



Distr, LIMITED

UNEP(DEPI)/CAR WG 42/INF.31
Addendum 2
January 2021

Original: ENGLISH

Ninth Meeting of the Scientific and Technical Advisory
Committee (STAC) to the Protocol Concerning Specially
Protected Areas and Wildlife (SPAW) in the Wider Caribbean
Region

PROPOSALS FOR THE IMPLEMENTATION OF A REGULATORY INSTRUMENT FOR MARINE MAMMAL TOURISTIC ACTIVITIES IN THE WIDER CARIBBEAN REGION

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SYNTHESIS REPORT



CARI'MAM



UNION EUROPÉENNE



PROPOSALS FOR THE IMPLEMENTATION OF A REGULATORY INSTRUMENT FOR MARINE MAMMAL TOURISTIC ACTIVITIES IN THE WIDER CARIBBEAN REGION



INTRODUCTION

As an introductory remark it might be recalled that whales and dolphins are wildlife icons and became a major tourist attraction that creates experiences for visitors but also contribute to the local economy. This iconic wildlife tourism whereby tourists observe and/or interact closely with marine mammals has been a rapidly growing sector of the tourism industry.

Despite its positive image, boat-based marine wildlife tourism endangered animals habitats and populations. Scientific and conservation work done by SPAW RAC and CARI'MAM highlights the importance for a transition towards more sustainable forms of marine wildlife tourism.

The potential effects of wildlife tourism on the health and well-being of marine mammals need to be reduced and mitigated. To address this issue of marine mammals wildlife tourism, it is necessary to regulate this industry that typically started in the 90's.

MISSION BACKGROUND

The Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region (WCR) or **Cartagena Convention** is a regional legal agreement for the protection of the Caribbean Sea. It was adopted in Cartagena, Colombia on 24 March 1983 and entered into force on 11 October 1986.

The Convention is supported by three technical agreements or Protocols on Oil Spills, Specially Protected Areas and Wildlife (SPAW) and Land Based Sources of Marine Pollution (LBS).

1. The [Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region](#) was adopted in 1983 and entered into force on 11 October 1986.
2. The [Protocol Concerning Specially Protected Areas and Wildlife \(SPAW\) in the Wider Caribbean Region](#) was adopted on 18 January 1990 and entered into force on 18 June 2000.
3. The [Protocol Concerning Pollution from Land-Based Sources and Activities](#) was adopted on 6 October 1999 and entered into force on 13 August 2010.

The Convention covers several aspects of marine pollution for which the Contracting Parties must adopt specific measures. These measures include to prevent, reduce and control:

- pollution from ships

- pollution caused by dumping
- pollution from sea-bed activities
- airborne pollution
- pollution from land-based sources and activities

Contracting Parties to the Convention are also required to protect and preserve rare or fragile ecosystems and habitats of depleted, threatened or endangered species; and develop technical and other guidelines for the planning and environmental impact assessments of important development projects.

The Cartagena Convention works in support of other global environmental conventions, agreements and commitments such as:

UN Environment Agreements

- Convention on Biological Diversity (CBD)
- Convention on Migratory Species (CMS)
- RAMSAR Convention on Wetlands
- Convention on International Trade in Endangered Species (CITES)
- Stockholm Convention on chemicals management
- Basel Convention on hazardous waste

International Maritime Organization (IMO) Agreements

- MARPOL Convention on ship-generated wastes
- Ballast Water Convention
- London Convention

Global Agreements and Commitments

- Agenda 21
- Barbados Small Island Developing States (SIDS) Programme of Action
- Johannesburg Plan of Implementation (JPOI)
- RIO + 20
- Samoa Outcome for Small Island Developing States (SIDS)
- Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA)
- Sustainable Development Goals (SDGs)

The Regional Coordinating Unit is established in Kingston, Jamaica since 1986 and is the Secretariat to the Cartagena Convention and its Protocols.

Each Protocol of the Cartagena Convention is served by one or more Regional Activity Centres (RACs). These centres are based in:

- Curacao (Regional Marine Pollution Emergency Information and Training Centre for the Wider Caribbean, RAC REMPEITC Caribe) for the Oil Spills Protocol;
- **Guadeloupe (SPAW-RAC) for the Marine Biodiversity or SPAW Protocol;**
- Cuba (Centre of Engineering and Environmental Management of Coasts and Bays) for the Pollution or LBS Protocol;
- Trinidad and Tobago (Institute of Marine Affairs), also for the Pollution or LBS Protocol.

These centres provide technical support and expertise to assist Contracting Parties in meeting their obligations to the Convention and its Protocols.

Specially Protected Areas and Wildlife (hereinafter SPAW) Protocol plays an important role in facilitating international cooperation and engagement in protecting wildlife in the Greater Caribbean as well as conserving and restoring ecological connectivity and integrity of ecosystems.

To cope with the impact of anthropogenic activities on cetaceans in the SPAW area, the Regional Activity Center (RAC) in the framework of CARI'MAM have developed effective actions to address direct and individual drivers that threaten wildlife in the Wider Caribbean Region (hereinafter WCR), more especially marine mammals and their habitats. One of them is the reduction of disturbances caused by commercial watching activities.

To ensure the sustainable development of the marine mammals watching industry, during the Regional workshop on marine mammal watching held in Panama City in October 2011, best practices guidelines were adopted. All the principles and guidelines developed for the workshop were agreed upon by all the operators and the regulators present at the workshop.

It has been concluded that it is necessary to go further to create regulatory instruments to disseminate these guidelines; especially by **the formulation of a regional code of conduct**. However, solutions must be understood more broadly and not to be limited to this instrument.

In addition maintaining a high quality experience together with high standards of marine mammals and sites conservation is necessary given the economic dependence of the local communities on the presence of the wildlife icons.

TERMS OF REFERENCE AND SCOPE OF WORK

A legal study entitled « *legal study prior the implementation of a regulatory instrument for marine mammal touristic activities in the wider Caribbean region* » has been conducted on behalf of SPAW RAC in September and October 2020 and submitted in prevision of the next meeting of the Parties to the Special Protected Areas and wildlife (SPAW) protocol. It is aiming at reviewing the legal framework and proposing scenarios that can be discussed for marine mammals-based tourism regulation. As marine Mammals observers are responsible for conducting visual watchers for marine mammals, it has been agreed that these scenarios should include marine mammals observers and be preferably operator-oriented.

SPAW RAC has first considered that these objectives could be achieved through certification with ecolabels that establish clear guidelines for operators and ensure compliance while informing tourists of these higher standards. Ecolabelled operators should be able to gain a competitive advantage by offering a more sustainable product. Nevertheless it appears important not to reduce the scope of this work to ecolabels as they are just one type of regulatory instrument among others. So that this legal assistance mission not only focuses on operators ecolabelling but also considers other types of instruments.

Please note that the present study does not take into account issues related to extraterritoriality of the conservative measures nor mechanisms of environmental liability at sea and touristic activities undertaken in international waters. The United-Nation Convention on the Law of the Sea and EU Directive establishing a framework for community action in the field of marine environmental policy which apply in waters under sovereignty and jurisdiction of Member States of the European Union does not fall in the scope of this study.

A total of six instruments for regulating commercial cetacean viewing activities are proposed in this study. They are divided into two categories; those with a legal basis (1) on the one hand and two without on the other hand (2). Then, finally we expose our recommendations (3)

1. REGULATORY INSTRUMENTS WITH LEGAL BASIS

This section presents three instruments with a legal basis. The first of these is structured around a legal regime subjecting operations to an authorization regime (1.1). The other two are protection instruments of a contractual or quasi-contractual nature. This is a code of good conduct (1.2) and an ecotourism label (1.3).

1.1 THE AUTHORIZATION SCHEME: LICENCE AND PERMIT (tool n°1)

During the Regional Workshop held in 2011 UNEP has recommended several tools that should be implemented. One of these is “*national licensing and permit*” as it enables to regulate number, size and the type of vessels, standard of operation but also set up specific requirements for sites and species and mandate operators training. The purpose of the authorization scheme is to subject operators to the obligation to obtain a license or permit. The authorization procedure is implemented by the States, which consequently requires the existence of this obligation in the national legislation of the Parties.

These permits, authorization or accreditation might be subject to the approval of the scientific committee of the SPAW protocol for a matter of consistency and harmonization, but this assumes that the Parties accept the implementation of an obligation of cooperation on this point.

This authorization procedure would be subjected to an obligation of operators training and the signing of commitments in the form of a code of conduct drawn up from validated guidelines, if not yet been transposed into national law. For operator’s training, the Parties may consider the creation of a regional cetology school (Wider Caribbean Region Cetology Academy, for example). Experts from the SPAW Protocol Scientific and Technical Committee may define the content of the training to ensure the consistency of the program.

A regional training centre can be established and local centres can also be approved in each country or territory. Approval of local training centres can be NGOs, universities, state bodies and be issued by committee experts.

By adopting an instrument that requires registration of boat-based tourism operators, Parties can track the number of operators engaged in boat-based and Marine mammals specific wildlife tourism. To do so, the authorization scheme should require the operators to report on the number of tourists served and the location they operate.

The authorization can be issued in the form of a license or permit with limited validity (5 years for

example) and accompanied by the obligation to participate in workshops once a year. Limiting the validity to 5 years makes it possible to train operators and increase their skills over the time.

This procedure can be “branded”, that is to say that the operators benefiting from this authorization can make use of specific distinctive elements to enhance their qualification as a logo and name such as “operator accredited by the “SPA WCR Cetology Academy” as well as the logo that could be created to identify this school and the training centres. The name of the school and the degree may also be subject to intellectual property protection.

Authorization schemes comply with:

- international law obligations and international public law mechanisms.
- SPAW obligations by promoting implementation of national measures to regulate MM watching activities, establishing an enforcement framework to ensure compliance with regulation, promoting operator training and accreditation programs, including best practices of marine mammal watching activities.
- SPAW goals and recommendations by disseminating guidelines as recommended and developing a solution that brings together marine mammal operators and government regulators from across the WCR to establish an instrument that engages marine mammal watching industry in the WCR.
- fulfils CITES requirements.

It is also possible to consider an intermediate legal regime; So that, the Parties may be invited to set up at least a declaration system with an obligation of training.

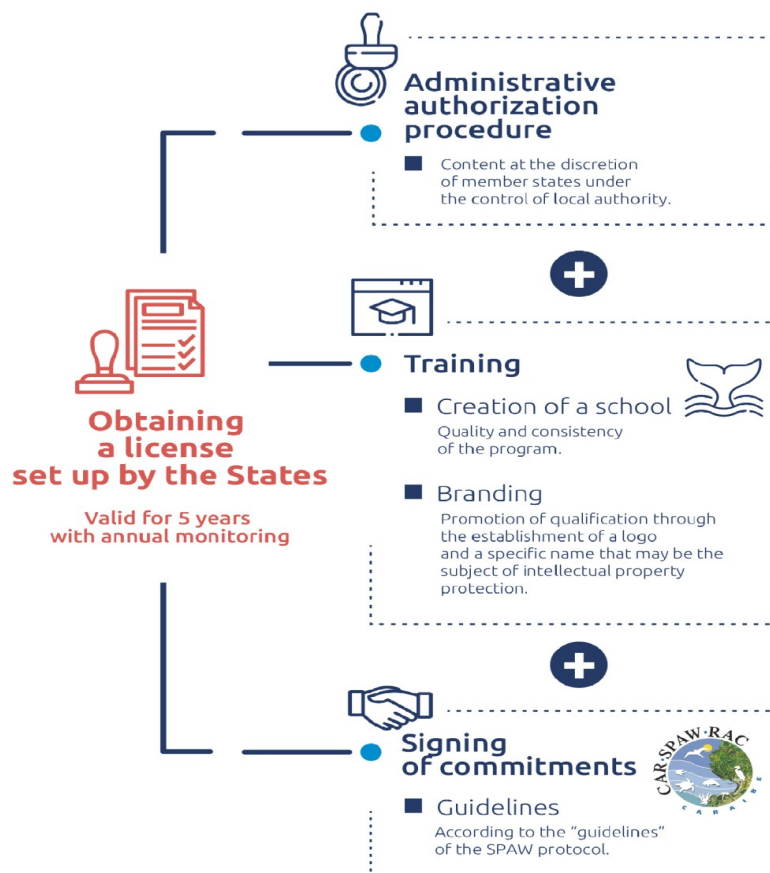
This tool allows to create a network of WCR tourism actors and cetaceans ambassadors that could be a sort of “Club of Caribbean Ecotourism” that could also be branded and used on the international tourism market.

Authorization procedure



Obligation to obtain
a license or permit to carry out commercial
cetacean watching activities.

Requires the existence of an obligation
in the national legislation of the Parties.



1.2 CODE OF CONDUCT (tool n° 2)

SPAW guidelines can be implemented through a Code of conduct to limit the impact of commercial cetacean watching activities. Operators will be able to promote their respectful practices thanks to their customers but also to their employees.

Operators will be granted a right to use the protected logo and label name, in particular through trademark registration. The use of these distinctive signs would allow the operator to distinguish itself from its competitors.

This code of conduct, under the aegis of the SPAW protocol, could be carried locally by NGOs responsible for supporting operators in signing their commitments.

The implementation of a code of good conduct specific to marine mammal watching would make it possible to create and animate a network of ambassadors, MM Lovers, accessible whatever the level of entry into the process. Local authorities responsible for tourism activities, training organizations or associative structures can be involved in the creation and animation of this network.

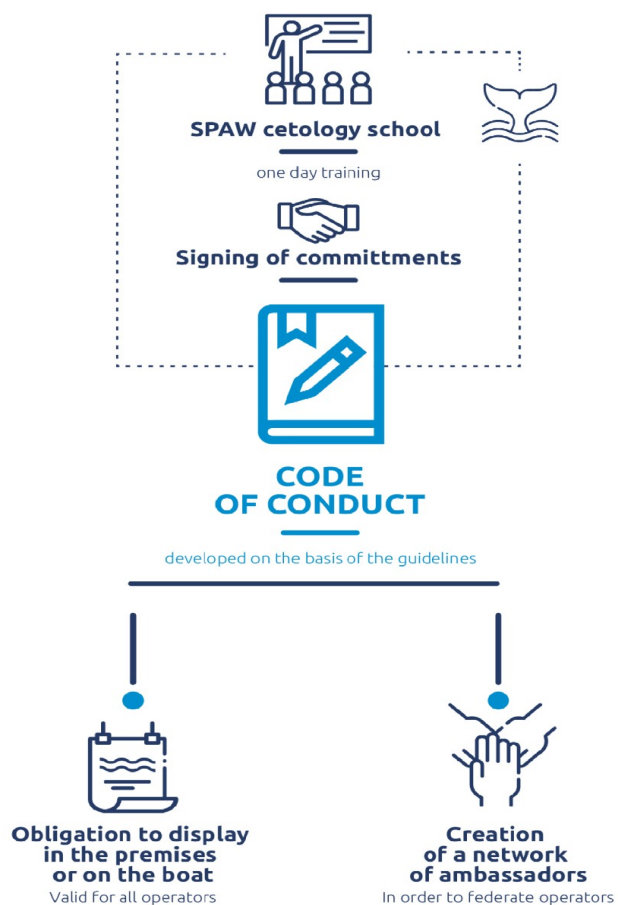
The implementation of a code of conduct drawn up from the SPAW Guidelines complies with Articles 5 and 6 of the SPAW Protocol. This approach also complies with the goal of SPAW Protocol to create a regional code of conduct based on overarching principles and best practices.

Guidelines would serve as a basis upon which each country could develop its own code of conduct.

Nevertheless, given its characteristics, in particular the absence of control by an independent third-party body, it would be difficult to identify sincere operators in their approaches and those only on the lookout for a marketing opportunity (green washing).

Difficulties in terms of control in terms of intellectual property can also give rise to fear of free-riding manoeuvrers on the part of operators who would seek to take advantage of the reputation and / or the legitimacy of a code of good conduct carried by the protocol by creating using logos or similar names for example.

Code of conduct / Ethics charter



1.3 SUSTAINABLE TOURISM QUALITY LABEL (tool n°3)

An environmental certification system for ecotourism specific to commercial cetacean watching activities can be implemented to regulate these activities.

In order to adapt to the variety of territories and the operators working there, it is relevant to offer a system that can be flexible, allowing a rise in skills but also to adapt to the reality of the different territories. Whatever the level considered, the implementation of validated guidelines would be the backbone of this tool.

This label could be understood as a specialized ecotourism label. This label could therefore concern directly operators but also intermediaries such as tourist offices/agencies, tour operators, hotels & resorts. The establishment of a harmonized regional label would also require the creation of a regional brand. A legal person enjoying legal personality must own the mark. Moreover, issues related to advertising related to the use of this specialized eco-label will also have to be contractually framed. In addition to the signing of commitments, the labelling is accompanied by an obligation to follow an annual training and reporting.

These obligations constitute a minimum basis which could be extended by each State according to its legal and operational situation and more particularly to the applicable national legislation in the field. Each State would therefore remain free to back it up, no, for fiscal or financial advantages.

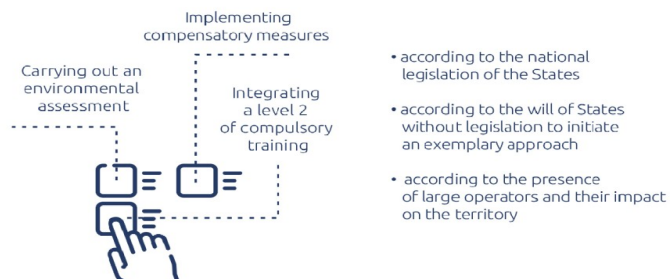
States can also reinforce the requirements by requiring the completion of an EIA. The submission to an EIA should be accompanied by specific management measures as well as monitoring of these measures. When the operator works within the perimeter of a marine protected area, these measures must be consistent with the management plan for this area. Beyond creating sustainable marine tourism, will support the development of a network of actors involved in the ecological network of marine protected areas.

Because of its contractual nature, the question of control and sanction in the event of breach arises. Moreover, this legal instrument does not offer any guarantee of compliance with the mechanisms of international law. Due to the low level of control and sanction inherent in its contractual nature, this legal instrument has a low level of effectiveness.

Ecotourism label



Optional award criteria :



2. REGULATORY INSTRUMENTS WITHOUT LEGAL BASIS

Three tools that are not based on environmental or contractual legal bases can be implemented: capacity building program (2.1), operator rating system (2.2) and diploma of Excellence (2.3)

2.1 CAPACITY BUILDING PROGRAMS (tool n°4)

Capacity building is a mechanism that allows to provide advice, information and appropriate facilitation of assistance and any other support to the person concerned. A capacity building program can be set up on the three main axes: operators, public and States.

The heart of the capacity building program would be the WCR School of Cetology created on behalf of SPAW Protocol. It could develop training centres at the local level to facilitate access to training for local operators. These local training centres piloted by the SPAW School of Cetology could be the heart of a network of actors. The content of the program could be developed by the experts and lead to the recognition of qualifications through the issuance of a certification or diploma articulated around several levels. This type of program goes beyond awareness raising and aims to make operators real actors of the conservation of cetaceans.

The WCR School of Cetology created on behalf of SPAW Protocol could also develop programmes for students that cannot attend specific courses but also anybody who wants to develop skills in cetology and also produce educational tools intended for schools and high schools or NGOs which educate local communities to conservation issues.

A National legislation capacity building program could be implemented to provide guidance materials, model laws, technical assistance, training sessions and workshops could be given to the Parties.

2.2 OPERATORS RATING SYSTEM (tool n°5)

Like all commercial activities, marine mammal watching is subject to the law of supply and demand. It is also necessary to act on the demand. It is therefore necessary to consider a tool that also targets potential buyers.

This is to implement a rating system for operators by users / customers / tourists. This type of tool is inspired by a “tripadvisor” type application and the experience conducted in Eastern Africa parks and reserves. This scoring system would make it possible to evaluate the operators, on the basis of a multiple choice questionnaire built around the validated guidelines.

Depending on the scores obtained, operators could access different statuses, from MM lovers to MM

Ambassador, for example. This instrument helps direct users towards the most virtuous operators.

2.3 WCR DIPLOMA OF EXCELLENCE IN MARINE PROTECTED AREA MANAGEMENT (tool n°6)

The Wider Caribbean Region Award or Diploma of excellence in marine protected areas management would be given to Member States for the excellence of their management. This Instrument is inspired by tools such as the UNESCO heritage diploma intended for States and the diploma of excellence issued within the framework of reserve management.

This tool would also allow the evaluation of the implementation of the commitments signed under the Protocol as well as the achievement of the objectives assigned within the perimeter of the designated MPA. This excellence could be characterized, for example, by:

- Compliance with SPAW protocol provisions, including guidelines
- Transposition into national law and regulation
- Certification of MM watching operators- MM Lovers
- Code of conduct for marine activities
- And of course, at least the designation one marine protected area
- etc..¹

The first step is to focus on MPA and then extend this system beyond these perimeters. The work carried out within the perimeter of MPA would initially make it possible to anchor good management practices which could then be developed throughout the territory.

This diploma/award could be issued once a year by a Committee of Scientific and Technical Experts of the SPAW Protocol upon application by States. Compliance with the requirements for claiming this diploma /award may be reassessed periodically and could be withdrawn in the event of non-compliance that would not be corrected.

¹These are items given as an indication or as an example. The criteria for excellence in the management of marine protected areas should be defined and validated by scientific experts representing the Parties.

3. RECOMMENDATIONS

As far as methodology is concerned, please note that lawyers apply engineering principles to legal management to propose practical and secured solutions. For auditing these solutions, in order to identify strengths and weaknesses, a SWOT analysis based on the following several criteria has been conducted.

- Legal security
- Technical feasibility (including costs)
- Governance
- Benefice to local communities (including compliance with strategic development goals- SDGs)

To more specifically assess legal security of the scenarios proposed, the farmer methodology of risks analysis has been implemented. This approach takes into account the probability of occurrence of the risk and its impact in the event of occurrence. To do so, the following items have been selected :

- Compliance with international law mechanisms
- Compliance with SPAW Protocol commitments, objectives and goals
- Effectiveness (law enforcement)
- Breach of contracts
- Litigation
- Unfair competition (counterfeiting)
- Misuse of trademark and logos
- Dissemination of personal data

Each solution/scenario is rated thanks to a five-levels scale below (pictograms)





3.1 Authorization scheme



The first instrument that we recommend for the regulation of commercial cetacean watching activities is the **authorization scheme**.

The fact that it is a "hard law" instrument resulting in the transposition of the commitments made under the SPAW protocol into national legislation **guarantees its legality and legal effectiveness**. It therefore offers a high level of legal security. This instrument is therefore in conformity with the mechanisms of public international law and with the objectives of the SPAW protocol and more generally of the Cartagena Convention.

As it has a legal basis in national laws, this instrument allows the **implementation of control and penalties**. In addition, the authorization procedure is a legal instrument of protection already implemented by some countries and territories for cetaceans but also within the framework of other conventions relating to the protection of the environment; like for example CMS or CITES. These procedures are also already used to regulate fishing activities. The Parties therefore already **have the authorities / bodies** able to issue these authorizations and the necessary skills.

Whatever the case may be, States which request it, or which might be identified by the Protocol Secretariat, could benefit from legal support thanks to a **"National Legislation program"** to help them integrate the necessary legislation into domestic law.

This procedure can be adapted to small operators by setting thresholds to benefit from a more flexible procedure. The authorization procedure can be divided into three levels: **authorization, registration, declaration**. In this way, the lack of flexibility or the complexity of the main procedure can be mitigated by the creation of sub-categories if needed as regards the local circumstances. The implementation of the SPAW protocol guidelines would be the backbone of the three sub-categories.

The nature of this instrument does not require the establishment of regional governance.

The award procedures and therefore the legal standards that apply to them are the responsibility of the Parties, particularly in terms of transparency. Furthermore, the issues in terms of intellectual property only relate to the brand that will be created for the elements relating to the training program (school and diploma). Communication efforts only focus on these elements, which reduces the target audience and therefore costs.



Insofar as this instrument can also include a training obligation and the possibility of setting up a rating system by users, this instrument appears complete.

3.2 Code of conduct



The second instrument we recommend is the **code of conduct**. It is a contractual instrument that does not require and does not impose the transposition of international commitments into domestic law, so it **does not fully meet the requirements** set by public international law. However, it is **consistent with the objectives of the Protocol**. As it is a contractual instrument, it is flexible both in terms of its container and its content. In return, it offers a lower level of legal security and effectiveness than the authorization regime.

As long as it establishes on the basis of validated guidelines, and for some States already transposed into their national legislation, **the implementation of this instrument is technically feasible**.

In other words, it is a simple tool. Each State can easily appropriate it and give it the legal scope it wishes. If the contracting Parties wish so, they can in the short or medium term incorporate this code of conduct into their legislation.

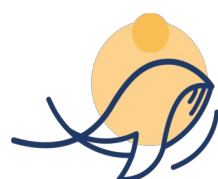
Its simplicity in terms of membership also makes it accessible to all operators regardless of their size. It can therefore be considered beneficial for the economy of the local community.

Since it is based exclusively on the guidelines already validated, this tool does not induce specific governance, other than that already put in place under the SPAW protocol.

The issue in terms of intellectual property rests solely on the name that will be given to this code of conduct and on the logo. Their use will however require control.

In order to stand out from the existing logos and code of good conduct and gain legitimacy among tourists, this instrument requires an investment in terms of communication.

3.3 Capacity building program



The **third instrument** we recommend is the **capacity building program**. It is an accompanying instrument intended both for Parties, operators and tourists. It is a tool that is only effective over the long term. It is not a legal instrument, so its legal

significance is weak. However, it allows States to ultimately be in compliance with their international obligations. In addition, it contributes to the deployment objectives of the SPAW protocol guidelines.

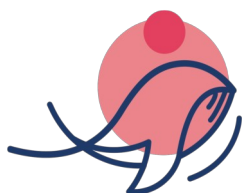
It is the most flexible tool in form and substance. It adapts to local circumstances, in particular to the state of the law regarding the protection of cetaceans of each country or territory and to the economic conditions of local communities. It does not disadvantage States with very successful national legislation and comes to the support of those which lack institutional means or skills to transpose their commitments.

This tool can make it possible to carry out actions intended for operators and the public and not only to support States. It therefore benefits local communities.

In terms of feasibility, this program can be attached to an existing “National Legislation program”. As regards the components intended to build the capacities of operators and raise public awareness, they can be deployed through partnerships with local NGOs. The creation of a SPAW-branded cetology school can also be considered for training.

This tool does not raise any intellectual property issue unless a school is created and its name and that of the diploma must be protected. Neither does it induce any particular difficulty in terms of governance, nor the need to create a specific governance body. In general, capacity building programs are managed by the Convention Secretariats.

3.4 Eco-tourism label (type II- collective private label)



The **fourth instrument** we recommend is the **collective private label (type II) that could be** composed of one or several access levels. It is a contractual instrument which, like the code of good conduct, **does not require the transposition of the commitments** made under the protocol into national law. While it complies with the objective of disseminating good practices and guidelines for marine mammal watching, it does not however fully meet the requirement to transpose international commitments.

Its flexibility in terms of container and content makes this **instrument accessible**. However, it is necessary to guarantee its selectivity and the consistency of the award, control and review procedures. Otherwise, the label will lose all legitimacy. This means that **a specific governance of the tool would have** to be put in place as part of the monitoring of this tool by the protocol bodies.

The legal scope of this instrument is, as for the code of good conduct, considered rather weak, and it

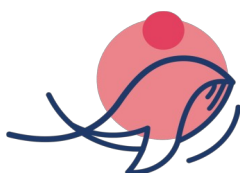
presents a **higher risk of counterfeiting**.

It can be **complex to implement** if the parties choose to create a multi-levels label to adapt to the local circumstances of the Parties and ensure its accessibility to local communities.

In terms of feasibility, the deployment of this instrument **requires significant financial, communication and institutional resources**. This instrument is the one whose cost is, a priori, the highest.

The stakes in terms of intellectual property are important since the **legitimacy of the instrument will depend on the control of the rights of use or the license** issued in the seventeen countries.

3.5 WCR diploma of excellence in marine protected areas

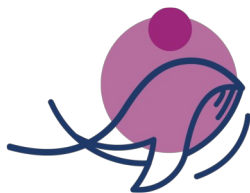


The **fifth instrument** proposed is the **Diploma of Excellence in Marine Protected Area Management**.

It values the Parties implementing exemplary management of MPA. While the

deployment of best practices and the application of guidelines must be part of the award criteria, the achievement of the objectives of the protocol is only partial. This solution should be considered as an alternative solution that can overcome a blockage or disagreement on all the other solutions. This instrument can also be of interest if it complements another tool. It can also be valued by States on the international tourism market.

3.6 Operators rating system



The **sixth instrument** we propose is **the operators rating system**. It has no legal significance and in no way meets the requirements of international law and the objectives of the protocol. The only advantage is that it **allows users / tourists to interact to compensate for the absence or to the difficulty of carrying out checks and implementing sanctions against operators** who have practices that do not respect good practices. It therefore induces an investment in terms of communication and marketing to achieve a sufficient level of visibility. It is

therefore not an instrument that can be deployed on its own.

The combinaisons of different instruments

There is no perfectly adapted regulatory instrument. It is up to the Parties to identify a combination of complementary tools in order to find a balance between the various interests weighed up: legal security, environmental protection, acceptability, technical and financial feasibility.

It appears interesting to proceed by complementarity, in particularly aggregating instruments of little legal scope with others having solid legal foundation in order to guarantee the legal certainty of the chosen provisions, especially as regard of international environmental law.

As mentioned previously, some tools are not of major interest to be deployed autonomously but can be combined with other instruments and in this context have added value. This is precisely the case for the WCR diploma of excellence in marine protected areas and the operator rating system. The WCR diploma of excellence in marine protected areas can also be integrated in scenario n°2 and n°3 whereas the operator rating system can also be integrated in scenario n°1, n°2 and n°4.