

Protecting marine and coastal biodiversity in the Caribbean: the SPAW Protocol

Background.

The coastal and marine resources on which much of the Caribbean's important economic activities are based are disappearing or being threatened at an alarming rate. Coral reefs are rapidly being degraded throughout the region, important species such as sea turtles and the manatees are endangered and fisheries resources are declining. Land-based sources of pollution such as sewage and sediments, habitat degradation and overexploitation are among the major causes.

The problems are not new but their magnitude is increasing. Some twenty years ago, in 1981, the Governments of the Caribbean region agreed an Action Plan of the Caribbean Environment Programme (CEP), one of the Regional Seas programmes of the United Nations Environment Programme (UNEP), to address these problems. In 1983 the legal framework of the CEP, the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, was adopted in Cartagena, Colombia and it has since been ratified by 21 out of 28 Governments.

Seven years later, the Convention signatories, "[c]onscious of the grave threat posed by ill-conceived development options to the integrity of the marine and coastal environment of the Wider Caribbean Region,...[and]...recognizing that protection and maintenance of the environment of the Wider Caribbean region are essential to sustainable development within the region", completed negotiations for an important new treaty, a protocol to the Cartagena Convention, to protect and conserve the region's increasingly endangered and depleted fauna and flora, and to encourage the sustainable management of the region's coastal and ocean resources. Called the Specially Protected Areas and Wildlife (SPAW) Protocol, this agreement was adopted

on 18 January 1990 as the second protocol to the Cartagena Convention.

Ten more years passed before the SPAW Protocol came into force, in June 2000, following its ratification by St Lucia, the ninth government to ratify. Barbados, France and the USA have since joined Colombia, Cuba, Dominican Republic, Netherlands, Panama, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago and Venezuela as full parties.

The SPAW Protocol is supported by an operational programme, the SPAW Programme, run by the regional office of the United Nations Environment Programme (UNEP), based in Kingston, Jamaica. The main decision-making body of SPAW, the Conference of Parties, is assisted by a Scientific and Technical Committee (STAC) whose members are appointed by the Parties. The first Conference of Parties and STAC meeting took place in Havana in September 2001.



Carriacou and Fregate islands, Lesser Antilles
Photo courtesy of Eastern Caribbean Coalition for Environmental Awareness (ECCEA)

The SPAW Protocol is considered "groundbreaking" for a number of reasons. It is the only regional environmental legal treaty addressing biodiversity conservation issues of the Wider Caribbean.

The Protocol is also considered the first international environmental agreement of its kind to use an ecosystem approach to conservation. That is, by providing for the protection of rare and fragile ecosystems and habitats, the Protocol seeks to protect the plant and animal species that live in them.



Rescue of a Leatherback Turtle, a species protected by SPAW.
Photo courtesy ECCEA.

According to international law professor David Freestone, this agreement “is the most comprehensive of its kind...reflect[ing] much of the best in modern thinking on wildlife protection and management.” [*Int'l. J. Estuarine and Coastal L.* 362(1990)]. He cites in particular the institutional structure that it establishes as well as its “provisions on environmental impact assessment, planning and management regimes and buffer zones, [and] the range of protection measures it envisages (including species recovery plans)...”

Benefits to states of becoming a Party to the SPAW Protocol.

Becoming a Party to the SPAW Protocol not only helps the Protocol's objectives to be achieved but brings many benefits to the Party itself, not least by offering a concrete demonstration to the global community of that state's commitment to the conservation of biodiversity.

In addition, a Party to the SPAW Protocol can benefit from the many activities of the SPAW Programme, as identified by the SPAW Secretariat, including (but not limited to):

- access to the Regional Activity Centre based in Guadeloupe providing scientific and technical assistance with training and public awareness programmes;
- support for developing and implementing sustainable tourism initiatives;
- support for the creation and management of protected areas with access to a region-wide network of marine protected area managers;
- access to activities related to the conservation of coral reefs, with links to the International Coral Reef Initiative for which UNEP's Caribbean Environment Programme is the regional contact;
- coordination of activities with the Convention on Biological Diversity (CBD), and assistance with implementation at a regional level of the global CBD. In fact, the November 1997 Ministerial Meeting on the Programme of Action for the Sustainable Development of Caribbean Small Island States (Barbados, 10-14 November 1997) specifically “recommended the ratification of the SPAW Protocol...as a means for implementing relevant aspects of the Convention on Biological Diversity”;
- similarly, coordination with other biodiversity-related agreements, such as the Convention on International Trade in Endangered Species (CITES), the Ramsar Convention on Wetlands Conservation, the Bonn Convention on Migratory Species and the Western Hemisphere Convention.

There are no direct financial implications for Parties to SPAW as a Trust Fund exists that is independent of the Convention.

BECOMING A PARTY TO SPAW

Although legally in force since June 2000, little more than a third of the states of the region have actually ratified or acceded to the SPAW Protocol. SPAW's effectiveness depends on its broad implementation throughout the entire region, and the Contracting Parties to the Cartagena Convention that have not yet done

so are urged to become Parties to the SPAW Protocol as well. The Government of Colombia is the Depositary Government for the SPAW Protocol. States interested in becoming Parties should contact the Colombian Ministry of Foreign Affairs in Bogota and/or the SPAW Secretariat in Kingston.

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