in place for Mankòtè are regarded as a model of cooperation; a manifestation of a climate of partnership that encourages citizen involvement in conservation, as well as collaboration between state and non-state actors. Between the time that the Mankòtè reserve was first created and the time a formal management partnership with government was put in place, 15 years later, the SPAW Protocol did not exist. There has been speculation that the formal partnership agreement for the management of Mankòtè was made in anticipation of the Protocol being ratified. That issue aside, however, is the Mankòtè management arrangement that evolved over time between ACAPG, SLNT, and, eventually, the Department of Fisheries the kind of arrangement that the SPAW Protocol anticipates for specially protected areas in the Caribbean and which it could further encourage?

The Protocol does briefly acknowledge the need for parties to adopt participatory approaches to the planning and management of protected areas. Article 6 (2e) makes reference, for example, to the “active involvement of local communities as appropriate in the planning and management of protected areas, including assistance to and training of local inhabitants who may be affected by the establishment of protected areas.” The specific use, here, of involvement “as appropriate” as well as the Article in its entirety suggests, however, that resource users will remain peripheral to key decision-making processes and that their effective involvement is contingent on their support for what the government wants to do. It also implies that the impacts of establishing protected areas on the lives and livelihoods of local resource users can be substantially ameliorated by a narrow reliance on technical training.

The experience of Mankòtè suggests, however, that much more than training is required to effectively bring participatory institutions into play. Mankòtè was a setting in which a climate of trust evolved among diverse interest groups over 15 years, and without this it is hard to see that the provision of technical training for resource management in and of itself would have made much difference.

The Protocol falls short in other ways of providing meaningful guidance on the development of institutional frameworks for progressive conservation. While Article 11 advocates regional partnerships, it says nothing about what needs to happen at the national level. Although Article 10 does anticipate that national action will be needed to manage wildlife resources—the Article deals ostensibly with National Measures for the Protection of Wildlife and Fauna—it makes no reference to the involvement of partners, such as non-governmental organizations (NGOs), in future planning and management activities for endangered or threatened species. In short, the Protocol is

confused about the institutional preconditions for encouraging and enabling effective participation in the management of specially protected areas and wildlife in the Caribbean.

3.2 Policies Must Support and Encourage Participation

Two specific examples serve to illustrate the point that Saint Lucia's policy climate favors the marrying of conservation and broader developmental objectives.

In the early 1990s, in the face of growing conflicts over the use of critical natural sites and resources, the Saint Lucia National Trust proposed a national system of protected areas. This encompassed existing parks and reserves, but it also laid the groundwork for a more comprehensive reserve system. The idea was ahead of its time when compared to other initiatives in the Eastern Caribbean. The Saint Lucia proposal rested on a two-year planning process that brought together all the institutions with a formal mandate for natural resource management and conservation, and also initiated a large number of formal and informal consultations at all levels. The resulting plan afforded a basis on which all conservation activities in the country could proceed. It also recognized the need to express the intrinsic values of nature, to reconcile conservation and development objectives, to promote participation and decentralized approaches to management, and to encourage sustainable utilisation of natural assets.

In a second case, the Saint Lucia Heritage Tourism Programme (SLHTP) has initiated and facilitated processes to demonstrate how the returns from tourism can be channelled to a wide range of stakeholders while also minimizing environmental impacts. This builds on a growing consensus in Saint Lucia over the past decade that the benefits derived from tourism should be distributed more evenly throughout the island, especially to rural communities. This view is now shared by elements within the existing tourism sector as well as by advocates from civil society. Together, they have sought to align tourism sector priorities with broader national development goals, and this has appealed to policy makers. It has also coincided with a much broader "pro-poor tourism" discourse in other parts of the world, and this in turn has resonated with bilateral and multilateral development agencies.

By focusing on the enhancement and strengthening of heritage tourism capacities, and by trying to optimize the local benefits from tourism-related activities in all of Saint Lucia's communities, SLHTP has tackled some of the most difficult questions involved in making tourism work for people, particularly by trying to marry short-term priorities to longer term goals. The prospect that the SLHTP strategy would deliver tangible benefits to communities traditionally left behind in tourism policy making has undoubtedly encouraged stakeholders to participate. In addition, the strategy drew on the expertise

of key tourism industry players and combined these with inputs from other stakeholders. An overall Project Management Advisory Committee brought diverse interests together and autonomous associations were created for each of the sites and attractions to be developed. These mechanisms then encouraged a focus on business development and the marketing of new products.

The SLHTP, thus, became a driver for a national tourism policy that placed notions of sustainability and equity on the political agenda. Its twin track approach has tackled both capacity building and the creation of supportive policy and institutional frameworks. Enterprises have begun to demonstrate that the concept of community based tourism can have real substance and meaning. In a number of specific areas, including access to and use of common property natural resources for tourism, the formulation of minimal standards for community-based accommodation for tourists, and the design of environmental management systems for sites and attractions, policy choices have been clarified and stakeholders have been able to move forward. Overall, the policy climate influencing the way Saint Lucia wants to see its tourism sector develop has been transformed.

The SPAW Protocol seems rather far removed from this Saint Lucia experience, because it provides so little in the way of policy guidance to contracting parties to encourage them to consider the social dimensions of conservation. In Article 4 (2), where criteria are suggested for consideration in the establishment of protected areas, reference is made to “the productivity of ecosystems and natural resources that provide economic or social benefits upon which the welfare of local inhabitants is dependent.”

But the concept of social benefit, evident here, gets lost in later language about how policy must attend to representative types, critical habitats, and ecological processes that are critical to the functioning of ecosystems. In short, the Protocol hints at placing biodiversity conservation in a development policy context, but it is far less progressive in this respect than other international instruments, especially the Convention on Biological Diversity, which places a greater emphasis on the social value of specially protected areas and wildlife.

3.3 Legal Instruments Must Formalize and Operationalize Policies for Participation

Too often in our experience, innovative and progressive approaches to conservation and natural resource management are treated as interesting one-off experiments, or as things to be valued in the rhetoric of policy statements, without very much attention being paid to the possibility that sound legal instruments could give them both extended life and real effectiveness on the ground. Saint Lucia’s experience in this regard is salutary.

As we have already observed, there are now a number of resource management institutions in Saint Lucia based on formal partnerships and

supported by legal agreements. The Mankòtè Mangrove Reserve is one of these. The most complex, however, is the agreement that governs the operations of the Soufriere Marine Management Area (SMMA), a multi-stakeholder entity to promote the sustainable use of a coastal area on the island's southwest coast.

This agreement brings together the state, represented by the five public agencies that already have a formal mandate for resource management in the area, and five civil society and private sector organizations. Among the many benefits and advantages of the negotiation and signing of this agreement is the fact that it is binding on all key stakeholders and, thus, allows them to move with some degree of certainty and stability towards a shared vision. The agreement creates a permanent platform for information sharing, mediation, and conflict management. It assigns clear responsibilities for implementation of the agreement to all parties, whether governmental or non-governmental.

Agreements such as these do not, of course, have much impact if they are not also backed by appropriate national legislation. In the case of Saint Lucia, the provision for the creation of Local Fisheries Management Areas and Authorities contained in the Fisheries Act of 1984 has been especially valuable. It is the basis on which the Mankòtè and Soufriere co-management agreements were negotiated and put in place. Other legal requirements for progressive conservation in a country such as Saint Lucia include provisions for the establishment of independent community organizations, for the delegation of management authority from state agencies to civil society actors, and for revenue generation for community development from the use of natural assets.

In relation to these issues, the SPAW Protocol has its shortcomings. It does provide encouragement to contracting parties, at least at a rhetorical level, to use their legal systems in pursuit of its objectives. On the other hand, the Protocol's emphasis on regulation and prohibition as instruments for resource protection means effectively that little consideration is given to legislation that would enable collaborative initiatives and joint working. For example, Article 10—the cornerstone of the Protocol—says that “Each Party shall regulate and prohibit according to its laws and regulations, where appropriate, activities having adverse effects on such species or their habitats and ecosystems, and carry out species recovery, management, planning and other measures to effect the survival of such species.” This is plainly language that misses the opportunity to encourage multi-stakeholder action and participatory approaches to conservation.

3.4 Organizations Must Have the Capacity to Participate

In the village of Laborie on the south-west coast of Saint Lucia, the Laborie Development Planning Committee (LPDC), a community-based organization, brought together people from all economic sectors and social groups

to prepare a development plan. It was to contain a vision for the district's development, with goals, objectives, and strategies for implementation. The planning process was to be characterized by multiple consultations, group meetings, and discussions. The plan, after it was developed, was submitted to the Cabinet of Ministers for formal endorsement and sparked interest from other communities wishing to follow its example. In late 2004, a more permanent institution, called the Laborie Development Foundation, was structured as a federation of community-based organizations with a primary mandate to lead the ongoing implementation of the plan.

The LPDC made as much progress and attracted as much attention as it did because it was able to identify the development challenges facing the district and draw on the resources available to the community for addressing those challenges. Not content with developing a shared vision, the group went on to forge alliances, identify relevant source material and technical support, implement a program, and then communicate its achievements. The most significant fact of all about Laborie is that the planning process was initiated by the community itself and was undertaken by volunteers from the various sectors of Laborie society.

On one level, the SPAW Protocol recognizes the need for capacity building for the effective implementation of policies for wildlife and specially protected areas. This can be seen in the provisions regarding technical assistance, information sharing, and training for the contracting parties. Article 22 also sets out institutional arrangements for implementing the Protocol that give the United Nations Environment Programme, Caribbean, Regional Coordinating Unit (UNEP/CAR/RCU) a license to work with other agencies, including inter-governmental bodies and NGOs, to further assist contracting parties.

But there is no clear reference anywhere in the Protocol addressing the capacity needs potential partners, such as resource users, have to make collaborative or participatory approaches to resource planning and management meaningful, other than the acknowledgment that it would be useful to provide them with information. Our work at CANARI suggests that capacity building is a much more complex, negotiated, and time-consuming process than is implied by the notion of information sharing. It extends to elements of organizational development that the Protocol simply does not reach.¹⁰

So, a review of some of the stakeholder based approaches increasingly seen as integral to sustainable development initiatives in the Caribbean shows that a mix of institutional, policy, and organizational requirements is needed to move forward with a progressive sustainable development agenda. Moreover, the requirements are symbiotically linked. A supportive institutional

¹⁰ V. Krishnarayan, T. Geoghegan and Y. Renard, *Assessing Organisational Capacity for Participatory Natural Resource Management for the Caribbean, Guidelines Series 3* (Caribbean Natural Resources Institute (CANARI), 2002).

context for the charcoal producers at Aupicon to be management partners in the reserve cannot exist without policies that allow for the delegation of management authority, or without viable, locally-based organizations that really do have the capacity to take advantage of delegation and to participate effectively when the institutional setting allows that to happen.

4. A CRITICAL ANALYSIS OF SPAW

4.1 SPAW in Theory

The symbiotic relationship between institutions, policy, and organizations at the heart of the progressive conservation agenda can easily be undermined through the withdrawal of political support, the introduction of anti-democratic legislation, or the collapse of a supportive organization. This helps to explain the enthusiasm with which members of the Caribbean conservation community greeted the SPAW Protocol. On its face, it provided another buttress for an agenda that was being contested and negotiated. It also showed that a conservation agenda could emerge from the Caribbean rather than being handed down by multilateral organizations or international NGOs.

Countries become parties to multilateral environmental agreements (MEAs), such as SPAW and its parent Cartagena Convention, to gain additional support for conservation agendas. They see it as a way to strengthen policy and to secure additional technical and financial resources.¹¹ Certainly, these were reasons why Saint Lucia signed on to SPAW. Since the Protocol was developed by the countries of the region, working through the Caribbean Environment Programme, it appeared more relevant to their needs than other MEAs.¹² The Protocol took ten years to become law—a process of regional cooperation and negotiation that itself promised to be an important feature of implementation. Few other mechanisms encourage a truly regional dialogue on environmental issues, and SPAW had the potential to act as a catalyst in this regard.

One commentator called SPAW “A groundbreaking international agreement, which paves the way for greater protection of marine biodiversity in the Wider Caribbean region [and] a legal commitment by countries of the region to protect develop and manage their common coastal resources individually and jointly.”¹³ The head of UNEP hoped it would reconcile development and the use of coastal and marine resources for fishing and tourism on the one

¹¹ W. Anderson, *MEAs: Facilitating Negotiation and Compliance—Options for Reform*. Organisation of Eastern Caribbean States, Natural Resources Management Unit, 2001.

¹² The Caribbean Environment Program (CEP) is an institutional framework for regional cooperation in the management of coastal and marine resources established in the early 1980s as one of the Regional Seas Program of the United Nations Environment Program (UNEP).

¹³ *We're Protected! Caribbean Environmental Treaty Now in Effect*. CARIBBEAN COMPASS. July 2000.

hand, and the protection of dwindling or threatened resources on the other hand. “The health and the beauty of this natural world,” he said, “is crucial to the region’s efforts to generate income, whether through the production of primary goods or, increasingly through the tourism sector. I am convinced that the entry into force of this Protocol will lead to enhanced conservation and sustainable management of this region’s precious environmental resources.”¹⁴ His colleagues at the UNEP Regional Coordinating Unit for the Caribbean Environment Programme, which acts as the secretariat for the Cartagena Convention and its protocols, looked to implementation and made a more sober assessment: “. . . we all recognize that the real work lies ahead.”¹⁵

4.2 SPAW in Practice

So what effect has the ratification of SPAW had on the progressive conservation agenda in countries like Saint Lucia and the basic building blocks of institutions, policies, and organizations? Looking at this question over the past 15 years from a regional level, we would make these points:

1. SPAW is the only regional initiative to list endangered species;
2. it has provided regional criteria for the development of systems of protected areas;
3. it has triggered or justified the establishment of some protected areas, as well as other measures aimed at species and ecosystem conservation;
4. in fisheries planning, it has helped restore and recover endangered species; and
5. it has fostered some information sharing on the status of endangered species and national protected areas.

Arguably, since the Protocol was the first legal instrument for the region that recognized the need to manage biodiversity, it achieved something merely by coming into force. Governments could use it as a statement of intent, implying that they recognized its policy priorities, and that resources would follow at a national level for implementation. One of the founding principles of the Protocol was that it required the commitment of member states, so that it could have an impact at a national and community level.

At a national level, however, the keys to making participation in MEAs successful have much less to do with resources than with negotiation and implementation. The agencies charged by SPAW to work together across the

¹⁴ Klaus Toepfer quoted in *CARIBBEAN COMPASS*, id.

¹⁵ Alessandra Vanzella-Khoury quoted in *CARIBBEAN COMPASS*, id.

many policy areas implicated in protected area and wildlife management have little experience of working in this way. Indeed, a regional agreement like SPAW is just as likely to lead to a disconnect between negotiators—between, say, a Ministry of Planning and a Ministry of Fisheries—as it is to improve their interrelationships. Within the institutions created to manage marine protected areas, the policy priorities declared as a result of regional MEA negotiations may not be passed along effectively to the national agencies with the responsibility to deliver on commitments made by their governments. Their reluctance to deliver is compounded by the sorts of practical, operational, and political considerations and constraints we have described in the earlier cases.

It also needs to be said that, while the intent of SPAW was to reconcile conservation and development interests, the way this challenge has worked itself out at the national level has rather had the result of polarizing these perspectives into two separate camps. This has not served the region well. It encourages a political dialogue that caricatures pro-development advocates by making them appear opportunistic and materialistic, and turns conservationists into little more than dreamy idealists. So, while SPAW's adoption of the language of preservation and protection has played well at the regional level, and has, thus, provided comfort to some environmentalists, it has not proven all that relevant on the home front. It gets in the way of dealing effectively with the pressing and practical challenges Caribbean nations have, such as providing employment and housing.

At the level of training and technical assistance, the Protocol has tried to build capacity among contracting parties. The hard truth is, however, that the Secretariat has a very limited capacity to deliver capacity building, beyond organizing workshops and drafting guidelines. Governments could fill this gap, but to date they have not chosen to do so.

5. CONCLUSION

Recent experience in Saint Lucia shows that a progressive conservation agenda is much more likely to be driven by the cultivation over time of effective working relationships among diverse local, national, and regional organizations than it is to be shaped by formal policy statements, such as those embedded in SPAW. The Protocol half-heartedly acknowledges the need for participatory approaches to the planning and management of protected areas, but it provides little or nothing contracting parties can use to develop at the national level the institutions, policies, or partnerships needed to make the MEA effective on the ground. Indeed, the Protocol's emphasis on regulation and prohibition for the protection of flora and fauna, and its neglect of the social value these resources have, might even be said to stand

in the way of the collaborations and partnerships needed to make policy work.¹⁶

The language of the Protocol, thus, stands in marked contrast to that used routinely by the Secretariat, which happily embraces multi-stakeholder partnerships and participatory approaches. The Secretariat has done what it can with the meagre resources at its disposal and has tried hard to play a leadership role in advocating a progressive conservation agenda. Its hand would be greatly strengthened, however, by a protocol that called for balancing participation, development, and conservation goals. That would let the Secretariat champion the real needs of contracting parties and their constituents.

In many respects, then, the SPAW Protocol is the product of a bygone era when conservation was approached in a very narrow way, with little consideration for livelihood and development issues. This focus reflects the strong influence conservation NGOs in the developed world had at the time on the formulation and adoption of the Protocol. In the years since, however, and working much more at the national level than through regional institutions, some small island states in the Caribbean have taken conservation forward in ways that address their own legitimate development aspirations. So, the outlook for progressive conservation in the Caribbean depends much more on achieving a synergy of institutions, policies, and organizations at the national level than it does on the language of an international agreement. It is important, looking ahead, that Caribbean states have a strong sense of ownership with respect to SPAW. They now need to fashion it, with the help of their civil society allies, into a tool for the region's conservation *and* development. Otherwise, the disconnect, evident in Saint Lucia, between the efforts that are being made at the international level and the actions that actually take place on the ground will persist.

¹⁶ The language of the Protocol makes more than 30 references to flora and fauna but only one acknowledges their social value.