**CABINET SUBMISSION**

Proposal and Recommendation by: Date:

**1. SUBJECT**

Marine Biodiversity Conservation and Sustainable Development

**2. ISSUE**

Ratification of the Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol) to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention).

**3. PURPOSE**

To respectfully request Cabinet approval of the proposal to ratify the SPAW Protocol.

**4. BACKGROUND SUMMARY**

**4.1 Cartagena Convention**

The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention), recognises the need to protect the marine environment within the Wider Caribbean Region (WCR) through the prevention, reduction and control of pollution, the protection and preservation of rare or fragile ecosystems, and the protection of important habitat areas for threatened or endangered species. The Cartagena Convention is supplemented by three Protocols: 1) The Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region (Oil Spills Protocol); 2) The Protocol Concerning Pollution from Land-Based Sources and Activities (LBS Protocol); and 3) The Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol). The Cartagena Convention and its Protocols constitute a legal commitment by Contracting Parties to protect and manage their common coastal and marine resources individually, jointly, and in a sustainable manner.

The Caribbean Environment Programme (CEP) of the United Nations Environment Programme (UN Environment) supports Parties with implementation of the Cartagena Convention and its Protocols, functioning as Secretariat to the Convention through its Regional Coordinating Unit in Kingston, Jamaica.

In order to meet the objectives outlined in Article 10 of the Cartagena Convention, the SPAW Protocol (adopted in 1990, which entered into force in 2000) assists Parties with the establishment and sound management of protected areas, promotes the sustainable management and use of species to prevent their endangerment, and provides assistance to

governments in the region in conserving their marine and coastal ecosystems.

On  *[DATE]*, the Government of  *[COUNTRY]* ratified the Cartagena Convention along with the Oil Spills Protocol. On  *[DATE]*, the Government of  *[COUNTRY]* also ratified the LBS Protocol. However, the Government of  *[COUNTRY]* has not yet ratified the SPAW Protocol.

**4.2 SPAW Protocol**

The marine and coastal environment of the WCR is a shared resource which contains some of the world’s most diverse and productive habitats, encompassing complex and unique ecosystems with endemic species. The ecological and oceanographic interconnectivity of the Caribbean Sea and Gulf of Mexico is well documented; thus, co-operation and coordination between countries of the WCR are fundamental to the sustainable development of the region. Conscious of the threat posed by ill-conceived development to the integrity of the marine and coastal environment of the WCR, the SPAW Protocol therefore seeks to respond to the many challenges related to achieving sustainable development in the region.

The SPAW Protocol is the only legally binding biodiversity treaty for the WCR, and the only region-wide environmental treaty that protects critical marine and coastal ecosystems, while promoting regional co-operation and sustainable development. The SPAW Protocol was designed and created by and for the governments of the WCR, and hence is relevant to regional issues and specific to local circumstances. Ratifying the SPAW Protocol will assist *[COUNTRY]* in meeting the biodiversity conservation and sustainable development objectives of the nation.

Within the SPAW Protocol are specific provisions that promote and support public awareness, environmental education, community participation, and the dissemination of best practices. The Protocol’s aim is to protect rare and fragile ecosystems and habitats, thereby protecting the endangered and threatened species residing therein. It acknowledges that the protection of such areas and species enhances cultural heritage and brings ecological and economic benefits, and recognises that the “*protection and maintenance of the environment of the Wider Caribbean Region are essential to sustainable development within the region*.”

Given its scope, the SPAW Protocol provides the mechanisms through which countries can collaborate and address species conservation and habitat protection within their own boundaries. The majority of the region’s population lives along the coast and their livelihoods directly depend upon healthy marine resources. Many of the economies of the countries of the WCR are highly reliant on their coastlines for tourism and fishing which contribute significantly to their national Gross Domestic Product (GDP), and which provide critical ecological services. According to the World Resource Institute (WRI), coral reefs, for example, contribute over US$6 billion to the region annually. Despite this value, these marine and coastal resources remain under serious anthropogenic threat, with wildlife species

being depleted at an alarming rate through both over-exploitation and destruction of their habitats. Unsustainable practices such as overharvesting, unplanned development and pollution, have further led to their degradation. Many native species in the region are currently endangered or facing extinction, which demonstrates their vulnerability if

protection measures are not put in place.

The SPAW Protocol provides a platform for  *[COUNTRY]* in the WCR on these issues as well as a venue for collaboration and co-operation. Moreover, the Protocol is a useful vehicle towards the implementation of other international or regional treaties including the Convention on Biological Diversity (CBD), the Convention on Wetlands of International Importance (Ramsar), the Convention on Migratory Species (CMS), and the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC). Collaboration is facilitated through Memoranda of Co-operations between the Secretariat to the SPAW Protocol and the Secretariats of those conventions, expressing their intent to work in synergy towards shared objectives and engage in joint activities.

The Secretariat to the Protocol also serves as a focal point for the International Coral Reef Initiative (ICRI), and co-operates with the Convention on International Trade in Endangered Species (CITES), the Western Hemisphere Migratory Species Initiative (WHMSI), the International Whaling Commission (IWC), the Caribbean Fisheries Forum of the Caribbean Regional Fisheries Mechanism (CRFM), the IOCARIBE of the Intergovernmental Oceanographic Commission (IOC), the Sargasso Sea Commission, and the Mesoamerican Reef Fund (MARFund). Through the Regional Seas Programme of UN Environment, co- operation is also promoted with other regional conventions such as the Abidjan Convention on issues of common interest.

Thus, the SPAW Protocol is commonly utilised by the international community as a central hub through which technical and financial support, scientific research, training and education, capacity-building and collaboration opportunities are delivered to the Contracting Parties in order to achieve the objectives of marine biodiversity conservation and sustainable

development at regional and national levels.

To date, there are a total of 16 countries that have ratified/acceded to the SPAW Protocol, with an additional 5 countries that have signed the SPAW Protocol but not yet ratified it.

**5. RATIONALE (BENEFITS OF RATIFICATION)**

The specific objectives of the SPAW Protocol are “*to protect, preserve and manage in a sustainable way*” within the WCR: 1) areas and ecosystems that require protection in order to safeguard their special value; 2) threatened or endangered species of flora and fauna and their habitats; and 3) species of flora and fauna, with the aim of preventing them from becoming endangered or threatened. The SPAW Protocol will therefore support its Contracting Parties in their efforts to ensure the attainment of international and regional commitments on biodiversity conservation, and in meeting obligations under the Caribbean Challenge Initiative.

Financial and technical assistance for the implementation of activities that will help meet these objectives is provided to Parties through the SPAW Sub-Programme of the CEP, which is responsible for the coordination of activities in support of the Protocol, as well as through the SPAW Regional Activity Centre (SPAW-RAC) in Guadeloupe, which provides scientific and technical support for programme activities. Other regional partner agencies, institutions and individuals provide further expertise and assistance to Contracting Parties as part of the SPAW Regional Activity Network (RAN). In addition, expert advice from the SPAW

Scientific and Technical Advisory Committee (STAC) is available to Parties.

By joining the SPAW Protocol,  *[COUNTRY]* would receive support for initiatives relating to protected area designation and management, buffer zone establishment, coral reef monitoring, endangered species protection, environmental impact assessments, public awareness and education, community participation, sustainable tourism, planned coastal development, and emerging issues. The SPAW Sub-programme, through CEP and the SPAW-RAC, also provides opportunities for training, participation in capacity-building

workshops, technical assistance, and research and networking throughout the region.

*[COUNTRY to insert specific details of consultations with the Attorney General and others as*

*well as the current status of implementation of initiatives complementary to SPAW]*

As a Contracting Party to the Cartagena Convention,  *[COUNTRY]* would promote and progress towards the treaty’s objectives and would receive several extended benefits by ratifying the SPAW Protocol. There are no foreseeable adverse consequences to *[COUNTRY]* by becoming a Party to the Protocol. Notably, no financial contributions are required, and the Cartagena Convention and its Protocols do not hold Parties liable for non- compliance of articles. Overall, ratifying the SPAW Protocol will assist *[COUNTRY]* in meeting its biodiversity conservation and sustainable development objectives.

**6. CONSIDERATIONS**

*[COUNTRY]* will receive numerous benefits by ratifying the SPAW Protocol. However, not joining the Protocol will limit  *[COUNTRY]*’s ability to participate in projects and activities coordinated and funded under the framework of SPAW, since only Contracting Parties receive priority.

**6.1 Financial and Human Resources Implications**

There are no direct financial implications for  *[COUNTRY]* to join the SPAW Protocol. Parties to the Cartagena Convention and its Protocols are not asked to make financial contributions to fund the administration of the treaty. The Secretariat covers the cost of participation of all Contracting Parties to meetings of the SPAW Protocol and workshops of the SPAW Sub-Programme.

It is possible that indirect financial implications of ratification for the Government of

*[COUNTRY]* may result from efforts taken by relevant agencies on implementation.

However, many of such efforts are likely already being performed and managed within Departmental budgets which could thus absorb any added implementation costs. Consequently, no additional personnel or new funding resources are anticipated to be needed to join the SPAW Protocol.

**6.2 Legislative Implications**

No new legislation should be required for joining the SPAW Protocol. As  *[COUNTRY]* is already a Party to the Cartagena Convention, the SPAW Protocol is aligned to, and consistent with, prevailing government policy. The same domestic legislation necessary to meet its obligations under the Cartagena Convention and treaties such as the CBD and CITES, is also applicable to the provisions of the SPAW Protocol. Therefore, it is anticipated that drafting of new legislation or regulations will not be necessary to bring domestic law into compliance

with the SPAW Protocol.

Nonetheless, should any amendments to  *[COUNTRY]*’s existing national legislation be deemed desirable, advice and assistance may be obtained from CEP and UN Environment.

**6.3 Regional and International Implications**

Becoming a Party to the SPAW Protocol is an opportunity for  *[COUNTRY]* to demonstrate its firm commitment to conservation to the international community, regional stakeholders, donors, tourists and its citizenry. Major donors, as well as international, regional and local non-governmental organisations, have encouraged ratification of the SPAW Protocol.

The SPAW Sub-programme links the SPAW Protocol with other regional programmes and organisations dealing with biodiversity conservation and resource management, especially regarding protected areas and wildlife, as well as with relevant global initiatives and multilateral environmental agreements (MEAs). As a Contracting Party to the SPAW Protocol,  *[COUNTRY]* would have opportunities to enhance management of shared resources in the WCR, particularly migratory species, in line with these MEAs.

Ratification of the SPAW Protocol, with its conservation objectives and provisions on protected areas and species, will help  *[COUNTRY]* to fulfill its broader commitments to meet its obligations under more complex international treaties such as the CBD, CITES and CMS.

**7. RECOMMENDATION**

It is recommended that Cabinet ratifies/accedes to the SPAW Protocol of the Cartagena Convention, thus indicating the Government of  *[COUNTRY]*’s appreciation of the economic, social and intrinsic value of its marine and coastal environment. This will further demonstrate  *[COUNTRY]*’s commitment to take the necessary measures to protect, preserve and sustainably manage areas under its jurisdiction that require conservation to safeguard their special value, and to protect threatened or endangered species. By becoming a Party to the SPAW Protocol,  *[COUNTRY]* will receive assistance in these matters and benefit from regional co-operation.

To join, *[COUNTRY]*’s Ministry of Foreign Affairs must obtain a certified copy of the SPAW Protocol from the Government of the Republic of Colombia’s Ministry of Foreign Affairs (Division of International Co-operation), which assumed the functions of Depositary for the SPAW Protocol. Once signed, the instrument of ratification/accession to the SPAW Protocol must be deposited with the Government of the Republic of Colombia.

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