Title: Sovereignty and global environmental norms: disappearing jurisdictional spaces for developing states in the tourism sector

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Sovereignty and global environmental norms: disappearing jurisdictional spaces for developing states in the tourism sector

ABSTRACT

The paper examines the nature and causes of, and limitations to, the jurisdictional space of sovereign Caribbean Small Island Developing States (SIDS). To do this if first examines the concept of jurisdictional space as it relates to international law, global environmental norms and to the rise of non-state and the private actors. The piece proceeds to examine the particular characteristics of the tourism sector in the region and how high dependence on this sector may effectively reduce jurisdictional space. The global, regional and national laws, norms and actors that contribute to domestic rule making and norm formation and transformation are then examined in the context of the jurisdictional space for tourism in these SIDS. The analysis proceeds to note that the States of the Caribbean face resource limitations and struggle to exercise their sovereignty by establishing legal and regulatory frameworks for tourism governance. Their willingness and ability to exercise executive authority by establishing, monitoring and enforcing rigorous standards needed for environmental sustainability is stymied by the need for tourism revenues for economic development. Jurisdictional space is reduced through norm reconfiguration as global norms relating to sustainability in tourism clash with and are reinterpreted by local norms that place the growth of the tourism sector as a priority for national development. The piece concludes that developing SIDS are limited in the exercise of sovereignty for environmental governance in the tourism sector and are at best passive norm implementers where the call for stronger environmental standards is perceived as a task best suited for the NGOs and for self-regulation by hotels and leisure operators.

KEYWORDS

Global norms;, sovereignty; jurisdictional space; tourism; SIDS; Caribbean; economic development; sustainability; governance.
INTRODUCTION

This paper uniquely applies three important debates to tourism in Caribbean SIDS. The first set of debates relate to sovereignty and the environment (Paterson 1997); the second, sovereignty and small states (Lee and Smith 2010; Sutton 2011); the third environmental governance and stewardship of states and non-state actors in the tourism sector (Wilkinson 1989; Stonich 1998, Duffy 2006, McElroy and Parry 2010).

The sovereignty-autonomy debate (Veron 1971), in interstate relations and the environment (Camilleri and Falk 1992) is particularly relevant to small island states developing states (SIDS) that rely on the environment for economic growth and development. Are states losing sovereignty (Franck 2000 and Trimble 1997)? What are the reasons for this apparent loss of sovereignty? Does collective action at global or local scales propel States to become protective of their sovereign powers (Paterson 1997)? Or rather does the international system and do global regimes promote sovereignty through collective international action (Goodman and Jinks 2003; Levy, Keohane, and Haas 1993). How does this dynamic relate particularly to small sovereign states and their environmental management actions?

This study draws on data on international environmental law and environmental norms from secretariats of the relevant environmental conventions. Global environmental norms are documented in the writings of scholars on environmental governance and used as the basis for international arbitral and judicial decisions and declarations of international organisations. Information on environmental accounting, monitoring and response of Caribbean SIDS difficult to come by as governments and regional agencies generally lack of resources for sustained information gathering, analysis and reporting (UNEP 1997).

Reports and data emanating from regional and national institutions provided data on the nature, relevance and impact of regional actors and institutions, including the private sector, on environmental governance in tourism. There was less information available about the views and perceptions of smaller local private actors. Semi-structured interviews were held with small hoteliers and restaurant owners in the tourism sector on their environmental management performance, perspectives and challenges. Though the sample was small, respondents reflected the view that smaller actors throughout the region in their regional meetings express similar challenges and tend to approach environmental stewardship in similar ways, making the views of those obtained fairly representative of the smaller actors in the sector in the region.

JURISDICTIONAL SPACE AND INTERNATIONAL LAW
Jurisdictional space is the space for sovereign action of a state. It recognises the right of states to exclusive or dominant legal and executive action over a territory. Mitchell used jurisdictional space to refer to decision making on the use of community resources within a political community (Mitchell 1971) and Ellis to the extent of the influence and scope of judicial organs of the state (Ellis 2012).

There are over 1100 multilateral environmental agreements, 1500 bilateral and some 250 other legal arrangements where states make commitments relating to their environmental activities (Mitchell 2014). States freely enter the international treaty order and thereby reduce the jurisdictional space is through the commitments they make. International environmental law, regimes and norms are applied through judicial and executive and administrative (Kingsbury 2007) procedures within the domestic space.

Jurisdictional space is limited under the principles of environmental law by the rules relating to state responsibility which govern the duty of states with respect to international environmental law (Nanda and Pring 2003). These rules have been the subject of judicial and arbitral decisions. At the international level, a sovereign may not act within its territory in a manner that endangers the rights of other states. The landmark cases of the Island of Palmas Case (1928), the Trail Smelter Arbitration (1941), the Corfu Channel Case (1949) of the ICJ and the Advisory Opinion of the United Nations General Assembly on the Legality of the Threat or Use of Nuclear Weapons (1996) are all based on this principle.

NORMS AND JURISDICTIONAL SPACES

Goodman takes a somewhat constructivist approach of the relationship between states and norms. He sees the international order as a particular level of social and political reality and the exercise or limitations on sovereignty as being caused by complex models of a wider social environment within which the state operates. For Goodman, sovereignty is not constrained by the international legal order but rather both autonomy and sovereignty are guided by the understandings, norms and laws shaped or “socially constructed at the global level” and by “global social processes” (Goodman and Jinks 2003).

Disappearing jurisdictional space for sovereign states is the result of norms legitimised by all global actors, including, but not limited to states. Cutler et al (1999, p.16) critiqued regime theories that put the states at the centre of the international system. He explored how the regimes of international business are often born and managed in the heart of the private sector and operate both with and in many cases without government cooperation. Ruggie (2004) balances this view noting that, “the effect of the new global public domain is not to replace states, but to embed systems of governance in broader global frameworks of social capacity and agency that did not previously exist”.

JURISDICTIONAL SPACE AND NEW ACTORS

In environmental governance, as in governance generally, decision making, rule formation and development, monitoring and enforcement and institution building extends beyond sovereignty narrowly conceived. Environmental governance is no longer the exclusive purview of states to
exercise hierarchical, geographically determined governance. Ostrom (2009) and others refer to polycentric governance to show how multiple scales of governance exist with a diversity of actors or interested stakeholders, particularly where common pool resources and public goods are involved and collective action is needed (Andersson and Ostrom 2008 and Sovacool 2012). Andonova, Betsill, and Bulkeley (2009) refer to this new governance as multilevel governance, Schapiro (2005) uses “polyphonic federalism” and Haas links this governance to epistemic communities made up of experts, scientists and policy makers who have shared understandings of environmental governance threats and solutions (Haas 1989).

There is an ongoing debate on whether environmental norms and principles legally bind the state as do treaty commitments (Sands and Peel 2012). Norms fall into the realm of legal principles and carry their binding status more by virtue of principle than by law (Beyerlin 2007 quoting, Dworkin 1978,22).

Jurisdictional space is shaped by norm creators, the norm carriers, the norm implementers and the norm blockers. In relation to environmental norms, creators are the epistemic communities (Haas 1989) where norms are shaped from common understandings between experts and policy makers. These norms make their way into international agreements, codes of conduct and industry standards. Norm carriers are the actors that take these norms from the global level to issue specific global, regional and local realities. Regional and national agencies, environmental groups and government departments are agents for the diffusion of environmental norms and values. This task differs from the task of norm implementers: the actors that have the power to apply the norm at the level of the state, company, community. Norm blockers especially in the Caribbean context relates not only to legal or natural persons but also to the economic realities that an environmental norm is challenged by and which limit the ability of the environmental norm to become embedded in a particular context.

**JURISDICTIONAL SPACE AND ENVIRONMENTAL NORMS**

Important environmental principles for tourism that are applied at the international and domestic level include the polluter pays principle, the precautionary principle, the duty to have environmental impact assessments, sustainable use, intergenerational equity, sustainable development, the right to a healthy environment, the right to development, sovereignty over natural resources, the duty not to negatively impact the environment of other states, the sustainable use of natural resources, the eradication of poverty, equity, the right to development, the common concern for humankind, the common but differentiated responsibilities principle, the common heritage of mankind, prior informed consent, equitable use of trans boundary natural resources, duty to consult and notify neighbouring states and potentially affected states in the context of negative impacts. (United Nations and Commission on Sustainable Development 1996 and Beyerlin 2007).
ECONOMIC DEPENDANCE ON TOURISM

Caribbean states are highly dependent on tourism for economic growth and development. These states are among the top tourist destinations relative to population (UNWTO). Tourism globally accounts for 3.4% of all jobs (WT&TC Travel & Tourism Economic Impact 2013, 3) but that figure reaches 12-13% in the case of the Caribbean (World Travel & Tourism Council 2013, 1). While world tourism receipts as a percentage of total exports is between 5-6% on average, this figure averages between 25-29% for Caribbean Small States\(^1\) and as much as 73% for some tourism dependant states such as St. Lucia. (Table 1). The sheer volume of tourists in several islands substantially exceeds local populations (Table 2).

**TABLE 1- INTERNATIONAL TOURISM RECEIPTS AS A PERCENTAGE OF TOTAL EXPORTS FOR SELECTED CARIBBEAN STATES**

1. The World Bank Caribbean small states aggregate. Includes Antigua and Barbuda, The Bahamas, Barbados, Belize, Guyana, Suriname, Dominica, Grenada, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago.
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**TABLE 2. POPULATION AND TOURIST ARRIVALS COMPARED FOR SELECTED CARIBBEAN STATES**

<table>
<thead>
<tr>
<th>Country</th>
<th>Population (Total)</th>
<th>2010 International tourism, number of arrivals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbados</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bahamas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antigua and Barbuda</td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. Vincent and the Grenadines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jamaica</td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. Lucia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: World Development Indicators

TOURISM AND ENVIRONMENTAL DEGRADATION

Caribbean tourism is largely nature tourism of sun, sand, sea and nature. The tourism product is threatened by climate change and rising sea level which lead to coastal degradation and affect sand deposits on beaches, undermine coastal infrastructure and harm marine ecosystems (Belle and Bramwell 2005). Tourism amplified the impact of nature.

Caribbean states share the fate of other SIDS regarding the negative environmental impacts of tourism. The areas affected by tourism are always greater than the actual areas where the sector has its operations as the ecosystems of surrounding areas are affected. Tourism has led to environmental degradation in the Caribbean in three main areas: pollution, poor land use management and resource misuse and overuse (UNEP 1997). The treatment and disposal of liquid and solid waste is a challenge in most small states and leads to pollution of the marine and coastal areas by oily waste, sewage, garbage, cargo residues from ships. Coastal areas suffer from coastal constructions, sand quarrying, removal of mangroves, unregulated diving, fishing and boating activities related to tourism. (Commission on Sustainable Development 1996). The relatively small land areas compared with the marine and coastal areas makes offshore environmental management a challenge for these small states (Commission on Sustainable Development 1996). The management of the impact of tourism on the marine, inland and coastal environment is crucial for the economic survival of these states (UNEP 1997).
McElroy and de Albuquerque (1998, 146) documented progressive degradation of the environment as the tourism product developed in the Caribbean since the 1960s when these countries obtained independence and shifted from the traditional plantation economies of monocrop production to tourism as an economically viable alternative. Tourism drove the building of condominium clusters on mountain faces (Barker and McGregor 1995: 5), the building of resorts in wetland and mangrove areas (Bacon 1999), sand mining which led to beach loss, sewage dumping causing lagoon pollution (UNEP 1985), diving and marine sports, yacht and cruise ship anchoring and marina development which has caused reef damage (Wilkinson 1989; Allen 1992) and road infrastructure which has caused erosion and flooding in low lying areas (Mac Donald et al, 1997 in Gosling 2002 pg. 5). Cruise tourism's multiple stakeholders and powerful transnational interests continue to be a threat to the marine environment (Lester and Weeden 2004). Intensive tourism aggravates freshwater shortages caused by excessive pumping of groundwater which threatens water table levels.

LAYERS OF GOVERNANCE-GLOBAL TO LOCAL

APPLICABLE INTERNATIONAL ENVIRONMENTAL LAW AND NORMS

There are about 1225 multilateral environmental agreements, some 1598 bilateral agreements. Caribbean governments are signatories in some cases to over 200 multilateral environmental agreements. With relatively small government units and legislative backlogs however Caribbean States are challenged to comply with the reporting, monitoring and implementation requirements of many of these agreements.

TABLE 3: MEMBERSHIP OF MULTILATERAL ENVIRONMENTAL AGREEMENTS FOR SELECTED CARIBBEAN STATES
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The Convention Establishing the Sustainable Tourism Zone of the Caribbean (2001) and its accompanying Protocol (2004) under the Association of Caribbean States is the legal framework that specifically addresses sustainable tourism for the Caribbean. The Convention requires 15 signatories and to date 12 states have ratified:

<table>
<thead>
<tr>
<th>Countries that have ratified</th>
<th>Countries that have signed but not yet ratified</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bahamas</td>
<td>1. Antigua and Barbuda</td>
</tr>
<tr>
<td>2. Costa Rica</td>
<td>2. Barbados</td>
</tr>
<tr>
<td>3. Cuba</td>
<td>3. Belize</td>
</tr>
<tr>
<td>4. Dominican Republic</td>
<td>4. Colombia</td>
</tr>
<tr>
<td>5. El Salvador</td>
<td>5. Dominica</td>
</tr>
<tr>
<td>7. Grenada</td>
<td>7. Haiti</td>
</tr>
<tr>
<td>10. Nicaragua</td>
<td>10. Saint Kitts and Nevis</td>
</tr>
<tr>
<td>11. Panama</td>
<td>11. Saint Lucia</td>
</tr>
<tr>
<td>12. Trinidad and Tobago</td>
<td>12. Saint Vincent and the Grenadines</td>
</tr>
<tr>
<td></td>
<td>13. Suriname</td>
</tr>
<tr>
<td></td>
<td>14. Venezuela</td>
</tr>
</tbody>
</table>
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The Convention obliges the parties under Article 3 inter alia to promote the “preservation, conservation and sustainable use and management of natural spaces used for tourist development” and to develop sustainability indicators for tourism. After 13 years the ACS has not been able to get sufficient members to ratify the Agreement to bring the legal instrument into force. This problem is a symptom the resource constraints that Caribbean States face in the implementation international law.

The 1983 the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, (the Cartagena Convention) and its Protocols: (Concerning Cooperation in Combating Oil Spills, Concerning Specially Protected Areas and Wildlife, Concerning Land-based Sources of Marine Pollution) are other legal instruments concerning the protection of the marine environment upon which the tourism sector is based. The Caribbean Environmental Program and its Regional Coordinating Unit (CAR/RCU) develop programs to assist Caribbean Governments in the implementation of these instruments.

There are over 30 codes of conduct, codes of ethics and certification schemes for tourism (UNEP 1995; Malloy and Fennell 1998) which all include elements of environmental sustainability. The Global Code of Ethics for Tourism adopted by the United Nations World Tourism Organisation General Assembly resolution of 1997 includes sustainable development principles. The International Hotel and Restaurant Association the Emeraude Hotel and Evolution certification brands have similar sustainability objectives. The World Travel and Tourism Council (WTTC) and in particular its Sustainability Working Group (2013) has its own WTTC indicators. The International Standardisation Organisation 26000 standards for Organisational Social Responsibility and 14001 on criteria for environmental management include environmental sustainability guidelines applicable to tourism businesses. The Global Reporting Initiative (GRI) mainstreams disclosure on environmental, social and governance performance as part of reporting done through its private sector members. The Green Globe travel and tourism certification program is used by some Caribbean tourism establishments and others though not formally certified use their standards as guidelines to apply limited environmental sustainability management. These codes encourage staff training, guest sensitisation and the adoption of systems to promote energy and water conservation, waste reduction, treatment and recycling.

The Caribbean region through the Caribbean Tourism Organisation in association with the Caribbean Hotel and Tourism Association developed the Caribbean Sustainable Tourism Policy Framework (Caribbean Tourism Organization 2008) and Environmental Management Toolkits for small hotels to guide the sustainable use of the natural environment and the region’s cultural heritage for both its 32 member states, their national tourism organisations and private actors especially in areas of energy efficiency, water conservation wastewater treatment and solid waste treatment. Goal 5 of the CTO Framework was built upon the global and regional norms and requirements for sustainable tourism.
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**AGENCIES (INTERNATIONAL/REGIONAL AS FORUMS FOR ENVIRONMENTAL GOVERNANCE)**

The following international organisations and non-governmental global organisations are active stakeholders in sustainable tourism governance for the Caribbean:

<table>
<thead>
<tr>
<th>Area of focus</th>
<th>International</th>
<th>Regional</th>
</tr>
</thead>
</table>
| Tourism Management Capacity | 1. Organisation for Economic Cooperation and Development (OECD)  
2. United Nations World Tourism Organisation (UNWTO)  
3. World Travel and Tourism Council (WTTC)  
4. Global Reporting Initiative Sustainability Reporting Guidelines for Tour Operators (GRI)  
5. United Nations Development Program (UNDP)  
6. United Nations Environmental Program (UNEP)  
7. International Network for the Sustainable Development of Coastal Destinations (promoted through the UNWTO)  
8. Food and Agriculture Organisation (fishery, forest, tourism nexus) | 1. Caribbean Tourism Organisation (CTO)  
2. Caribbean Hotel Association (CHA)  
3. Caribbean Alliance for Sustainable Tourism (CAST)  
4. Caribbean Tourism Human Resource Council (CTHRC)  
5. Association of Caribbean States (ACS)  
6. Organisation of Eastern Caribbean States (OECS)  
7. The University of the West Indies (UWI)  
8. Caribbean Sustainable Economic Development Network (CSEDNet)  
9. Economic Commission for Latin America and the Caribbean (ECLAC)  
10. Organisation of American States (OAS)-Tourism Section and Sustainable Tourism Program |
| Environment | 1. The United Nations Environment Program (UNEP)  
2. United Nations Framework Convention on Climate Change (UNFCCC)  
3. World Wide Fund for Nature (WWF)  
4. World Conservation Union (IUCN)  
5. Global Environment Facility (GEF)  
6. Rainforest Alliance | 1. Organisation of the Wider Caribbean on Monuments and Sites (CARIMOS)  
2. Caribbean Environmental Health Institute (CEHI)  
3. Caribbean Water and Wastewater Association (CWWA)  
4. Caribbean Community Climate Change Centre (CCCCC)  
5. Caribbean Conservation Association (CCA)  
6. Caribbean Natural Resources Institute (CANARI) |
LOCAL ACTORS

Almost every Caribbean island has a tourism or tourism and hospitality industry association that promotes the interest of their members- hotels, hostels, restaurants and leisure activity operators. Their main mandate is to find ways to develop attractive tourism packages, attract tourists and build the profitability of the sector. The larger operators have more structured or stable sustainable policies or environmental management plans. Blue Flag International has certified beaches in Jamaica, Puerto Rico, The Bahamas and the Dominican Republic and efforts were also made by some businesses to obtain certification under Green Globe 21 and Green Hotel Certification. The Caribbean Hotel Association promotes best practices among its members through its Annual Environmental Award scheme and previously through the Caribbean Action for Sustainable Tourism Program.

A 2013 internet based survey of 197 hotels from 19 Anglophone Caribbean countries that had some level of environmental management noted that concerns for intergenerational equity, cost savings, the hope of gaining a competitive advantage over other hotels were the main
motivations for sustainable practices (Best and Thapa 2013). This and other studies show that government regulations had a minimal influence on the hotels (Ayuso 2007; López-Gamero, Molina-Azorín, and Claver-Cortes 2011)). Regional tourism operators tend to comply with environmental norms when they commit to declare environmental performance, when they specifically seek to target eco-tourist, when they are foreign owned or have a relationship with multinational corporations and when they are profitable (Shah 2011). There is more institutional pressure for environmental management on companies that are linked to foreign chambers of commerce. Such companies benefit from best-practices, networking and are subject to pressure and competition from chamber members to improve environmental performance (Shah and Rivera 2013).

A UNEP study on environmental codes of conduct in the tourism sector found that businesses incorporate voluntary codes that increase profitability; promote product differentiation and even increase market visibility and market share (UNEP 1995). The smaller operators in the Caribbean region are less likely to have structured sustainable environment plans or programs and generally employ sustainability measures that will not imply the purchase of additional machinery or a change in infrastructure but can reduce costs (such as water conservation, waste minimisation and energy conservation). Smaller establishments lack the resources to include sustainability in their business practices in an epoch of falling tourist arrivals and meagre profits.

In the Caribbean global norms of sustainable governance are not consistently transferred into sustainability practices at the level of local industry actors. Local actors in the Caribbean are aware of and to varying degrees incorporate global environmental norms into their environmental management motivated more less by the threat of litigation or executive action of states in the jurisdiction within which they operate and more by the support given by their industry associations or global partners.

The private sector and the competing norms of industry competitiveness often trump environmental sustainability policies and to that degree reduce the jurisdictional space of sovereign Caribbean States to promote and enforce stronger environmental standards.

NGOs promote sustainable tourism at global and regional levels. Caribbean islands all have local, national and community based NGOs that promote conservation groups and engage the tourism sector. Some international NGOs have had an impact: for example the International Scientific Council for Island Development adopted a Charter for Sustainable Tourism, the Ecotourism Society lobbies for environmental stewardship and the World Wide Fund for Nature Tourism Concern (UNEP United Nations Environment Program 1995).

Several local NGOs participate in environmental governance in tourism (United States Environmental Directories, Inc 2014). Environmental NGOs have supported the state with monitoring and reporting on the environmental performance of the sector.
Tobago). Issue and species specific NGOs at community and national levels are becoming more sophisticated, developing projects, employing skilled and technical experts and directly lobbying for international and national funding to support conservation projects. Their fate largely depends upon the sustainability of funding which in most cases has not been available. The CANARI and the Jamaica Sustainable Development Network are noteworthy exceptions.

THE ROLE OF THE STATE

LEGAL AND REGULATORY FRAMEWORKS

The Caribbean governments that are dependent on tourism place most emphasis in tourism policy on building and strengthening the industry, increasing arrivals and attracting foreign investment for large scale tourist infrastructure that the local business sector may not be able to supply. (See for example the case of Barbados. Government of Barbados 2012; World Tourism Organization 2013). Government policy is more likely to emphasise tax holidays, incentives and concessions to the tourism sector rather than impose environmental sustainability measures that investors may perceive as onerous.

Bermuda was a notable exception to this trend in the late 1980s (Albuquerque and McElroy 1992). This jurisdiction pursued a policy to limit tourist arrivals and to place a moratorium on construction as a way to stem the degradation of what was already a mature high impact destination. Bermuda's legal and regulatory framework was developed enough to implement strict land use planning and to reduce ship calls. These policies were backed by large community acceptance that saw the protection of the environment as the way to ensure the sustainability of the tourism sector. This continues to be a unique example of the use or existence of jurisdictional space in the environmental governance of tourism in the Caribbean.

Global environmental norms are implemented by Caribbean governments largely through legislation governing tourism facilities, tourism investment and land use in tourism development. There has been a drive to increase environmental legislation and to establish environmental authorities in most islands. However the islands have been traditionally are weak on the standardisation. Enforcement of legislation continues to be a challenge as government agencies are often short of trained human resources in the numbers needed for policy formation, education, facilitation, monitoring and enforcement activities (Douglas 1992).

A CEP baseline study noted that, "increased focus must be placed on improving the decision making processes, the integrated planning and management of coastal resources and the tourism industry, and changing the orientation of professionals and industry actors to embrace more socially and environmentally sound approaches to development" (UNEP 1997).
Caribbean countries are small and have historically lacked the resources and coordination to lobby their interests in international institutional forums (Clegg 2008). To this extent they have always had limited control over the creation of international environmental law and norms. For Caribbean states, jurisdictional space for environmental governance of tourism is limited not only by international environmental law and norms, but by private actors. Wilkinson (1989) quoting Harrigan (1974) argued that because small states (he referred in particular to microstates with a population of less than one million inhabitants) lacked power and wealth, they were targets to what Harrigan called “exogenous decision-making” as the desire to attract the global tourist market made the exercise of sovereignty to ensure good environmental governance in their jurisdictions less attractive. The tourism packages, sales and marketing are often out of the hands of the state and promoted by foreign investment. Heavy dependence on tourism for economic development limits sovereignty (Britton 1982) and leads to what Eristman calls “comprehensive dependency” (1983) upon a foreign market and the tastes, requirements and interests of the tourists.

Caribbean states are weak in the exercise of jurisdiction for the environmental governance of tourism in three key areas. The first is the lack of information. Important data needed for decision making is often not available, not current and not managed to make it accessible and useful to industry participants. Analytical tools to determine the short and long term environmental and financial implications of coastal and nature tourism are unavailable. There is also low sensitivity among resource users of the impact of their activities. Training and information sharing to promote integrated coastal zone management that applies policy, legal and regulatory frameworks and monitoring for example continues to be a challenge for most states.

Rules and systems for monitoring and enforcement are lacking or are rudimentary. There is no regional measure against which to test performance or success in the implementation of international obligations by states. Although the CTO created the environmental management toolkit, regional or national guidelines for environmental management systems that are as comprehensive as Green Globe or ISO 26000 that are peculiar to the Caribbean reality are still lacking. Suggestions to develop market based incentives to promote industry compliance have not been implemented as states are unwilling to create what may be perceived as disincentives for the industry. Incentives to private actors for the adoption of environmentally friendly policies are not incorporated into the enforcement framework largely because the governments cannot absorb the cost.

Evidence based decision making is still a challenge for Caribbean states. Professionals and subject matter experts from biologists to engineers to environmental planners and fishermen and local communities, are not systematically engaged largely because of resource constraints (UNEP 1997).

**WHAT LIMITS JURISDICTIONAL SPACE? NORMS, ACTORS OR ECONOMY?**
There are many sides to the environmental governance of tourism in Caribbean SIDS. Do Caribbean SIDS have jurisdictional space for issues related to the environmental governance of tourism? It would seem that they do not. International agreements and their secretariats shape government policy when Caribbean SIDS had little input in the creation of those environmental regimes. Private sector codes of conduct created outside the region influence - albeit in limited ways because of the voluntary nature of these codes - the domestic private sector. The need to promote the tourism industry to gain foreign exchange limits the restraint states are willing to put on private investors and small business in this industry.

Do global environmental norms effectively penetrate Caribbean spaces? It would seem that they do not, at least not unaltered. This alteration can be termed norm reconfiguration. Though environmental norms continue to have a positive value, they lose normative power as they interact with the Caribbean reality.

Where tourism accounts for a large part of GDP, environmental governance norms shaped at the global level are necessarily reconfigured by competing norms of economic survival in Caribbean SIDS. The private actors can limit norm penetration and thus shape attitudes as to what is appropriate for environmental governance in tourism in the Caribbean context. There is a correlation between the importance of the industry for GDP (as seen in the table above) and the power of the sector to determine environmental norm implementation.

Is norm diffusion enough without norm implementation? Probably not. Environmental management is limited more by lack of implementation than it is by the knowledge of norms or by a lack of appropriate technology. At the global level this is also true. There are over 100 different ecolabels for tourism (Black and Crabtree 2007) but globally they have not proven to reduce the negative environmental impact of the sector. Norm implementation works best where it is driven by government than by the private sector (Buckley 2011). The three main groups of actors to support the state’s efforts for norm implementation in the Caribbean are the private sector, the non-governmental organisations focused on conservation and the general public.

The private sector in the region will not take the lead to insist on local industry standards as they do not see it as a way to increase arrivals and thus economic gain. In the region, although there have been initiatives to reduce waste, conserve water and energy and preserve nature spots, they are sporadic and are hardly a rigorous form of industry regulation.

The non-governmental organisations and conservationist groups in the region are perhaps the best agents of norm diffusion as they, within their limited resource capabilities, monitor and report on environmental performance in the industry and have a mandate to lobby for changes in unsustainable practices. NGOs in the region however, lack resources, political influence and sometimes the support of local communities. Their relative power as norm implementers is weakened however as the country tends to put the short term growth of the industry over the long term sustainability of the environment.
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Who governs if it is not the state? Should global norms be translated to local realities and by whom? What is the role of a sovereign state in the environmental governance of tourism? It would seem that the principles of common but differentiated responsibilities to some extent exonerate weaker states from exercising jurisdiction in local spaces to implement global environmental law and norms. Yet the sector needs environmental sustainability for its medium and long term sustainability. The agency of the growing non-governmental pro-environment sector as norm interpreters and implementers may be the Caribbean solution. Divorced at least conceptually from the mandates of procuring immediate economic gains through the tourism sector, they are best placed to exercise agency to absorb, interpret and promote global norms for environmental sustainability.

Is there then effectively an environmental governance vacuum where norm implementation is concerned? In theory no, nature hates a vacuum. States still have legislative, juridical and executive authority. However what states can effectively do within that space is quite curtailed more because of the level of national development than the power of the global or the local private sector.

Has jurisdictional space been reduced? Vulnerable and weak economies limit the ability of Caribbean states to exercise jurisdiction and accounts for weak environmental policy making and implementation. States will not adopt policies that limit the short term profitability of a struggling sector upon which their economies depend. States lack the resources themselves to provide incentives, to monitor and enforce compliance with norms and standards. Reduced jurisdictional space makes fragile Caribbean ecosystems more vulnerable to the agency of private actors if private actors have not internalised global environmental governance norms in their local practices.

Are states passive norm implementers? Caribbean states are arguably passive norm implementers when they allow the application of global norms and principles of international law that they have subscribed to become imbedded in local systems outside of the agency of the state. There is some evidence of this developing in the Caribbean through for example the toolkits for small hotels developed by the Caribbean Tourism Organisations, the subscription to the Green Globe and Blue Flag principles by some of the larger hotels (Mycoo 2006) and by the increasing advocacy of some NGOs.

Jurisdictional space in environmental governance is limited in the Caribbean tourism sector, not so much because of incursions from the global private sector as from the inherent weaknesses in the administrative and legal architectures and the high dependence of these economies on tourism.

Bibliography


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