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UNEP(DEPI)/CAR WG.43/INF.33
19 December 2022

Original: ENGLISH

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

Virtual, 30 January – 1 February 2023

REPORT OF THE SPAW STAC EXEMPTIONS WORKING GROUP

This meeting is being convened virtually. Delegates are kindly requested to access all meeting documents electronically for download as necessary.

INTRODUCTION

1. The First Meeting of the Contracting Parties (COP) of the SPAW Protocol, Havana (24-25 September 2001), in its Decision I.7, awarded “specific mandates to the STAC for the creation of *ad hoc* Working Groups to deal with those themes that, owing to their complexity or level of specialization, thereby require [special attention].”
2. Four (4) such *ad hoc* working groups exist dedicated respectively to Protected Areas, to Species, to Exemptions and the most recent one, to Sargassum. Working Groups were established by the STAC and recently re-endorsed with terms of reference and specific tasks specially designed following the last STAC, in 2021. They are composed of experts designated for their acknowledged scientific and technical competence, their availability and readiness to be responsive in the group, and to cover as much as possible the geographical and thematic scope of the working group. Experts may be nominated by one or more Parties and Observer of the SPAW Protocol. Once designated, they participate *intuitu personae*. The working groups are currently all chaired by the SPAW-RAC. In case consensus cannot be reached on a specific task, the chair guarantees that the diversity of opinions is dutifully reflected in the feedback and reports to the contracting parties and observers and ultimately to the STAC.

MANDATE AND COMPOSITION

3. Formally established in January 2022, the SPAW STAC Ad Hoc Working Group on Exemptions has the following tasks assigned by the SPAW STAC Ad Hoc Working Groups Terms of Reference (UNEP(DEP)/CAR WG.42/INF.12/Rev.1):

Tasks 3.1: Review for exemptions reports submitted by Contracting Parties

Task 3.2: With the assistance of the Secretariat and/or the SPAW RAC, consider ways to facilitate reporting of exemptions and make recommendations for consideration during the next biennium for future discussions at STAC 10 and subsequent consideration at COP 12.

4. The current exemptions working group is composed of 15 experts nominated from 8 countries, 2 nominated from observers (Annex 1).

GENERAL FUNCTIONING

5. One introductory meeting with all the working groups was organized on June 3rd, 2022. They were aimed at introducing the new nominated experts to SPAW Protocol’s background, working groups’ rules and objectives, and to create momentum among the veteran experts to launch a good work dynamic.
6. Most of the working group work was performed online, on shared documents that experts collaboratively drafted with SPAW-RAC support and reviewed. Meetings were dedicated to discuss the tasks to be performed, the method to address them, identify and discuss potential points of disagreements, and validate the working group outputs.
7. As planned by the working groups terms of reference, all working group emails were sent via the “TeamWork” virtual platform and all final documents were downloaded on it. This allowed all members of the working group (experts and SPAW RAC) to keep track of exchanges and productions, including newcomers.
8. The work performed by the working group and the major outputs are presented in the following paragraphs.

WORKS CONDUCTED DURING THE BIENNIUM 2020-2021

TASK 3.1 - Review for exemptions reports submitted by Contracting Parties

Methodology

9. The United States exemption report was submitted to SPAW RAC on 9 August 2022 shared with the Exemptions Working Group on the TeamWork platform on 5 August 2022.
10. Experts were asked to read the proposal and add their comments before the validation meeting planned in early September.
11. The evaluation of the proposal was elaborated according to criteria specifically set forth in Article
12. On 9 September 2022, the experts of the exemption working group were invited to discuss the comments and suggestions made on the report submitted by the USA. The experts (2) met to discuss the Exemption report of the United States.

Outcomes and highlights

Regarding the US report, the following comments were made:

13. First SPAW-RAC encouraged the parties to participate in discussions on the reports submitted and pointed out that it might have been relevant to have more expert opinions.
14. The experts (2) recognized the work done by the United States and said this proposal could be used as an example for all Parties wishing to make an exemption.

TASK 3.2 - with the assistance of the Secretariat and/or the SPAW-RAC, consider ways to facilitate reporting of exemptions and make recommendations for consideration during the next biennium for future discussions at STAC10 and subsequent consideration at COP12

Methodology

15. A first document based on the recommendations of the last STAC to consider ways to facilitate reporting of exemptions and make recommendations for consideration during the next biennium for future discussions at STAC10 and subsequent consideration at COP12 was submitted to the experts on 10 August 2022.
16. Experts were asked to read the proposal and add their comments before the validation meeting planned in early September.
17. The working group had access to the precedent biennial country reports, one from the Netherlands, one from Colombia. It also had access to the US exemptions report and the Curacao exemption report to be reviewed but also that could be used as examples by the experts.
18. On September 9, 2022, the experts of the exemption working group were invited to a validation meeting. The experts (2) met to discuss the recommendations made for this document. The main objective was to comment on the document to identify how such an objective could be achieved, encouraging the countries reporting.

Outcomes and highlights

19. SPAW-RAC had encouraged the parties to give their recommendations to facilitate the exemptions reporting and pointed out that it might have been relevant to have more expert opinions as well.

20. The experts (2) worked on different issues choosing not to focus only on the reporting format but also to point out the important role of the Secretariat and the RAC and suggested strengthening their role in this process.

Recommendations

21. Use existing information (use the country reports when existing at the Convention and the Protocol level) to identify what is implemented by countries to comply with the protocol and review the US and Curaçao reports both to identify recommendations to provide to the parties but also to review them formally for the next STAC
22. Ask the Secretariat to reach out to countries not complying with the protocol and also provide more of the biennial reports received.
23. Encourage the countries to report more and to nominate experts or representatives to the Working Group.
24. Encourage the use of the reporting format but also to report even if they use another format, as long as it provides the necessary information. Utilize the US programmatic report as an example of a new or acceptable reporting format. The RAC could produce a document looking at the very few exemption examples to date: Curaçao's dolphinarium exemption, [later to include their coral exemption], and Bahamas iguana trafficking report, US programmatic exemption report, with a reminder that these and other types of activities should be reported.
25. Consider adapting the online Cartagena Convention biennial reporting format to include an enhanced section on Exemptions to streamline reporting and consolidate info within country reports. Data (on exemptions) from these country reports should be utilized, in any event, to inform a broader strategy on encouraging Article 11(2) reporting from Parties.
26. Active solicitation of exemption proposals by the SPAW Secretariat via a supportive reminder. The RAC, in coordination with the Secretariat, may issue an official communique to all Parties offering assistance with the implementation of the Exemption guidelines and reporting format, reminding them of the guidelines and obligations under the Protocol, and offering its expertise in providing support to Parties that are uncertain as to how to report or evaluate activities that may not be in compliance with the Protocol.
27. If the Contracting Parties report their activities and costs of attendant mitigation measures that they may be considering, perhaps the Secretariat can enlist funds (or establish a cooperative fund) that Parties could tap into to help offset these costs, and encourage reporting. The Secretariat could perhaps be authorized to assist Parties to find funding to implement measures the STAC recommends. This might also make Parties more proactive in reporting potential exemptions.
28. The Secretariat/RAC could announce they are establishing an official Exemptions Database which would also be an additional resource for Parties (and also give a subtle nudge that national exemption activities will be registered and transparent, enabling review by all stakeholders, which may encourage accountability).
29. Because very few prohibited activities (as defined by the Protocol) have been reported by Parties since the Protocol entered into force in 2000, the COP's adoption of guidelines for reviewing and reporting Article 11(2) Exemptions, and the timeframe for reviewing the Exemption process in 2018, a more proactive approach might be appropriate. The Secretariat could prepare an information document and inventory listing current or forecasted activities being undertaken by Parties that may require an exemption under Article 11(2) of the Protocol. Such a review may also include past activities that could foreseeably be repeated, in order to profile the types of activities Parties should present to the STAC

for review. This review could summarize activities undertaken by Parties under the three primary rationales for exemption currently allowed under Article 11(2). The purpose of this document would be to sustain the momentum and focus on activities that may serve to undermine the effectiveness of the Protocol over time, and educate and inform Parties as to the types of activities that should be reported. The document would consolidate available information gleaned from public records, media reports, and collaboration with the SPAW RAC relating to activities that are not in conformity with Article 11(1).

30. Provide recommendations on when countries should submit their reports, and the seriousness of the activities to report on. A review or sampling of activities occurring in the Region that are being conducted by all Parties could provide a baseline assessment to reveal the breadth and scope of the problem of non-compliance with Article 11(2) of the Protocol and to prevent finger-pointing.
31. Clarify what stance the STAC should take to address noncompliance by SPAW Parties still allowing the hunting of protected species. Taxa-specific assessments could be conducted to assess the scope of hunting of listed species in the region. Such an assessment was conducted for cetaceans (AWI, 2019).
32. Use networks on the ground level (example WIDECAST) in a collaborative way to collect data on threats and projects that impact listed species, and to support assessments of directed take of species in violation of SPAW provisions.
33. The Secretariat could make a point to highlight that it is able to receive information on activities that may be in violation of Article 11(1) (essentially reminding Parties that it has a role in protecting the integrity of the Protocol). This could encourage the sharing of information from the region to boost collaboration and oversight of regional activities that can impact species and habitats.
34. Under the endorsement and reporting recommendations of the Marine Mammal Action Plan (MMAP), information regarding the national capacities of Parties to address marine mammal conservation was collected through questionnaires and presented to the STAC. Surveys were distributed in 2006 and collated for presentation in 2008, and included questions on national legislation, marine protected areas, captive facilities, regulatory authorities, marine mammal tourism, and hunting (takes).
35. Because there are new Parties to the Protocol, and because the information is now dated, the Secretariat/RAC could revive the national capacities surveys/inventories requested under the Marine Mammal Action Plan (MMAP) that request a host of information, including takes of marine mammals and other threats. An additional category could be added for Exempted Activities, and the questionnaires recirculated to Parties under a request that new Parties complete the survey, and those that already completed the survey update their information.
36. Alternatively, because some Parties have already documented hunting of marine mammals and sea turtles, prohibited activities, on these questionnaires (or in Cartagena country reports), the Secretariat can use this information to reach out to these Parties and remind them that they are required to report exemptions for such activities in order for the STAC to assess the pertinence of the exemptions granted.

Annex 1: LIST OF THE EXEMPTIONS WORKING GROUP EXPERTS

Julia Horrocks	Barbados
Kelly Moreno	Colombia
Ana Maria Gonzalez- Delgadillo	Colombia
Julia Azansa	Cuba
Dalia Salabarría	Cuba
Otto Cordero	Dominican Republic
Jean Vermot	France
Melanie Meijer Zu Schlochtern	Netherlands
Eric F. Salamanca	Turks and Caicos
Kristen Koyama	USA
Angela Somma	USA
Courtney Vail	AWI
Alejandro Acosta	GCFI
Karen Eckert	WIDECAST