

**FINAL ACT OF THE CONFERENCE OF PLENIPOTENTIARIES FOR THE
ADOPTION OF THE ANNEXES TO THE PROTOCOL CONCERNING SPECIALLY
PROTECTED AREAS AND WILDLIFE IN THE WIDER CARIBBEAN REGION**

Kingston, 10-11 June 1991

1. The Conference of Plenipotentiaries for the Adoption of the Annexes to the Protocol Concerning Specially Protected Areas and Wildlife (SPAW) in the Wider Caribbean Region was convened by the Executive Director of the United Nations Environment Programme (UNEP) in pursuance of Article 26 of this Protocol and the Resolution of the Conference of Plenipotentiaries on Specially Protected Areas and Wildlife in the Wider Caribbean Region (Kingston, 15-18 January 1990).
2. The Conference met at the Jamaica Conference Centre, Kingston, on 10 and 11 June 1991 at the invitation of the Executive Director of UNEP.
3. The following Contracting Parties to the Cartagena Convention were invited to participate in the Conference: Antigua and Barbuda, Colombia, Cuba, France, Guatemala, Jamaica, Mexico, the Kingdom of the Netherlands, Panama, Saint Lucia, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela.
4. The following States and regional economic integration organizations were also invited to attend as observers: Bahamas, Barbados, Belize, Costa Rica, Dominica, the Dominican Republic, Grenada, Guyana, Haiti, Honduras, Nicaragua, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname and the European Economic Community.
5. The following States and regional organizations accepted the invitation and participated in the Conference: Antigua and Barbuda, Cuba, France, Jamaica, Mexico, the Kingdom of the Netherlands, Panama, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela.
6. Representatives of the following United Nations bodies and specialized agencies, and intergovernmental organizations were also invited and attended the Conference as observers:

United Nations

- UNEP - Regional Office for Latin America and the Caribbean
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- Food and Agriculture Organization of the United Nations (FAO)
- Intergovernmental Oceanographic Commission (IOC) of UNESCO

Intergovernmental organizations

- Inter-American Development Bank (IDB)

8. Representatives of the following non-governmental organizations (NGO) were also invited and attended the meeting:

- Council on Ocean Law
- Environmental Solutions International
- Greenpeace International
- Monitor International
- National Environmental Societies of Jamaica Trust (NEST)
- Proyecto Regional de Planificación y Manejo Ambiental de Bahías y Zonas Costeras del Gran Caribe (PREP)
- Swedish International Development Agency (Sida)
- Sierra Club
- Wider Caribbean Sea Turtle Conservation Network (WIDECAST)

9. During the inaugural ceremony, welcoming addresses were presented by Mr. Sálvano Briceño, Co-ordinator of the Caribbean Environment Programme and Dr. Ted Aldridge, on behalf of the Government of Jamaica. The Conference was formally opened by Mr. Peter Schröder, Director of the Oceans and Coastal Areas Programme Activity Centre on behalf of the Executive Director of the United Nations Environment Programme, in his capacity as Executive Secretary of the Conference. Mr. Schröder highlighted the importance of the SPAW Protocol and the valuable support received from the Governments of the region for its development. He made special mention of the support of the NGOs and expressed his gratitude to the Government of France, for its support in convening the last SPAW Meeting. In his welcoming remarks, Dr. Aldridge highlighted the importance that Jamaica attaches to the SPAW Protocol and, in particular, to the protection of species.

10. The Conference adopted mutatis mutandis the Rules of Procedure of the Governing Council of UNEP (UNEP/GC/3/Rev. 3).

11. The Conference unanimously elected Dr. Ted Aldridge (Jamaica) as its President.

12. The Conference also elected the following officers:

First Vice-President :	Mr. David COLSON (<i>United States of America</i>)
Second Vice-President:	Mr. Oscar BIRD (<i>Antigua and Barbuda</i>)
Third Vice-President	Mr. Helenio FERRER GRACIA (<i>Cuba</i>)
Rapporteur:	Mr. Alain MEGRET (<i>France</i>)

Drafting Committee:

Chairperson:	Amb. Jean François PULVENIS (<i>Venezuela</i>)
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Credentials Committee:

Chairperson:	Mr. Quirino RICHARDSON (<i>Netherlands</i>)
Members:	Delegates of Panama, Venezuela and the United States of America

13. The Conference adopted the following agenda:

1. Opening of the Conference.
2. Organization of the Conference.
 - a) Adoption of the Rules of Procedure;
 - b) Election of officers of the Conference;
 - c) Organization of work
3. Adoption of the Agenda.
4. Report of the Credentials Committee.
5. Draft Annexes (I, II and III) to the Protocol Concerning Specially Protected Areas and Wildlife
6. Adoption of the Final Act of the Conference
7. Signature of the Final Act.
8. Closure of the Conference.

14. In conformity with the Rules of Procedure, the Conference established the Credentials Committee.

15. The draft lists of species recommended for the Annexes by the Meeting of the Ad Hoc Group of Experts for the Development of Annexes to the Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean Region, Martinique, 5-8 November 1990, served as the basis for the deliberations of the Conference. These lists are contained in Annex IV of the report of the Ad Hoc Group of Experts Meeting (UNEP(OCA)/CAR WG.4/4).

16. Additional documents were provided by participants and presented by the Secretariat to support the deliberations. These documents are contained in UNEP(OCA)/CAR IG.7/INF. I/Rev. 1.

17. The Conference, in plenary, debated each of the taxa proposed in the draft lists of species, and identified those taxa which could be adopted by consensus. It was recognized that, notwithstanding the desirability of achieving a truly consensual list, general principles of international law, as well as the text of the Protocol, do not prevent participating States from entering reservations with respect to the initial listings.

18. In adopting the initial Annexes (I, II and III) to the Protocol, the Conference endorsed the criteria which had been used by the Ad Hoc Group of Experts for the selection of flora and fauna for inclusion in said Annexes:

- a) For the purpose of all three annexes, the scientific evaluation of the "threatened or endangered" status of the proposed species is to be based on the following factors: size of the populations, evidence of decline, restrictions on range, and the importance of the species to the maintenance of fragile and vulnerable ecosystems;
- b) Whether the species is the subject of trade and whether international trade is regulated under CITES;

- c) Given the wide definition of the territorial ambit of the Protocol under Article 1(c) and the particular circumstances of the region, listing will not be limited to marine and coastal species;
 - d) Given the regional, co-operative nature of the protection to be accorded to listed species, species endemic to only one country are generally not regarded as appropriate for listing, these species being more appropriate for protected status under Article 10 of the Protocol. In certain cases where international co-operation is considered important in recovery efforts, endemic species are to be included in the lists;
 - e) Given that the listing of a taxonomic unit is agreed to cover all the lower taxa, higher taxa are utilized, where appropriate, to simplify the lists and to address the problems caused by species of similar appearance. The listing of species is taken to include all sub-species and as a general rule, sub-species are not recommended for separate listing; and
 - f) In the case of species essential to the maintenance of fragile and vulnerable ecosystems (such as mangrove forests, seagrass beds and coral reefs), the listing of such species are felt to be "appropriate measure to ensure the protection and recovery" of the ecosystem which they constitute, and hence to fulfill the requirements for listing under Article 11 (1) (c) of the Protocol. Because these systems as a whole are subject to anthropogenic changes, as well as large-scale natural disturbances (such as the consequences of sea-level and temperature rise induced by global warming), appropriate protection should be focused on the system as a whole, rather than on individual specimens. This approach is thought to be appropriate to foster comprehensive national and regional policies for managing these fragile and threatened ecosystems.
19. Furthermore, recognizing that not all Parties had participated in the meeting of the Ad Hoc Group of Experts, it was suggested that the Group review these criteria and, if appropriate, recommend modifications or additions to be submitted to the First Meeting of the Contracting Parties to the Protocol.
20. In adopting the initial Annexes, the Conference deemed it important to make the following clarifications regarding the scope of some provisions of the Protocol:
- a) That the provisions of Article 11 of the Protocol should not apply to specimens legally acquired prior to the entry into force of the Protocol or to their progeny;
 - b) That species listed under Annex III may be utilized on a rational and sustainable basis, but require management for their protection and conservation. Not all of the conservation measures set forth in Article 11(l)(c) may be appropriate for all species. The measures listed in Article 11 (1)(c) are illustrative of the measures that each Party could adopt. Management of Annex III species may include, but is not limited to, the conservation measures identified in Article 11 (1)(c);
 - c) That the mechanisms specified in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) may be used to govern international trade in wild fauna and flora under Article 11 of the Protocol;

- d) That the provisions and obligations of the Protocol do not apply to non-native species, defined as species found outside of their natural geographical distribution, as a result of deliberate or incidental human intervention;
 - e) That the attribution of responsibility for complying with the substantive obligations of the Protocol will be effected by each Party according to its own constitutional and administrative system.
21. The Conference noted that cultivation, propagation and breeding in captivity within the provisions of Article 11(2) constitute a valuable means of conservation of species which may allow for their future rational management after recovery.
 22. The Conference stressed the importance of identifying varieties of mechanisms for protection of habitats as an effective means for the protection of species listed in the Annexes.
 23. In order to ensure the effectiveness of the measures adopted in the Protocol, the Conference recommends that these measures be applied in so far as possible, until such time as the Protocol enters into force.
 24. The Conference also endorsed the recommendation made by the Ad Hoc Group of Experts on the need to give special priority in the interim Scientific and Technical Advisory Committee to the species listed in Annex V, of the Report of the Ad Hoc Group of Experts, as well as to migratory birds, waterfowl and molluscs.
 25. The Conference noted that several delegations which did not attend the Meeting of the Ad Hoc Group had submitted additional species for inclusion in the Annexes, and recommended that these lists be considered by the Group.
 26. Participants in the Conference, noting with concern the potential impact on the species protected by the Protocol from large scale pelagic driftnet fishing reaffirmed their support for United Nations General Assembly Resolution of 44/225 of 22 December 1989 on this issue and invited the Contracting Parties to the Cartagena Convention to implement the Resolution fully within the region at the earliest possible opportunity, as well as to support its implementation globally.
 27. In keeping with the Rules of Procedure, the Credentials Committee examined the credentials of the representatives and submitted its report to the Conference. The Conference approved the recommendation of its Credentials Committee that the credentials of representatives of eight States should be recognized as being in order to sign the Annexes to the Protocol.
 28. The Secretariat presented the final draft lists and, after a general debate, the following instrument was adopted by the Conference:

“Annexes to the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.”
 29. The Annexes which are appended to this Final Act, will be open for signature at Kingston from 11 to 30 June 1991 and at Bogota from 1 July to 31 December 1991 by States that have

also undersigned the Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean Region.

IN WITNESS WHEREOF the representatives have affixed their signatures to this Final Act.

DONE AT KINGSTON this eleventh day of June one thousand nine hundred and ninety-one in a single copy in the English, French and Spanish languages, the three texts being equally authentic. The original texts of the Final Act shall be deposited with the Government of the Republic of Colombia.