

POLLUTION

Caribbean Region

**Protocol to Convention of
March 24, 1983 Between the
UNITED STATES OF AMERICA
and OTHER GOVERNMENTS**

Done at Kingston January 18, 1990



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“...the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MULTILATERAL

Pollution: Caribbean Region

Protocol to Convention of March 24, 1983.

Done at Kingston on January 18, 1990;

*Transmitted by the President of the United States of America
to the Senate April 20, 1993 (Treaty Doc. 103-5,
103rd Congress, 1st Session);*

*Reported favorably by the Senate Committee on Foreign Relations
July 30, 2002 (Senate Executive Report No. 107-8,
107th Congress, 2d Session);*

*Advice and consent to ratification by the Senate
September 5, 2002;*

Ratified by the President January 31, 2003;

*Instrument of Ratification of the United States of America
deposited;*

Entered into force for the United States April 16, 2003.

**PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND WILDLIFE
TO THE CONVENTION FOR THE PROTECTION AND
DEVELOPMENT OF THE MARINE ENVIRONMENT
OF THE WIDER CARIBBEAN REGION**

**PROTOCOLE RELATIF AUX ZONES ET A LA VIE SAUVAGE SPECIALEMENT
PROTEGEES A LA CONVENTION POUR LA PROTECTION
ET LA MISE EN VALEUR DU MILIEU MARIN
DE LA REGION DES CARAIBES**

**PROTOCOLO RELATIVO A LAS AREAS Y FLORA Y FAUNA SILVESTRES
ESPECIALMENTE PROTEGIDAS DEL CONVENIO PARA LA
PROTECCION Y EL DESARROLLO DEL MEDIO MARINO
DE LA REGION DEL GRAN CARIBE**

**UNITED NATIONS
NATIONS UNIES
NACIONES UNIDAS**

1990

LIST OF ARTICLES

1. Definitions
2. General Provisions
3. General Obligations
4. Establishment of Protected Areas
5. Protection Measures
6. Planning and Management Regime for Protected Areas
7. Co-operation Programme for and Listing of Protected Areas
8. Establishment of Buffer Zones
9. Protected Areas and Buffer Zones Contiguous to International Boundaries
10. National Measures for the Protection of Wild Flora and Fauna
11. Co-operative Measures for the Protection of Wild Flora and Fauna
12. Introduction of Non-indigenous or Genetically Altered Species
13. Environmental Impact Assessment
14. Exemptions for Traditional Activities
15. Changes in the Status of Protected Areas or Protected Species
16. Publicity, Information, Public Awareness and Education
17. Scientific, Technical and Management Research
18. Mutual Assistance
19. Notifications and Reports to the Organization
20. Scientific and Technical Advisory Committee
21. Establishment of Common Guidelines and Criteria
22. Institutional Arrangements

LIST OF ARTICLES (cont'd)

- 23. Meetings of the Parties
- 24. Funding
- 25. Relationship to other Conventions Dealing with the Special Protection of Wildlife
- 26. Transitional Clause
- 27. Entry into Force
- 28. Signature

Annex I ^{1/}

Annex II ^{1/}

Annex III ^{1/}

^{1/}The initial version of the Annexes will be adopted in accordance with Article 26 of this Protocol.

PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND WILDLIFE TO THE CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION

The Contracting Parties to this Protocol,

Being Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, done at Cartagena de Indias, Colombia on 24 March 1983,

Taking into account Article 10 of the Convention which requires the establishment of specially protected areas,

Having regard to the special hydrographic, biotic and ecological characteristics of the Wider Caribbean Region,

Conscious of the grave threat posed by ill-conceived development options to the integrity of the marine and coastal environment of the Wider Caribbean Region,

Recognizing that protection and maintenance of the environment of the Wider Caribbean Region are essential to sustainable development within the region,

Conscious of the overwhelming ecological, economic, aesthetic, scientific, cultural, nutritional and recreational value of rare or fragile ecosystems and native flora and fauna to the Wider Caribbean Region,

Recognizing that the Wider Caribbean Region constitutes an interconnected group of ecosystems in which an environmental threat in one part represents a potential threat in other parts,

Stressing the importance of establishing regional co-operation to protect and, as appropriate, to restore and improve the state of ecosystems, as well as threatened and endangered species and their habitats in the Wider Caribbean Region by, among other means, the establishment of protected areas in the marine areas and their associated ecosystems,

Recognizing that the establishment and management of such protected areas and the protection of threatened and endangered species will enhance the cultural heritage and values of the countries and territories in the Wider Caribbean Region, and bring increased economic and ecological benefits to them,

Have agreed as follows:

Article 1

Definitions

For the purpose of this Protocol:

- (a) "Convention" means the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, Colombia, March 1983);
- (b) "Action Plan" means the Action Plan for the Caribbean Environment Programme (Montego Bay, April 1981);
- (c) "Wider Caribbean Region" has the meaning given to the term "the Convention area" in Article 2(1) of the Convention, and in addition, includes for the purposes of this Protocol:
 - (i) waters on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the fresh water limit; and
 - (ii) such related terrestrial areas (including watersheds) as may be designated by the Party having sovereignty and jurisdiction over such areas;
- (d) "Organization" means the body referred to in Article 2(2) of the Convention;
- (e) "Protected area" means the areas accorded protection pursuant to Article 4 of this Protocol;
- (f) "Endangered species" are species or subspecies of fauna and flora, or their populations, that are in danger of extinction throughout all or part of their range and whose survival is unlikely if the factors jeopardizing them continue to operate;
- (g) "Threatened species" are species or subspecies of fauna and flora, or their populations:
 - (i) that are likely to become endangered within the foreseeable future throughout all or part of their range if the factors causing numerical decline or habitat degradation continue to operate; or
 - (ii) that are rare because they are usually localized within restricted geographical areas or habitats or are thinly scattered over a more extensive range and which are potentially or actually subject to decline and possible endangerment or extinction.
- (h) "Protected species" are species or subspecies of fauna and flora, or their populations, accorded protection pursuant to Article 10 of this Protocol;
- (i) "Endemic species" are species or subspecies of fauna and flora, or their populations, whose distribution is restricted to a limited geographical area;

(j) "Annex I" means the annex to the Protocol containing the agreed list of species of marine and coastal flora that fall within the categories defined in Article 1 and that require the protection measures indicated in Article 11 (1)(a). The Annex may include terrestrial species as provided for in Article 1 (c) (ii);

(k) "Annex II" means the annex to the Protocol containing the agreed list of species of marine and coastal fauna that fall within the category defined in Article 1 and that require the protection measures indicated in Article 11 (1)(b). The Annex may include terrestrial species as provided for in Article 1 (c) (ii); and

(l) "Annex III" means the annex to the Protocol containing the agreed list of species of marine and coastal flora and fauna that may be utilized on a rational and sustainable basis and that require the protection measures indicated in Article 11 (1)(c). The Annex may include terrestrial species as provided for in Article 1 (c) (ii).

Article 2

General Provisions

1. This Protocol shall apply to the Wider Caribbean Region as defined in Article 1(c).
2. The provisions of the Convention relating to its Protocols shall apply to this Protocol, including in particular, paragraphs 2 and 3 of Article 3 of the Convention.
3. The present Protocol shall not apply to warships or other ships owned or operated by a State while engaged in government non-commercial service. Nevertheless, each Party shall ensure through the adoption of appropriate measures that do not hinder the operation or operational capacities of vessels they own or operate, that they adhere to the terms of the present Protocol in so far as is reasonable and feasible.

Article 3

General Obligations

1. Each Party to this Protocol shall, in accordance with its laws and regulations and the terms of the Protocol, take the necessary measures to protect, preserve and manage in a sustainable way, within areas of the Wider Caribbean Region in which it exercises sovereignty, or sovereign rights or jurisdiction:

- (a) areas that require protection to safeguard their special value; and
- (b) threatened or endangered species of flora and fauna.

2. Each Party shall regulate and, where necessary, prohibit activities having adverse effects on these areas and species. Each Party shall endeavour to co-operate in the enforcement of these measures, without prejudice to the sovereignty, or sovereign rights or jurisdiction of other Parties. Any measures taken by such Party to enforce or to attempt to enforce the measures agreed pursuant to this Protocol shall be limited to those within the competence of such Party and shall be in accordance with international law.

3. Each Party, to the extent possible, consistent with each Party's legal system, shall manage species of fauna and flora with the objective of preventing species from becoming endangered or threatened.

Article 4

Establishment of Protected Areas

1. Each Party shall, when necessary, establish protected areas in areas over which it exercises sovereignty, or sovereign rights or jurisdiction, with a view to sustaining the natural resources of the Wider Caribbean Region, and encouraging ecologically sound and appropriate use, understanding and enjoyment of these areas, in accordance with the objectives and characteristics of each of them.

2. Such areas shall be established in order to conserve, maintain and restore, in particular:

- (a) representative types of coastal and marine ecosystems of adequate size to ensure their long-term viability and to maintain biological and genetic diversity;
- (b) habitats and their associated ecosystems critical to the survival and recovery of endangered, threatened or endemic species of flora or fauna;
- (c) the productivity of ecosystems and natural resources that provide economic or social benefits and upon which the welfare of local inhabitants is dependent; and
- (d) areas of special biological, ecological, educational, scientific, historic, cultural, recreational, archaeological, aesthetic, or economic value, including in particular, areas whose ecological and biological processes are essential to the functioning of the Wider Caribbean ecosystems.

Article 5

Protection Measures

1. Each Party, taking into account the characteristics of each protected area over which it exercises sovereignty, or sovereign rights or jurisdiction, shall, in conformity with its national laws and regulations and with international law, progressively take such measures as are necessary and practicable to achieve the objectives for which the protected area was established.

2. Such measures should include, as appropriate:

- (a) the regulation or prohibition of the dumping or discharge of wastes and other substances that may endanger protected areas;
- (b) the regulation or prohibition of coastal disposal or discharges causing pollution, emanating from coastal establishments and developments, outfall structures or any other sources within their territories;
- (c) the regulation of the passage of ships, of any stopping or anchoring, and of other ship activities, that would have significant adverse environmental effects on the protected area, without prejudice to the rights of innocent passage, transit passage, archipelagic sea lanes passage and freedom of navigation, in accordance with international law;
- (d) the regulation or prohibition of fishing, hunting, taking or harvesting of endangered or threatened species of fauna and flora and their parts or products;
- (e) the prohibition of activities that result in the destruction of endangered or threatened species of fauna or flora and their parts and products, and the regulation of any other activity likely to harm or disturb such species, their habitats or associated ecosystems;
- (f) the regulation or prohibition of the introduction of non-indigenous species;
- (g) the regulation or prohibition of any activity involving the exploration or exploitation of the sea-bed or its subsoil or a modification of the sea-bed profile;
- (h) the regulation or prohibition of any activity involving a modification of the profile of the soil that could affect watersheds, denudation and other forms of degradation of watersheds, or the exploration or exploitation of the subsoil of the land part of a marine protected area;
- (i) the regulation of any archaeological activity and of the removal or damage of any object which may be considered as an archaeological object;
- (j) the regulation or prohibition of trade in, and import and export of threatened or endangered species of fauna or their parts, products, or eggs, and of threatened or endangered species of flora or their parts or products, and archaeological objects that originate in protected areas;

- (k) the regulation or prohibition of industrial activities and of other activities which are not compatible with the uses that have been envisaged for the area by national measures and/or environmental impact assessments pursuant to Article 13;
- (l) the regulation of tourist and recreational activities that might endanger the ecosystems of protected areas or the survival of threatened or endangered species of flora and fauna; and
- (m) any other measure aimed at conserving, protecting or restoring natural processes, ecosystems or populations for which the protected areas were established.

Article 6

Planning and Management Regime for Protected Areas

1. In order to maximize the benefits from protected areas and to ensure the effective implementation of the measures set out in Article 5, each Party shall adopt and implement planning, management and enforcement measures for protected areas over which it exercises sovereignty, or sovereign rights or jurisdiction. In this regard, each Party shall take into account the guidelines and criteria formulated by the Scientific and Technical Advisory Committee as provided for in Article 21 and which have been adopted by meetings of the Parties.

2. Such measures should include:

- (a) the formulation and adoption of appropriate management guidelines for protected areas;
- (b) the development and adoption of a management plan that specifies the legal and institutional framework and the management and protection measures applicable to an area or areas;
- (c) the conduct of scientific research on, and monitoring of, user impacts, ecological processes, habitats, species and populations; and the undertaking of activities aimed at improved management;
- (d) the development of public awareness and education programmes for users, decision-makers and the public to enhance their appreciation and understanding of protected areas and the objectives for which they were established;
- (e) the active involvement of local communities, as appropriate, in the planning and management of protected areas, including assistance to, and training of, local inhabitants who may be affected by the establishment of protected areas;
- (f) the adoption of mechanisms for financing the development and effective management of protected areas and facilitating programmes of mutual assistance;

- (g) contingency plans for responding to incidents that could cause or threaten to cause damage to protected areas including their resources;
- (h) procedures to permit, regulate or otherwise authorize activities compatible with the objectives for which the protected areas were established; and
- (i) the development of qualified managers and technical personnel, as well as appropriate infrastructure.

Article 7

Co-operation Programme for, and Listing of, Protected Areas

1. The Parties shall establish co-operation programmes within the framework of the Convention and the Action Plan and in accordance with their sovereignty, or sovereign rights or jurisdiction to further the objectives of the Protocol.

2. A co-operation programme will be established to support the listing of protected areas. It will assist with the selection, establishment, planning, management and conservation of protected areas, and shall create a network of protected areas. To this end, the Parties shall establish a list of protected areas. The Parties shall:

- (a) recognize the particular importance of listed areas to the Wider Caribbean Region;
- (b) accord priority to listed areas for scientific and technical research pursuant to Article 17;
- (c) accord priority to listed areas for mutual assistance pursuant to Article 18; and
- (d) not authorize or undertake activities that would undermine the purposes for which a listed area was created.

3. The procedures for the establishment of the list of protected areas are as follows:

- (a) The Party that exercises sovereignty, or sovereign rights or jurisdiction over a protected area shall nominate it to be included in the list of protected areas. Such nominations will be made in accordance with the guidelines and criteria concerning the identification, selection, establishment, management, protection, and any other matter adopted by the Parties pursuant to Article 21. Each Party making a nomination shall provide the Scientific and Technical Advisory Committee through the Organization with the necessary supporting documentation, including in particular, the information noted in Article 19(2); and

- (b) After the Scientific and Technical Advisory Committee evaluates the nomination and supporting documentation, it will advise the Organization as to whether the nomination fulfills the common guidelines and criteria established pursuant to Article 21. If these guidelines and criteria have been met, the Organization will advise the Meeting of Contracting Parties who will include the nomination in the List of Protected Areas.

Article 8

Establishment of Buffer Zones

Each Party to this Protocol may, as necessary, strengthen the protection of a protected area by establishing, within areas in which it exercises sovereignty, or sovereign rights or jurisdiction, one or more buffer zones in which activities are less restricted than in the protected area while remaining compatible with achieving the purposes of the protected area.

Article 9

Protected Areas and Buffer Zones Contiguous to International Boundaries

1. If a Party intends to establish a protected area or a buffer zone contiguous to the frontier or to the limits of the zone of national jurisdiction of another Party, the two Parties shall consult each other with a view to reaching agreement on the measures to be taken and shall, *inter alia*, examine the possibility of the establishment by the other Party of a corresponding contiguous protected area or buffer zone or the adoption by it of any other appropriate measures including co-operative management programmes.

2. If a Party intends to establish a protected area or a buffer zone contiguous to the frontier or to the limits of the zone of national jurisdiction of a State that is not a Party to this Protocol, the Party shall endeavour to work together with the competent authorities of that State with a view to holding the consultations referred to in paragraph 1.

3. Whenever it becomes known to a Party that a non-Party intends to establish a protected area or a buffer zone contiguous to the frontier or to the limits of the zone of national jurisdiction of a Party to this Protocol, the latter shall endeavour to work together with that State with a view to holding the consultations referred to in paragraph 1.

4. If contiguous protected areas and/or buffer zones are established by one Party and by a State that is not a Party to this Protocol, the former should attempt, where possible, to achieve conformity with the provisions of the Convention and its Protocols.

Article 10

National Measures for the Protection of Wild Flora and Fauna

1. Each Party shall identify endangered or threatened species of flora and fauna within areas over which it exercises sovereignty, or sovereign rights or jurisdiction, and accord protected status to such species. Each Party shall regulate and prohibit according to its laws and regulations, where appropriate, activities having adverse effects on such species or their habitats and ecosystems, and carry out species recovery, management, planning and other measures to effect the survival of such species. Each Party, in keeping with its legal system, shall also take appropriate actions to prevent species from becoming endangered or threatened.

2. With respect to protected species of flora and their parts and products, each Party, in conformity with its laws and regulations, shall regulate, and where appropriate, prohibit all forms of destruction and disturbance, including the picking, collecting, cutting, uprooting or possession of, or commercial trade in, such species.

3. With respect to protected species of fauna, each Party, in conformity with its laws and regulations, shall regulate, and where appropriate, prohibit:

- (a) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing) or commercial trade in such species or their parts or products; and
- (b) to the extent possible, the disturbance of wild fauna, particularly during the period of breeding, incubation, estivation or migration, as well as other periods of biological stress.

4. Each Party shall formulate and adopt policies and plans for the management of captive breeding of protected fauna and propagation of protected flora.

5. The Parties shall, in addition to the measures specified in paragraph 3, co-ordinate their efforts, through bilateral or multilateral actions, including if necessary, any treaties for the protection and recovery of migratory species whose range extends into areas under their sovereignty, or sovereign rights or jurisdiction.

6. The Parties shall endeavour to consult with range States that are not Parties to this Protocol, with a view to co-ordinating their efforts to manage and protect endangered or threatened migratory species.

7. The Parties shall make provisions, where possible, for the repatriation of protected species exported illegally. Efforts should be made by Parties to reintroduce such species to the wild, or if unsuccessful, make provision for their use in scientific studies or for public education purposes.

8. The measures which Parties take under this Article are subject to their obligations under Article 11 and shall in no way derogate from such obligations.

Article 11

Co-operative Measures for the Protection of Wild Flora and Fauna

1. The Parties shall adopt co-operative measures to ensure the protection and recovery of endangered and threatened species of flora and fauna listed in Annexes I, II and III of the present Protocol.

- (a) The Parties shall adopt all appropriate measures to ensure the protection and recovery of species of flora listed in Annex I. For this purpose, each Party shall prohibit all forms of destruction or disturbance, including the picking, collecting, cutting, uprooting or possession of, or commercial trade in such species, their seeds, parts or products. They shall regulate activities, to the extent possible, that could have harmful effects on the habitats of the species.
- (b) Each Party shall ensure total protection and recovery to the species of fauna listed in Annex II by prohibiting:
 - (i) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing) or commercial trade in such species, their eggs, parts or products;
 - (ii) to the extent possible, the disturbance of such species, particularly during periods of breeding, incubation, estivation or migration, as well as other periods of biological stress.
- (c) Each Party shall adopt appropriate measures to ensure the protection and recovery of the species of flora and fauna listed in Annex III and may regulate the use of such species in order to ensure and maintain their populations at the highest possible levels. With regard to the species listed in Annex III, each Party shall, in co-operation with other Parties, formulate, adopt and implement plans for the management and use of such species, including:
 - (i) For species of fauna:
 - (a) the prohibition of all non-selective means of capture, killing, hunting and fishing and of all actions likely to cause local disappearance of a species or serious disturbance of its tranquility;
 - (b) the institution of closed hunting and fishing seasons and of other measures for maintaining their populations;
 - (c) the regulation of the taking, possession, transport or sale of living or dead species, their eggs, parts or products;
 - (ii) For species of flora, including their parts or products, the regulation of their collection, harvest and commercial trade.

2. Each Party may adopt exemptions to the prohibitions prescribed for the protection and recovery of the species listed in Annexes I and II for scientific, educational or management purposes necessary to ensure the survival of the species or to prevent significant damage to forests or crops. Such exemptions shall not jeopardize the species and shall be reported to the Organization in order for the Scientific and Technical Advisory Committee to assess the pertinence of the exemptions granted.

3. The Parties also shall:

- (a) accord priority to species contained in the annexes for scientific and technical research pursuant to Article 17;
- (b) accord priority to species contained in the annexes for mutual assistance pursuant to Article 18.

4. The procedures to amend the annexes shall be as follows:

- (a) any Party may nominate an endangered or threatened species of flora or fauna for inclusion in or deletion from these annexes, and shall submit to the Scientific and Technical Advisory Committee, through the Organization, supporting documentation, including, in particular, the information noted in Article 19. Such nomination will be made in accordance with the guidelines and criteria adopted by the Parties pursuant to Article 21;
- (b) the Scientific and Technical Advisory Committee shall review and evaluate the nominations and supporting documentation and shall report its views to the meetings of Parties held pursuant to Article 23;
- (c) the Parties shall review the nominations, supporting documentation and the reports of the Scientific and Technical Advisory Committee. A species shall be listed in the annexes by consensus, if possible, and if not, by a three-quarters majority vote of the Parties present and voting, taking fully into account the advice of the Scientific and Technical Advisory Committee that the nomination and supporting documentation meet the common guidelines and criteria established pursuant to Article 21;
- (d) a Party may, in the exercise of its sovereignty or sovereign rights, enter a reservation to the listing of a particular species in an annex by notifying the Depositary in writing within 90 days of the vote of the Parties. The Depositary shall, without delay, notify all Parties of reservations received pursuant to this paragraph;
- (e) a listing in the corresponding annex shall become effective 90 days after the vote for all Parties, except those which made a reservation in accordance with paragraph (d) of this Article; and
- (f) a Party may at any time substitute an acceptance for a previous reservation to a listing by notifying the Depositary, in writing. The acceptance shall thereupon enter into force for that Party.

5. The Parties shall establish co-operation programmes within the framework of the Convention and the Action Plan to assist with the management and conservation of protected species, and shall develop and implement regional recovery programmes for protected species in the Wider Caribbean Region, taking fully into account other existing regional conservation measures relevant to the management of those species. The Organization shall assist in the establishment and implementation of these regional recovery programmes.

Article 12

Introduction of Non-indigenous or Genetically Altered Species

Each Party shall take all appropriate measures to regulate or prohibit intentional or accidental introduction of non-indigenous or genetically altered species to the wild that may cause harmful impacts to the natural flora, fauna or other features of the Wider Caribbean Region.

Article 13

Environmental Impact Assessment

1. In the planning process leading to decisions about industrial and other projects and activities that would have a negative environmental impact and significantly affect areas or species that have been afforded special protection under this Protocol, each Party shall evaluate and take into consideration the possible direct and indirect impacts, including cumulative impacts, of the projects and activities being contemplated.

2. The Organization and the Scientific and Technical Advisory Committee shall, to the extent possible, provide guidance and assistance, upon request, to the Party making these assessments.

Article 14

Exemptions for Traditional Activities

1. Each Party shall, in formulating management and protective measures, take into account and provide exemptions, as necessary, to meet the traditional subsistence and cultural needs of its local populations. To the fullest extent possible, no exemption which is allowed for this reason shall:

- (a) endanger the maintenance of areas protected under the terms of this Protocol, including the ecological processes contributing to the maintenance of those protected areas; or
- (b) cause either the extinction of, or a substantial risk to, or substantial reduction in the number of, individuals making up the populations of species of fauna and flora within the protected areas, or any ecologically inter-connected species or populations, particularly migratory species and threatened, endangered or endemic species.

2. Parties which allow exemptions with regard to protective measures shall inform the Organization accordingly.

Article 15

Changes in the Status of Protected Areas or Protected Species

1. Changes in the delimitation or legal status of an area, or part thereof, or of a protected species, may only take place for significant reasons, bearing in mind the need to safeguard the environment and in accordance with the provisions of this Protocol and after notification to the Organization.

2. The status of areas and species should be periodically reviewed and evaluated by the Scientific and Technical Advisory Committee on the basis of information provided by Parties through the Organization. Areas and species may be removed from the area listing or Protocol annexes by the same procedure by which they were incorporated.

Article 16

Publicity, Information, Public Awareness and Education

1. Each Party shall give appropriate publicity to the establishment of protected areas, in particular to their boundaries, buffer zones, and applicable regulations, and to the designation of protected species, in particular to their critical habitats and applicable regulations.

2. In order to raise public awareness, each Party shall endeavour to inform the public, as widely as possible, of the significance and value of the protected areas and species and of the scientific knowledge and other benefits which may be gained from them or any changes therein. Such information should have an appropriate place in education programmes concerning the environment and history. Each Party should also endeavour to promote the participation of its public and its conservation organizations in measures that are necessary for the protection of the areas and species concerned.

Article 17

Scientific, Technical and Management Research

1. Each Party shall encourage and develop scientific, technical and management-oriented research on protected areas, including, in particular, their ecological processes and archaeological, historical and cultural heritage, as well as on threatened or endangered species of fauna and flora and their habitats.

2. Each Party may consult with other Parties and with relevant regional and international organizations with a view to identifying, planning and undertaking scientific and technical research and monitoring programmes necessary to characterize and monitor protected areas and species and to assess the effectiveness of measures taken to implement management and recovery plans.

3. The Parties shall exchange, directly or through the Organization, scientific and technical information concerning current and planned research and monitoring programmes and the results thereof. They shall, to the fullest extent possible, co-ordinate their research and monitoring programmes, and endeavour to standardize procedures for collecting, reporting, archiving and analyzing relevant scientific and technical information.

4. The Parties shall, pursuant to the provisions of paragraph 1 above, compile comprehensive inventories of:

- (a) areas over which they exercise sovereignty, or sovereign rights or jurisdiction that contain rare or fragile ecosystems; that are reservoirs of biological or genetic diversity; that are of ecological value in maintaining economically important resources; that are important for threatened, endangered or migratory species; that are of value for aesthetic, recreational, tourist or archaeological reasons; and
- (b) species of fauna or flora that may qualify for listing as threatened or endangered according to the criteria established under this Protocol.

Article 18

Mutual Assistance

1. The Parties shall co-operate, directly or with the assistance of the Organization or other relevant international organizations, in formulating, drafting, financing and implementing programmes of assistance to those Parties that express a need for it in the selection, establishment and management of protected areas and species.

2. These programmes should include public environmental education, the training of scientific, technical and management personnel, scientific research, and the acquisition, utilization, design and development of appropriate equipment on advantageous terms to be agreed among the Parties concerned.

Article 19

Notifications and Reports to the Organization

1. Each Party shall report periodically to the Organization on:

- (a) the status of existing and newly established protected areas, buffer zones and protected species in areas over which they exercise sovereignty, or sovereign rights or jurisdiction; and
- (b) any changes in the delimitation or legal status of protected areas, buffer zones and protected species in areas over which they exercise sovereignty, or sovereign rights or jurisdiction.

2. The reports relevant to the protected areas and buffer zones should include information on:

- (a) name of the area or zone;
- (b) biogeography of the area or zone (boundaries, physical features, climate, flora and fauna);
- (c) legal status, with reference to relevant national legislation or regulation;
- (d) date and history of establishment;
- (e) protected area management plans;
- (f) relevance to cultural heritage;
- (g) facilities for research and visitors; and
- (h) threats to the area or zone, especially threats which originate outside the jurisdiction of the Party.

3. The reports relevant to the protected species should include, to the extent possible, information on:

- (a) scientific and common names of the species;

- (b) estimated populations of species and their geographic ranges;
- (c) status of legal protection, with reference to relevant national legislation or regulation;
- (d) ecological interactions with other species and specific habitat requirements;
- (e) management and recovery plans for endangered and threatened species;
- (f) research programmes and available scientific and technical publications relevant to the species; and
- (g) threats to the protected species, their habitats and their associated ecosystems, especially threats which originate outside the jurisdiction of the Party.

4. The reports provided to the Organization by the Parties will be used for the purposes outlined in Articles 20 and 22.

Article 20

Scientific and Technical Advisory Committee

1. A Scientific and Technical Advisory Committee is hereby established.

2. Each Party shall appoint a scientific expert appropriately qualified in the field covered by the Protocol as its representative on the Committee, who may be accompanied by other experts and advisors appointed by that Party. The Committee may also seek information from scientifically and technically qualified experts and organizations.

3. The Committee shall be responsible for providing advice to the Parties through the Organization on the following scientific and technical matters relating to the Protocol:

- (a) the listing of protected areas in the manner provided for in Article 7;
- (b) the listing of protected species in the manner provided for in Article 11;
- (c) reports on the management and protection of protected areas and species and their habitats;
- (d) proposals for technical assistance for training, research, education and management (including species recovery plans);
- (e) environmental impact assessment pursuant to Article 13;
- (f) the formulation of common guidelines and criteria pursuant to Article 21; and

- (g) any other matters relating to the implementation of the Protocol, including those matters referred to it by the meetings of the Parties.
- 4. The Committee shall adopt its own Rules of Procedure.

Article 21

Establishment of Common Guidelines and Criteria

1. The Parties shall at their first meeting, or as soon as possible thereafter, evaluate and adopt common guidelines and criteria formulated by the Scientific and Technical Advisory Committee dealing in particular with:

- (a) the identification and selection of protected areas and protected species;
- (b) the establishment of protected areas;
- (c) the management of protected areas and protected species including migratory species; and
- (d) the provision of information on protected areas and protected species, including migratory species.

2. In implementing this Protocol, the Parties shall take into account these common guidelines and criteria, without prejudicing the right of a Party to adopt more stringent guidelines and criteria.

Article 22

Institutional Arrangements

1. Each Party shall designate a Focal Point to serve as liaison with the Organization on the technical aspects of the implementation of this Protocol.

2. The Parties designate the Organization to carry out the following Secretariat functions:
- (a) convening and servicing the meetings of the Parties;
 - (b) assisting in raising funds as provided for in Article 24;

- (c) assisting the Parties and the Scientific and Technical Advisory Committee, in co-operation with the competent international, intergovernmental and non-governmental organizations in:
- facilitating programmes of technical and scientific research as provided for in Article 17;
 - facilitating the exchange of scientific and technical information among the Parties as provided for in Article 16;
 - the formulation of recommendations containing common guidelines and criteria pursuant to Article 21;
 - the preparation, when so requested, of management plans for protected areas and protected species pursuant to Articles 6 and 10 respectively;
 - the development of co-operative programmes pursuant to Articles 7 and 11;
 - the preparation, when so requested, of environmental impact assessments pursuant to Article 13;
 - the preparation of educational materials designed for various groups identified by the Parties;
 - the repatriation of illegally exported wild flora and fauna and their parts or products;
- (d) preparing common formats to be used by the Parties as the basis for notifications and reports to the Organization, as provided in Article 19;
- (e) maintaining and updating databases of protected areas and protected species containing information pursuant to Articles 7 and 11, as well as issuing periodically updated directories of protected areas and protected species;
- (f) preparing directories, reports and technical studies which may be required for the implementation of this Protocol;
- (g) co-operating and co-ordinating with regional and international organizations concerned with the protection of areas and species; and
- (h) carrying out any other function assigned by the Parties to the Organization.

Article 23

Meetings of the Parties

1. The ordinary meetings of the Parties shall be held in conjunction with the ordinary meetings of the Parties to the Convention held pursuant to Article 16 of the Convention. The Parties may also hold extraordinary meetings in conformity with Article 16 of the Convention. The meetings will be governed by the Rules of Procedure adopted pursuant to Article 20 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol:

- (a) to keep under review and direct the implementation of this Protocol;
- (b) to approve the expenditure of funds referred to in Article 24;
- (c) to oversee and provide policy guidance to the Organization;
- (d) to consider the efficacy of the measures adopted for the management and protection of areas and species, and to examine the need for other measures, in particular in the form of annexes, as well as amendments to this Protocol or to its annexes;
- (e) to monitor and promote the establishment and development of the network of protected areas and recovery plans for protected species provided for in Articles 7 and 11;
- (f) to adopt and revise, as needed, the guidelines and criteria provided for in Article 21;
- (g) to analyze the advice and recommendations of the Scientific and Technical Advisory Committee pursuant to Article 20;
- (h) to analyze reports transmitted by the Parties to the Organization under Article 22 of the Convention and Article 19 of this Protocol, as well as any other information which the Parties may transmit to the Organization or to the meeting of the Parties; and
- (i) to conduct such other business as appropriate.

Article 24

Funding

In addition to the funds provided by the Parties in accordance with paragraph 2, Article 20 of the Convention, the Parties may direct the Organization to seek additional funds. These may include voluntary contributions for purposes connected with the Protocol from Parties, other governments, government agencies, non-governmental, international, regional and private sector organizations and individuals.

Article 25

Relationship to other Conventions Dealing with the Special Protection of Wildlife

Nothing in this Protocol shall be interpreted in a way that may affect the rights and obligations of Parties under the Convention on International Trade in Endangered Species of Wild Fauna or Flora (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

Article 26

Transitional Clause

1. The initial version of the annexes, which constitutes an integral part of the Protocol, shall be adopted by consensus at a Conference of Plenipotentiaries of the Contracting Parties to the Convention.

Article 27

Entry into Force

1. The Protocol and its annexes, once adopted by the Contracting Parties to the Convention, will enter into force in conformity with the procedure established in paragraph 2 of Article 28 of the Convention.

2. The Protocol shall not enter into force until the initial annexes have been adopted in accordance with Article 26.

Article 28

Signature

This Protocol shall be open for signature at Kingston, from 18 January 1990 to 31 January 1990 and at Bogotá from 1 February 1990 to 17 January 1991 by any Party to the Convention.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

Done at Kingston, on this eighteenth day of January one thousand nine hundred and ninety in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

For the Government of Antigua and Barbuda
Pour le gouvernement d'Antigua-et-Barbuda
Por el Gobierno de Antigua y Barbuda

A handwritten signature in black ink, appearing to be 'A. N. S. J.', with a long horizontal stroke underneath.

For the Government of Barbados
Pour le gouvernement de la Barbade
Por el Gobierno de Barbados

For the Government of the Republic of Colombia
Pour le gouvernement de la République de Colombie
Por el Gobierno de la República de Colombia

Linón Millán

For the Government of the Republic of Cuba
Pour le gouvernement de la République de Cuba
Por el Gobierno de la República de Cuba

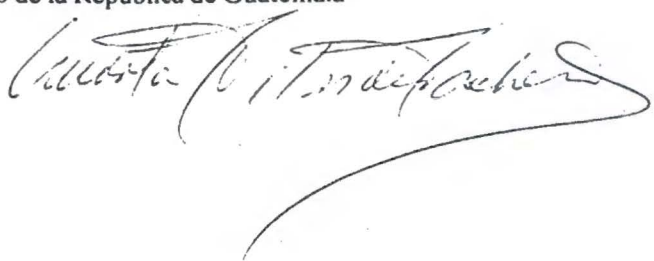
Adm. 1000

For the Government of the Republic of France
Pour le gouvernement de la République française
Por el Gobierno de la República de Francia

Aodri

For the Government of Grenada
Pour le gouvernement de la Grenade
Por el Gobierno de Grenada

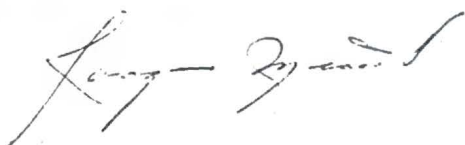
For the Government of the Republic of Guatemala
Pour le gouvernement de la République du Guatemala
Por el Gobierno de la República de Guatemala

A large, stylized handwritten signature in black ink, likely belonging to a high-ranking official of the Government of Guatemala.

For the Government of Jamaica
Pour le gouvernement de la Jamaïque
Por el Gobierno de Jamaica

A handwritten signature in black ink, likely belonging to a high-ranking official of the Government of Jamaica.

For the Government of the United Mexican States
Pour le gouvernement des Etats-Unis du Mexique
Por el Gobierno de los Estados Unidos Mexicanos

A handwritten signature in dark ink, appearing to be 'Luis - Z...' with a long horizontal stroke extending to the right.

For the Government of the Kingdom of the Netherlands
Pour le gouvernement du Royaume des Pays-Bas
Por el Gobierno del Reino de los Países Bajos

A handwritten signature in dark ink, appearing to be 'Gerrit' with a long horizontal stroke extending to the right.

For the Government of the Republic of Panama
Pour le gouvernement de la République du Panama
Por el Gobierno de la República de Panamá



For the Government of Saint Lucia
Pour le gouvernement de Sainte-Lucie
Por el Gobierno de Santa Lucía



For the Government of the Republic of Trinidad and Tobago
Pour le gouvernement de la République de Trinité-et-Tobago
Por el Gobierno de la República de Trinidad y Tabago

Frank Williams

For the Government of the United Kingdom of Great Britain and Northern Ireland
Pour le gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
Por el Gobierno del Reino Unido de Gran Bretaña e Irlanda del Norte

Derek Milton

For the Government of the United States of America
Pour le gouvernement des Etats-Unis d'Amérique
Por el Gobierno de los Estados Unidos de América

Andrew S. ...

For the Government of the Republic of Venezuela
Pour le gouvernement de la République du Vénézuela
Por el Gobierno de la República de Venezuela

Juan Francisco ...
