

Wider Caribbean Region— A Pivotal Time to Strengthen Regional Instruments For Biodiversity Conservation

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Abstract

The countries of the Wider Caribbean Region (WCR) are linked economically by their transboundary living marine resources. The region is facing a continued decline of these resources. Science is improving our understanding of the human contributions to this decline, but national policies and programmes have not kept pace with this understanding. The Caribbean Regional Seas Programme and its Cartagena Convention and Protocols provide the regional legal framework for protection and sustainable management of the WCR's living marine and coastal resources. This article focuses on the Cartagena Convention's Protocol for biodiversity conservation, the Protocol Concerning Specially Protected Areas and Wildlife (SPAW), arguing that governments and organizations need to significantly increase participation in this regional treaty regime to effectively address transboundary environmental challenges. A new initiative, the Global Environment Facility-supported Caribbean Large Marine Ecosystem project, will help in this effort. International policy supports strengthened regional seas programmes. It is now imperative for all levels and sectors to assist governments in strengthening this important treaty regime for biodiversity conservation in the Wider Caribbean Region.

Keywords

Caribbean, regional biodiversity agreements and programmes, marine environment, biodiversity law, law of the sea

Introduction

For purposes of this article, the Wider Caribbean Region (WCR) is defined as the area delineated by the United Nations Environment Programme's (UNEP) Regional Seas Programme:¹ insular and coastal states and territories with coasts on the Caribbean Sea and Gulf of Mexico, as well as waters of the

¹ The Regional Seas Programme, launched in 1974, today comprises 13 Regional Seas Programmes established under the auspices of UNEP and involves over 140 countries. The 13 Programmes are: Black Sea, East Africa, Mediterranean, North-East Pacific, North-West Pacific, Pacific, Red Sea and Gulf of Aden, ROPME (Regional Organization for the Protection

Atlantic Ocean adjacent to these states and territories. Situated largely on the Caribbean Plate, the area comprises more than 7,000 islands, islets, reefs, and cays. The Caribbean Regional Seas Programme covers 28 island and continental states in the region² plus 12 dependent territories [see Table 1]; the total length of coastline of the countries in this programme area is 55,383 km.³ As of the year 2000, the WCR's population (excluding the U.S.) was more than 233 million, some 170 million of whom live in a watershed draining into the Caribbean, with many livelihoods dependent on the marine environment.⁴

Taking the 28 states together with their 12 dependent territories, 40 political units participate in the Caribbean Regional Seas Programme. All of the islands of the WCR were colonies of European nations at some point. The political systems and cultural traditions reflect these historical beginnings, which generated a diversity of legal and administrative traditions. The region is the most highly diverse and complex among the regional seas programmes because of the numerous political entities involved, the vast differences in physical size (from very small to large) and levels of development (from the poorest to very wealthy).⁵ Moreover, of the 51 Small Island Developing States (SIDS) recognized by the United Nations for special assistance because of their greater environmental and economic vulnerability, 22 are states or territories in the Caribbean Environment Programme area.⁶ This is the largest number of SIDS by far in any of the regional seas programmes.

of the Marine Environment/Kuwait Convention and Action Plan) Sea Area, South Asia, South-East Asia, South-East Pacific, West and Central Africa, and Wider Caribbean. Six of these Programmes, including the Wider Caribbean (launched in 1976), are directly administered by UNEP. Online: <http://www.unep.org/regional_seas>.

² See the list of countries as identified by UNEP for the Caribbean Regional Seas Programme, online: <http://www.unep.org/regionalseas/Programmes/UNEP_Administered_Programmes/Caribbean_Region>.

³ “Wider Caribbean Region—Regional Profile,” from UNEP’s Regional Seas website, online: <<http://www.unep.org/regionalseas>>.

⁴ See L. Burke and J. Maidens, *Reefs at Risk in the Caribbean* (World Resources Institute, Washington, DC, 2004), p. 17, and Appendix A, Table A3.

⁵ For a discussion of the geopolitical complexity of the WCR, see R. Mahon, L. Fanning, P. McConney and C. Toro, “Governance for Caribbean Living Marine Resources: Seeking a Path,” (2008) *Proceedings of the Gulf and Caribbean Fisheries Institute*, 60 (in press).

⁶ SIDS in the Caribbean that are UN Members: Antigua and Barbuda, Bahamas, Barbados, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago. Associate members: Anguilla, Aruba, British Virgin Islands, Montserrat, Netherlands Antilles, Puerto Rico, U.S. Virgin Islands. “List of Small Island Developing States”, UN Office of the High Representative of the Least Developing Countries, Landlocked Developing Countries and Small Island Developing States, (2008), online <http://www.un.org/special-rep/ohrlls/sid/list.htm>>. The SIDS face special challenges, including geographic remoteness and limited human resources and capacity, resulting in costly public administration and basic infrastructure, poor data

Table 1 States and Dependent Territories of the Wider Caribbean Region

States (*Parties to the Cartagena Convention)	Dependent Territories or Associated States
Antigua and Barbuda*	Five overseas territories of the United
Bahamas	Kingdom:
Barbados*	Anguilla
Belize*	British Virgin Islands
Colombia*	Cayman Islands
Costa Rica*	Montserrat
Cuba*	Turks and Caicos Islands
Dominica*	
Dominican Republic*	Three French overseas regions (departments):
France*	Guadeloupe
Grenada*	Martinique
Guatemala*	French Guiana (which includes 2
Guyana	French overseas collectives—Saint
Haiti	Barthélemy and Saint Martin)
Honduras	
Jamaica*	Two self-governing units of The
Mexico*	Netherlands:
Netherlands*	Aruba
Nicaragua*	The Netherlands Antilles
Panama*	
Saint Kitts and Nevis*	One organized unincorporated U.S.
Saint Lucia*	Territory:
Saint Vincent and the Grenadines*	Virgin Islands
Suriname	One U.S. Territory with Commonwealth
Trinidad and Tobago*	Status:
United Kingdom*	Puerto Rico
United States of America*	
Venezuela*	

Each of the states has a potential Exclusive Economic zone (EEZ) up to 200 nautical miles which, especially in the case of the islands, makes the sea area needing management significantly larger than the land area [see Table 2]. [See Figure 1 for a rough depiction of EEZ configurations in the region.]

management, and high vulnerability to economic fluctuations and natural disasters. A global internet network for SIDS, SIDSNet, was established in 1997 as a direct follow-up to the 1994 Barbados Programme of Action to support SIDS efforts to implement internationally agreed sustainable development goals, including the Barbados Programme, the Mauritius Strategy of Implementation, and the Millennium Development Goals, through enhanced information and communication technology. See online: <<http://www.sidsnet.org>>.

Table 2 Land and EEZ Area of Countries and Territories of the Insular Caribbean

Insular Caribbean countries and territories	Total land area (km²)	EEZ (km²)
Anguilla	102	91,000
Antigua and Barbuda	440	110,000
Aruba	190	31,000
Bahamas	13,880	655,000
Barbados	430	187,000
British Virgin Islands	150	81,000
Cayman Islands	260	123,000
Cuba	110,860	351,000
Dominica	750	29,000
Dominican Republic	48,730	256,000
Grenada	340	27,000
Guadeloupe	1,710	96,000
Haiti	27,750	127,000
Jamaica	10,990	258,000
Martinique	1,100	47,000
Montserrat	100	8,000
Netherlands Antilles	800	52,000
Puerto Rico	8,950	206,000
St Kitts and Nevis	360	10,000
St Lucia	620	16,000
St Vincent and the Grenadines	390	36,000
Trinidad and Tobago	5,130	75,000
Turks and Caicos Islands	430	149,000
US Virgin Islands	340	6,000

Source: S. Heileman, "Thematic Report for the Insular Caribbean Sub-Region", p. 44, Table 2, Report prepared for the CLME Project, April 2, 2007, online: <<http://cavehill.uwi.edu/cermes/clme.html>>.

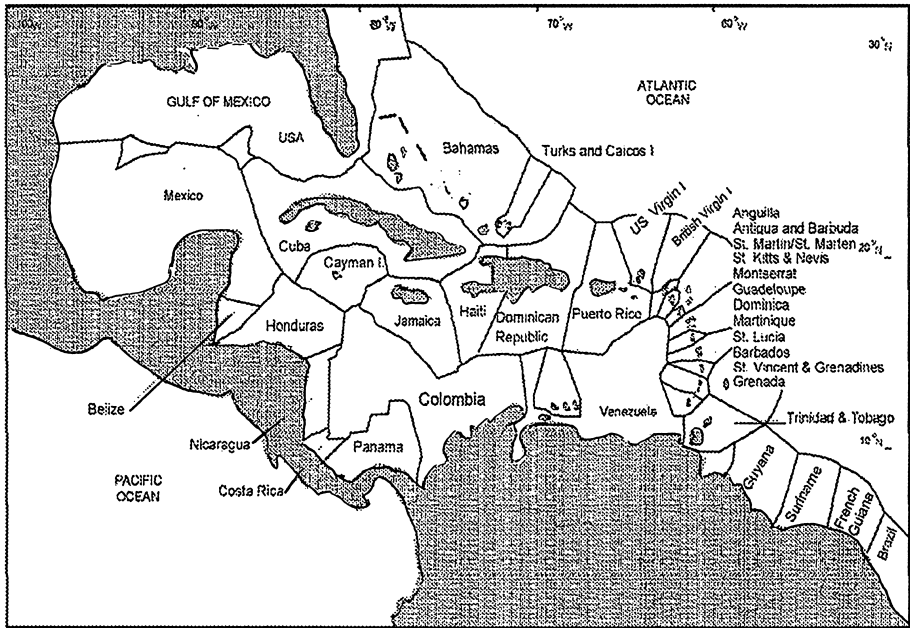


Figure 1. Rough depiction of the EEZs in the Wider Caribbean Region (Adopted from: Fig. 1B. Chakalall *et al.*, (2007) 87 *Fisheries Research* 93.

Ecologically, the region is rich in biodiversity, both terrestrial and marine. Two of the world’s biodiversity hotspots are entirely or largely in the region: the Caribbean islands and Mesoamerica.⁷ The region contains an estimated 26,000 km² of coral reefs, about 7% of the global total.⁸ This includes the Mesoamerican Barrier Reef System off Belize, the second longest barrier reef system in the world, and the Andros Barrier Reef in The Bahamas. These systems, having evolved separated and in isolation from other coral reefs, contain many

⁷ As defined by Conservation International, the Caribbean Islands hotspot consists mainly of three large groups of islands located between North and South America: the Bahamas, the Lesser Antilles, and the Greater Antilles (comprising Cuba, Hispaniola, Jamaica and Puerto Rico; the island of Hispaniola includes the Dominican Republic and Haiti). Although the Caribbean Islands hotspot spans more than 4 million km² of ocean, it only covers roughly 230,000 km² of land area; the four islands of Cuba, Hispaniola, Jamaica and Puerto Rico make up around 90% of that land area. Spanning most of Central America, the Mesoamerica Hotspot encompasses all subtropical and tropical ecosystems from central Mexico to the Panama Canal. This includes all of Belize, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, as well as a third of Mexico and nearly two-thirds of Panama. Conservation International: *Biodiversity Hotspots by Region*, see online: <<http://www.biodiversityhotspots.org>>.

⁸ Burke and Maidens, *supra* note 4, at 19.

thousands of species, only a few of which are found anywhere else in the world.⁹

In the midst of this biological richness, there is increasing scientific evidence that many living marine resources in the region are in crisis and the reef systems are among the most threatened ecosystems.¹⁰ Conserving biodiversity is a matter of regional economic survival. According to the Caribbean Environment Programme, main human-induced threats to biodiversity in the WCR are habitat destruction and alteration due to increasing human populations and economic pressures on the coastal zone, overexploitation of living things (especially living aquatic resources), pollution, and introduction of alien species.¹¹ Extreme weather events and climate change are adding new threats with potentially irreversible impacts on living marine resources, habitats, and coastal and marine ecosystems.¹²

⁹ *Id.*, at 17.

¹⁰ According to “Reefs at Risk in the Caribbean”, *supra* note 4, a study jointly sponsored by the World Resources Institute, the International Coral Reef Action Network, and UNEP’s Caribbean Environment Programme, nearly two-thirds of the coral reefs are threatened by human activity. The main threats are overfishing (threatening about 60% of the reefs), coastal development (threatening one-third of the reefs), sediment and pollution from inland sources (also threatening about one-third of the reefs), and marine-based threats (e.g., ship discharges, groundings, and anchors, a threat to about 15% of the reefs). In addition, diseases and rising sea temperatures threaten reefs across the entire WCR. The study also found that about 20% of the region’s coral reefs are located inside marine protected areas (MPAs), but only about 4% of those sites are effectively managed. Overall, of the nearly 300 MPAs in the WCR, the study estimated that only about 6% were effectively managed. Technical analyses of the declining fisheries and related living resources in the WCR are also available in background studies undertaken by the Center for Resource Management and Environment Studies (CERMES) in the preparation phase of the UNDP/GEF Caribbean Large Marine Ecosystem Project, discussed in this article below. For these documents see online: <<http://cavehill.uwi.edu/cermes/clme.html>>.

¹¹ See Caribbean Environment Programme (CEP), “*Marine and Coastal Issues/Maintenance of Biological Diversity/Major Threats to Diversity in the Caribbean*”, online: <<http://www.cep.unep.org/marine-issues>>.

¹² The Fourth Assessment of the Intergovernmental Panel on Climate Change (IPCC) in 2007 concluded with a high level of confidence that for small islands, with climate change, water resources are likely to be compromised and “many islands in the Caribbean are likely to experience increased water stress.” Moreover, “sea level rise and increased sea water temperature will cause accelerated beach erosion, degradation of coral reefs, and bleaching,” which are likely to affect tourism largely in a negative way, especially reducing tourism in coastal, flood-prone, and low latitude areas. IPCC Fourth Assessment Report, Working Group II—*Impacts, Adaptation and Vulnerability*, Chapter 16—Small Islands, p. 689, online: <<http://www.ipcc.ch/ipccreports/ar4-wg2.htm>>.

The Caribbean Regional Seas Programme and the Cartagena Convention

In 1976, at the request of governments of the region, UNEP launched the Regional Seas Programme for the Wider Caribbean with the assistance of the Economic Commission for Latin America and the Caribbean (ECLAC). Following the pattern of other regional seas programmes, a Caribbean Environment Programme (CEP) was initiated and a Caribbean Action Plan was developed as a framework for regional activities and cooperation for sustainable management and use of the region's marine and coastal areas, to address their accelerating degradation. The Action Plan was adopted by 22 countries at a First Intergovernmental Meeting in Montego Bay, Jamaica, in 1981.¹³ This was followed in 1983 by a Second Intergovernmental Meeting in Cartagena, Colombia, where a regional environmental convention was adopted.

Entitled the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention), this umbrella treaty entered into force in 1986 and remains today the legal framework for cooperative actions to protect and sustainably use the marine environment of the WCR.¹⁴ Twenty-three of the twenty-eight states in the WCR are parties to the Cartagena Convention.¹⁵ [See Table 2.]

Following the regional model, the Cartagena Convention calls for development of Protocols to advance specific obligations, and requires that a state become a Contracting Party to at least one Protocol.¹⁶ To date, the Convention has been supplemented by three Protocols: the Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region (it was

¹³ "Action Plan for the Caribbean Environment Programme" (UNEP Regional Seas Reports and Studies No. 26). The text of the Caribbean Action Plan is available online as a pdf file through the Caribbean Environment Programme website, online: <<http://www.cep.unep.org/operational-components/caribbean-action-plan>>.

¹⁴ The "Convention area" is defined legally as the marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean adjacent thereto, south of 30 degrees north latitude and within 200 nautical miles of the Atlantic coasts of all states invited to the 1983 Conference of Plenipotentiaries for the Convention. Art. 2. The text of the Cartagena Convention is available online: <<http://www.cep.unep.org/cartagena-convention>>.

¹⁵ In addition, Article 25 of the Cartagena Convention provides that it was initially open for signature by regional economic integration organizations invited to the Conference of Plenipotentiaries where they had one member state in the Wider Caribbean Region. Pursuant to that provision, the European Economic Community (now the European Union) signed the Convention in 1983, but has not ratified it. For the membership status by state of the Cartagena Convention, see the Caribbean Environment Programme website, online: <[cep.unep.org/Cartagena-convention](http://www.cep.unep.org/Cartagena-convention)>, and select the link to "Status of the Cartagena Convention".

¹⁶ Cartagena Convention, Art. 24(1), *id.*

adopted and entered into force with the Convention in 1983 and now needs an update), the Protocol Concerning Pollution from Land-Based Sources and Activities (the LBS Protocol, adopted in 1999 but not yet in force), and the Protocol Concerning Specially Protected Areas and Wildlife (SPAW) in the Wider Caribbean (adopted in 1990 and entered into force in 2000).¹⁷ A CEP Regional Coordinating Unit administered by UNEP and located in Kingston, Jamaica, serves as the Secretariat for CEP, its Convention, and these three Protocols.

The Cartagena Convention is considered by UNEP to be consistently one of the most active, visible, and effective of the 13 legal instruments under the regional seas programme.¹⁸ While the Convention text is mainly focused on control of marine pollution from all sources,¹⁹ in its Preamble, Contracting Parties recognize (among other things) "... their responsibility to protect the marine environment of the wider Caribbean region for the benefit and enjoyment of present and future generations... [and they consider] the protection of ecosystems of the marine environment to be one of their principal objectives..."²⁰

The Cartagena Convention's Article 10, "Specially Protected Areas", requires that: "Contracting Parties shall, individually or jointly, take all appropriate measures to protect and preserve rare or fragile ecosystems, as well as the habitat of depleted, threatened or endangered species, in the Convention area..."²¹

The Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol)

The SPAW Protocol was negotiated and adopted in 1990 to further define these obligations. The nearly 4-year negotiation process, which started in early 1988 with a UNEP-prepared working draft, involved working groups of experts and technical meetings and produced a more substantive and institutional structure than the two previous protocols on the subject.²² The final

¹⁷ The texts of the three Protocols are available online: <<http://www.cep.unep.org/cartagena-convention>>, with links to each of the three Protocols, with further links to their status and text.

¹⁸ "Regional Seas Conventions", para. 3, online: <<http://www.unep.org/regional-seas/Programmes/Conventions/default.asp>>.

¹⁹ There are separate articles on marine pollution control from ships, dumping, land-based sources and sea-bed activities, Cartagena Convention, Articles 5–8, *supra* note 15.

²⁰ Cartagena Convention, *supra* note 15.

²¹ Cartagena Convention, Art. 10, *supra* note 15.

²² The two Regional Seas Programmes which already had protocols in this area are the Mediterranean and Eastern Africa Regional Sea Programmes, with, respectively, the Protocol

text incorporated “much of the best in modern conservation thinking.”²³ It represents today the regional treaty for biodiversity conservation in the WCR and also serves as a vehicle to assist with regional implementation of the global Convention on Biological Diversity (CBD).²⁴

Importantly for the marine environment, the SPAW Protocol also serves to advance implementation of the Law of the Sea (LOS) Convention, to which almost all of the Caribbean countries are a party and which is stronger and more far-reaching in matters of marine conservation and pollution control than the CBD. In particular, LOS Convention Article 192 sets forth the clear obligation for States “to protect and preserve the marine environment” while Article 194 requires states to take, individually or jointly as appropriate, all measures consistent with the LOS Convention “that are necessary to prevent, reduce and control pollution of the marine environment from any source. . . .”²⁵ Furthermore, LOS Convention Article 197 requires state cooperation on a global or regional basis in formulating and elaborating rules, standards and recommended practices consistent with the LOS Convention “for the protection and preservation of the marine environment, taking into account characteristic regional features.”²⁶ This latter Article, in particular, suggests a clear mandate for countries of the WCR to become parties to and actively participate in their regional seas programmes and agreements, including especially the SPAW Protocol, and certainly it calls on countries not to act inconsistently with the SPAW Protocol’s purposes and objectives.

The objectives of the SPAW Protocol are to protect and manage in a sustainable way areas needing protection because of their special value, and

concerning Mediterranean Specially Protected Areas, adopted in 1982, in force in 1986, and since replaced by a new Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean, adopted in 1995 and in force in 1999, and the Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region, adopted in 1985 and in force in 1996. For a first-hand account of the negotiation process for the SPAW Protocol and some of the innovative concepts incorporated therein, see D. Freestone, “Specially Protected Areas and Wildlife in the Caribbean—The 1990 Kingston Protocol to the Cartagena Convention,” (1990) 5 *International Journal of Estuarine and Coastal Law* 362–382. For highlights of the conclusion of this process with the agreement in 1991 on the required species annexes to the SPAW Protocol, see D. Freestone, “Protection of Wildlife and Ecosystems—the new Protocol on Protected Areas and Wildlife,” (1991) 22 *Marine Pollution Bulletin* 578–581.

²³ D. Freestone, “Protection of Wildlife and Ecosystems—the new Protocol on Protected Areas and Wildlife,” *id.*, at 578.

²⁴ See, “*SPAW Sub-programme—Overview and Objectives*”, available online: <<http://www.cep.unep.org/>>, go to CEP, and then to ‘SPAW Sub-programme’.

²⁵ United Nations Convention on the Law of the Sea, 10 December 1982, (1833 UNTS 396), Articles 192 and 194.

²⁶ *Id.*, Article 197.

threatened or endangered species of marine and coastal flora and fauna. This is done principally in two ways, through establishment and listing of protected areas that meet the requirements laid out in the Protocol, and through identification and listing in annexes of species which need protection: Annex I and II—completely protected species of marine and coastal flora and fauna, respectively, and Annex III—protected species that could be sustainably used. It was agreed during the negotiating process that the SPAW Protocol should contain lists of protected species before coming into force, and species lists were assembled based on submissions from countries and with advice from the International Union for the Conservation of Nature (IUCN) and agreed in 1991. Notable in this part of the process was that despite the considerable contention as to which species should be listed, it was finally agreed to extend complete protection to all sea turtles, all marine mammals, all mangroves, and all coral reefs, among others.

The SPAW Protocol provides a common framework of principles and obligations with implementation to be carried out nationally by each member state. Several provisions set forth specific obligations and requirements for protected areas establishment, protective measures, planning and management, cooperation on ‘listing’ protected areas, and buffer zones.²⁷ For a protected area to be listed under the Protocol, it must first have legal protection in the country that has sovereignty over the area and it must be determined to have overall importance to the WCR, with further guidelines and criteria to be established to help identify and select areas for the list.²⁸ It should be noted that in this provision, international organizations and conservation experts recognized in particular the potential for the SPAW Protocol to provide the much-needed framework for setting up a network of marine protected areas around the region.²⁹ In spite of what some saw as an inherent tension between the regional objectives of the SPAW Protocol and national objectives in some

²⁷ SPAW Protocol, Articles 4–8, online: <<http://www.cep.unep.org/cartagena-convention>>, click on “More on SPAW Protocol” and then “Text of the SPAW Protocol”. The Protocol also includes standard provisions on such matters as environmental impact assessment, control of non-indigenous, genetically altered and invasive species, protection for migratory species, and species trade.

²⁸ SPAW Protocol, Art. 7, *id.*

²⁹ In 1998, Charlotte de Fontaubert and Tundi Agardy, both at the time with IUCN (the World Conservation Union), wrote about the important opportunities offered by the SPAW Protocol to serve as the framework for coordination among member states and for working together to create a network of MPAs throughout the region; see C. de Fontaubert and T. Agardy, “Critical Analysis of the SPAW Protocol: The Dilemma of Regional Cooperation,” (1998) 30 *Inter-American Law Review* 85–98.

cases (for example, with the species lists), this had the potential to make the Protocol ‘amount to more than the sum of its national parts’.³⁰

It is worth noting some of the innovations that went into the SPAW Protocol which reflect modern biodiversity and conservation thinking. The Protocol adopts an ecosystem-based approach to *in situ* conservation (some two years before the CBD formally introduced the same).³¹ Moreover, the Protocol is broader in scope than prior similar Protocols, expanding landward up to the fresh water limit of water courses that empty into coastal waters, thus providing Protocol protection to watersheds, estuaries, and wetlands potentially affecting coastal and marine ecosystems and resources.³²

Definitions of endangered and threatened species were also broadly framed, extending to populations and other species that *may become* threatened because they are localized or thinly scattered and thus potentially subject to decline and possible endangerment.³³ Moreover, a small but powerful reference in the SPAW Protocol (unique among such protocols) extends an obligation for biodiversity and ecosystem conservation in general by providing, first in Article 3, that each party, in keeping with its legal system, shall manage its flora and fauna “with the objective of *preventing* species from becoming endangered or threatened” and then again in Article 10, that each party shall “take appropriate actions to *prevent* species from becoming endangered or threatened” (emphasis added).³⁴

³⁰ *Id.*, at 89.

³¹ The SPAW *Preamble* sets the context by: “. . . [r]ecognizing 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 . . . [and] the importance of establishing regional co-operation to protect and, as appropriate, to restore and improve the ecosystems, as well as threatened and endangered species and their habitats of the Wider Caribbean Region by, among other means, the establishment of protected areas in the marine areas and their associated ecosystems.” The *Convention on Biological Diversity* (CBD) defines ‘ecosystem’ and contains numerous references, for example, Art. 8(d) (*In-situ* Conservation), which provides the main set of obligations to conserve biodiversity, calls on parties to establish protected areas to conserve biodiversity and promote protection of ecosystems, among other things. The text of the CBD is available online: <<http://www.cbdg.int>>. In the years since the SPAW Protocol was adopted, the CBD has generated extensive guidance on the ecosystem approach. The CBD Conference of Parties, in two separate decisions, has called for the use of the ecosystem approach by parties, other governments and international organizations as a strategy for the integrated management of land, water, and living resources to promote conservation and sustainable use of biological resources in an equitable way; see Decisions V/6 (2000) and VII/11 (2004).

³² SPAW Protocol, Art. 1(3), *supra* note 27.

³³ SPAW Protocol, Definitions in Art. 1(6–8), *supra* note 27.

³⁴ SPAW Protocol, Art. 3(3) and Art. 10(1), *supra* note 27. The Contracting Parties to the SPAW Protocol, at their Third Meeting in 2004, adopted a decision that the SPAW Regional

Institutionally, it established a Scientific and Technical Advisory Committee (STAC) to provide scientific and technical advice to the parties on matters related to implementation of the Protocol, to be constituted by a scientific expert appointed by each party.³⁵ The STAC has ensured that decision-making by the Contracting Parties is science-based, a prerequisite for sound environmental management. It began meeting as an interim body almost immediately after the Protocol and its species annexes were adopted in 1991, and it continues today as the science and technical advisory mechanism for any matter before the Contracting Parties requiring such advice, meeting regularly every other year on off years from the SPAW Protocol Conference of Parties.

Early Accomplishments

Once the SPAW Protocol had been adopted, the CEP Regional Coordinating Unit (RCU), with support from UNEP and member states, began developing the SPAW Sub-programme, and it made significant progress with implementation in preparation for the Protocol's entry into force. The interim STAC (ISTAC) met three more times (1993, 1995, 1999).³⁶ This early work generated reports and recommendations on priority activities, rules of procedure, initial guidelines and criteria for listing species and protected areas, and early work on species plans, including production of National Sea Turtle Recovery Action Plans (done cooperatively with WIDECAST, the Wider Caribbean Sea Turtle Conservation Network, which was among the first contributors to

Activity Centre (RAC), together with the Regional Coordinating Unit, governments and other partners, should work toward development of guidelines to prevent species from becoming endangered or threatened with extinction. The SPAW RAC and the Island Resources Foundation, assisted by the Humane Society of the United States Wildlife Land Trust and Monitor Caribbean, prepared a draft Working Paper to that effect which was submitted to the next meeting of the SPAW Contracting Parties in 2006 as an information document (UNEP(DEPI)/CARIG.25/INF.4). At that meeting, the Secretariat was requested to establish a Working Group on the subject to consider the process and develop a working document to be reviewed. See "*Report of the Meeting*", note 58 below, p. 14, para. 8.

³⁵ The SPAW Protocol provides the general framework for responsibilities of the STAC. They include such matters as criteria and guidelines for listing protected species and areas, reports on species and habitat management needs, environmental impact assessment, and formulation of common guidelines and criteria on other matters covered by the Protocol where scientific and technical advice is needed. SPAW Protocol, Art. 20(1)(2), *supra* note 27.

³⁶ Recommendations from the four ISTAC meetings are available on the CEP website, online: <<http://www.cep.upen.org>>. Once on the website, go to 'Resources', then 'Recommendations and Decisions from CEP Meetings', and then select 'SPAW ISTAC Meetings.'

the CEP technical report series).³⁷ A regional management plan for the West Indian manatee, an early draft of protected areas guidelines, and recommendations for a draft marine mammal action plan were among the outputs. The SPAW Protocol came into force on June 18, 2000, following deposit by St. Lucia of the ninth instrument of ratification. By that time negotiations had been successful with the Government of France for support of a Regional Activity Centre (RAC) to assist the CEP in implementing the Protocol. In June 2000, the UNEP RCU and France signed an agreement whereby France agreed to provide funding and operational support for the RAC in Guadeloupe.³⁸ The RAC works under the mandate of the Contracting Parties to the SPAW Protocol and under the overall coordination of the RCU; its overall purpose is to coordinate technical implementation of project activities.

Today, 12 states have ratified the Protocol: Barbados, Colombia, Cuba, Dominican Republic, France, Netherlands, Panama, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, United States of America, and Venezuela.

Progress Since the SPAW Protocol's Entry into Force

Since the SPAW Protocol's entry into force, the RCU as the Secretariat in Jamaica and the small RAC in Guadeloupe have managed an ever-expanding workplan as requested by the Contracting Parties. The SPAW Programme today has four main objectives:

³⁷ For a discussion of the CEP history on sea turtle protection and new efforts to promote sea turtles as flagship species to advance regional protection, see K. Eckert and A. Hamphill, "Sea Turtles as Flagships for Protection of the Wider Caribbean Region," (2005) *MAST* 3(2) and 4(1), pp. 119–143.

³⁸ To support the Regional Coordination Unit, RACs and Regional Activity Networks (RANs) have been established to provide technical implementation support for specific project activities. A RAC is normally represented by one national or regional institution, with expertise or facilities to coordinate a specific subject area, that agrees to serve as a RAC to coordinate technical implementation of projects, using as its network other relevant national and regional institutions pursuing that subject area. There are four RACS at present: a RAC for Marine Pollution Emergency and Training for the Wider Caribbean (RAC/REMPEITC-Carib) located in Curaçao, Netherlands Antilles, operating under the framework of the Oil Spills Protocol; two recently formed RACs under the framework of the LBS Protocol, one at the Institute of Marine Affairs (IMA) in Trinidad and Tobago, and the other at the Centro de Ingenieria y Manejo Ambiental de Bahías y Costas (Cimab) in Cuba; and the SPAW-RAC in Guadeloupe, which receives French funding and operational support. See CEP website, online: <<http://www.cep.unep.org/operational-components>>, click "RACs and RANs".

- To significantly increase the number and improve the management of national protected areas and species in the region, including the development of biosphere reserves where appropriate,
- To develop a strong regional capability for the co-ordination of information exchange, training and technical assistance in support of national biodiversity conservation efforts,
- To coordinate activities with the Secretariat of the CBD, as well as other biodiversity-related treaties, such as the CITES, Ramsar, Bonn, and Western Hemisphere Conventions,
- To assist the governments of the region, upon their request, in the development of guidelines regarding the establishment and management of protected areas.³⁹

Four meetings of the Contracting Parties (COPs) have been convened since the Protocol's entry into force (in 2001, 2002, 2004, and 2006). The STAC has had three meetings (2001, 2003, 2005), with a fourth in July 2008 in Guadeloupe, providing scientific advice and recommendations to each COP. Taking advantage of the internet, the CEP has made all meeting reports and working and information documents available online.⁴⁰ Working Groups established by the parties to undertake specific projects function electronically, and have come to be called "Electronic Working Groups", and the number of messages exchanged is logged and available for each project.

The SPAW Protocol incorporated by reference the two main global conventions on wildlife protection at that time, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS), providing that nothing in the Protocol should be interpreted in a way that may affect the rights and obligations under those conventions.⁴¹ The SPAW Protocol Parties wanted close working relations with these and subsequent treaties, particularly the CBD. The RCU initiated negotiations and successfully concluded agreements for cooperation in the form of Memoranda of Cooperation (MOCs). MOCs were concluded between the Secretariat of the Cartagena Convention and the SPAW Protocol and the Secretariat of CBD in 1997, the Secretariat of the Ramsar Convention on Wetlands (Ramsar) in

³⁹ "SPAW Sub-programme: Overview and Objectives", online: <http://www.cep.unep.org/operational_components>, click on "SPAW Sub-programme".

⁴⁰ See online: <<http://www.cep.unep/meetings>>, then click on 'previously held CEP meetings'.

⁴¹ SPAW Protocol, Art. 25, *supra* note 27.

2000, and the Secretariat of the CMS (also known as the Bonn Convention) in 2005.⁴² These MOCs set out specific provisions in such matters as institutional cooperation, exchange of information and experience, coordination of work programmes, and joint conservation action, including efforts to promote implementation of those global treaties through the SPAW and the other Protocols.

Today, the SPAW Programme is responsible for regionalizing these global conventions and other related global initiatives, including regional aspects of the International Coral Reef Initiative (ICRI), the Global Coral Reef Monitoring Network (GCRMN), and the Caribbean component of the International Coral Reef Action Network (ICRAN).⁴³

Also worth noting, particularly in light of the new Caribbean Large Marine Ecosystem project discussed below, is another MOC that was concluded in 2002 between the CEP RCU and IOCARIBE, a major scientific and oceanographic institution in the region representing the Intergovernmental Oceanographic Commission (IOC) of UNESCO, and located in Cartagena, Colombia.⁴⁴ IOCARIBE's scientific investigations and monitoring systems in the region, especially related to oceans and coastal resources, as well as climate and extreme weather events, provide important inputs for CEP's operation of

⁴² One other MOC was concluded in 2004, between the Secretariat of the Cartagena Convention, in particular for the LBS Protocol, and the Secretariat of the Basel Convention. Texts of all these MOCs are available online: <http://www.cep.unep.org/Cartagena-convention/moc-with-cbd>. Information documents related to implementation of the relevant multilateral environmental agreements in the Wider Caribbean are prepared and considered on a regular basis by the STAC and the COP. For example, an information document entitled "Monitoring and Reporting on Species Listed in Relevant Multilateral Environmental Agreements (MEAs)" (guidelines under CITES), and "Implementation of the Convention on Biological Diversity and the Strategic Plan and Progress Towards the 2010 Target" were before the STAC at its 2005 meeting. For such information and working documents of STAC and SPAW COP meetings, see the CEP website, online: <http://www.cep.unep/>, click on "meetings", then go to the meeting of interest for those documents.

⁴³ See SPAW Sub-Programme, "Overview and Objectives", online: <http://www.cep.unep/>, click "cep", then "SPAW Sub-programme".

⁴⁴ IOCARIBE (the Intergovernmental Oceanographic Commission (IOC) of UNESCO, Sub-Commission for the Caribbean and adjacent Regions), was created in 1982 as a regional subsidiary body to represent IOC-UNESCO in the Caribbean. Its portfolio includes the Regional Component of the Global Ocean Observing System (GOOS), International Oceanographic Data Exchange, Hurricane Effects and Mitigation in the Coastal Zones, Humpback Whales Research, Large Marine Ecosystems, the Tsunami Warning System, and Harmful Algae in the Caribbean (HAB). IOCARIBE focuses on three main interactive themes: (i) Oceans and Climate; (ii) Ocean Ecosystems Science; and (iii) Marine Science for Integrated Coastal Area Management. See the text of the MOC between the UNEP-CAR/RCU and IOCARIBE online: <http://www.cep.unep.org/Cartagena-convention/moc-with-iocaribe>.

its three Protocols: SPAW, LBS, and Oil Spills. In contrast to the other MOCs, the IOCARIBE MOC contains an explicit provision on finances, agreeing on a case-by-case basis that the two organizations may combine financial resources for a common project, even though their respective work plans and budgets will remain separate.⁴⁵

As the above discussion shows, the SPAW Programme and its RAC have made significant progress in the seven short years of the SPAW Protocol's formal existence. This is particularly of consequence considering that, in most countries, time frames for major policy and institutional change may extend over years and even decades, coupled with the complex and diverse nature of the region, including its many SIDS. But progress with implementation must accelerate if the growing regional environmental concerns are to be effectively addressed. For this to happen, countries must increase their support and participation.

Challenges of Implementation

Building Membership

With 23 states party to the Cartagena Convention (out of a total of 28 in the CEP region) and only 12 states party to the SPAW Protocol, UNEP's CEP, the RCU, and SPAW Contracting Parties give priority to urging governments to become Parties to the Cartagena Convention and its Protocols, including SPAW. Of the six Eastern Caribbean States Party to the Cartagena Convention, only two are Parties to the SPAW Protocol (St. Lucia, St. Vincent and the Grenadines). Antigua and Barbuda, Dominica, Grenada, and St. Kitts and Nevis have not yet acceded. Also notable for its absence is the United Kingdom, which represents 5 overseas territories, all of whom are involved as dependencies. The other 6 Contracting Parties to the Cartagena Convention who are not yet Parties to the SPAW Protocol are Belize, Costa Rica, Guatemala, Jamaica, Mexico, and Nicaragua.

There may be any number of reasons why eligible countries are not yet parties, ranging from concerns over national capacity to conflicts between national and regional objectives. It is understandable that capacity issues could be a factor at the national level, in light of the significant growth in international activity directed to global environmental issues in the 1990s and 2000s, from conferences, action plans, and declarations to global conventions and pro-

⁴⁵ *Id.*, Article IV.

grammes of work for their implementation.⁴⁶ Small as well as large countries were expected and felt compelled to participate in an unending stream of events, or risk being left out of the conversation.

The CBD, in particular, entered into force in 1993, only a few years after the SPAW Protocol's adoption. Countries worldwide rallied to its objectives and purposes; in the WCR, 26 of the 28 countries became parties. The CBD activity included production of numerous substantial guidance documents and work programmes for action on such relevant topics as marine and coastal protected areas and island biodiversity.⁴⁷ Countries in the region also are parties to several other related multilateral environmental agreements (MEAs), most notably Ramsar, CMS, and CITES. [See Table 3.] Reporting and other compliance requirements of these MEAs continue to strain national programmes and resources in most countries; adding one more obligation at the regional level may seem prohibitive. Moreover, many of the global conventions have some funding available as an incentive for country participation, whereas the CEP has a more meager budget and little capacity for grant-giving.

A blossoming of regional and sub-regional membership organizations and their growing interest in sustainable development initiatives in recent years also may have begun to drain and divert limited national environmental resources. Table 4 gives a snapshot of some of these governmental and non-governmental organizations active in the region, including fisheries organizations (which increasingly include sustainable fisheries practices in their mandates), all vying for the time and energy of national agencies with associated mandates. These institutional players in many cases have scattered, overlapping and diverse goals, mandates, memberships, and stakeholders, adding confusion as to which alliances are most important for different purposes.

⁴⁶ Among the most well-known of these international initiatives were the 1992 Rio Declaration and Agenda 21, the Johannesburg Declaration and Plan of Implementation from the 2002 World Summit on Sustainable Development, the 2000 Millennium Declaration and associated Ecosystem Assessments (particularly the Biodiversity Synthesis), and the 2005 Mauritius Strategy, further implementing the Barbados Programme of Action for Small Island Developing States.

⁴⁷ See, e.g., *Jakarta Mandate on Marine and Coastal Biological Diversity* (1995) and its subsequent detailed Programme of Work, adopted by the CBD parties in 1998 and updated in 2004, spelling out a comprehensive and diverse range of tools and approaches to address threats to marine and coastal biodiversity, CBD COP Decisions II/10, 1995; IV/5, 1998; and VII/5, 2004; the Programme of Work for Protected Areas, CBD COP Decision VII/28, 2004; *Technical Advice on the Establishment and Management of a National System of Marine and Coastal Protected Areas*, (CBD Technical Series No. 13, January 2004); and the Programme of Work for Island Biodiversity, CBD COP Decision VIII/1, 2006. All these documents are available from the CBD, online: <<http://www.biodiv.org>>.

Table 3 Other MEAs in the Wider Caribbean Region

State	CMS	MARPOL	CBD	LOSC	CNWH	STC	CITES	BASEL
Antigua and Barbuda		AN5	CP	CP			CP	CP
Bahamas		AN4	CP	CP			CP	CP
Barbados		AN4	CP	CP			CP	CP
Belize		AN5	CP	CP		S	CP	CP
Colombia		AN5	CP	S	S		CP	CP
Costa Rica			CP	CP	CP	S	CP	CP
Cuba		AN2	CP	CP	S		CP	CP
Dominica			CP	CP			CP	CP
Dominican Republic		AN5	CP	S	CP		CP	
France	CP	AN5	CP	CP			CP	CP
Grenada			CP	CP			CP	
Guatemala		AN5		CP	CP		CP	CP
Guyana		AN5	CP	CP			CP	
Haiti			CP	CP	CP			S
Honduras			CP	CP		S	CP	CP
Jamaica		AN5	CP	CP			CP	
Mexico		AN3	CP	CP	CP	S	CP	CP
Netherlands	CP	AN4	CP	CP		S	CP	CP
Nicaragua			CP	S	CP	S	CP	CP
Panama	CP	AN5	CP	CP	CP		CP	CP
St. Kitts and Nevis		AN5	CP	CP			CP	CP
Saint Lucia			CP	CP			CP	CP
St. Vincent and the Grenadines		AN5	CP	CP			CP	CP
Suriname		AN5	CP	CP	CP		CP	
Trinidad and Tobago			CP	CP	CP		CP	CP
United Kingdom	CP	AN5	CP	CP			CP	CP
United States of America		AN4			CP	S	CP	S
Venezuela		AN5	CP		CP	R	CP	CP

Acronyms:

CMS—Convention on the Conservation of Migratory Species of Wild Animals

MARPOL—International Convention for the Prevention of Pollution from Ships

CBD—Convention on Biological Diversity

LOSC—United Nations Convention on the Law of the Sea

CNWH—Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere

STC—Inter-American Convention for the Protection and Conservation of Sea Turtles

CITES—Convention on International Trade in Endangered Species of Wild Flora and Fauna

BASEL—Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal

Legend: CP = Contracting Parties; R = Ratification; S = Signature; AN = Number of Annexes accepted by the state.

Source: Caribbean Environment Programme, online: <<http://www.cep.unep.org/cartagena-convention/cartagena-convention>>, under “Other MEAs in the WCR”.

Table 4 A Sampling of Main Regional and Sub-Regional Organizations with Environment/Natural Resource Activities in the Wider Caribbean Region (WCR)* (in addition to the UNEP/Caribbean Environment Programme)

Government—Regional:

Association of Caribbean States (ACS) (www.acs-aec.org). Established in 1994, comprises all countries of the WCR, promotes regional cooperation and integration, including the “Caribbean Sea Initiative” for an integrated management approach in the Caribbean Sea for sustainable development. Headquarters: Port of Spain, Trinidad and Tobago. Membership: all countries situated in the WCR, except the U.S. and U.K., are Member States; in addition, some of the dependencies are Associate Members.

Government—Sub-regional:

Caribbean Community and Common Market (CARICOM) (www.caricom.org). Common Market mechanism for the Caribbean Community, established by treaty in 1973; aims at eventual creation of common market for members; initiatives in sustainable fisheries (see CRFM), sustainable tourism, among others. Headquarters: Georgetown, Guyana. Membership: English-speaking countries, with other countries joining more recently; currently 15 full members, 5 associate members.

Caribbean Environmental Health Institute (CEHI) (www.cehi.org.lc/aboutus). Founded by CARICOM in 1988; provides technical and advisory services relevant to members’ environmental health needs, including waste management, impact assessment, water resources management, and laboratory services. Headquarters: St. Lucia. Membership: must be in CARICOM; 16 members at present.

Organization of Eastern Caribbean States (OECS) (www.oecs.org). Promotes economic harmonization and integration. Environmental projects undertaken through its Environment and Sustainable Development Unit (ESDU), formerly the Natural Resource Management Unit. Headquarters: St. Lucia. Membership: Eastern Caribbean English-speaking Islands; currently 7 full members, 2 associate members.

Non-governmental Organizations—Regional:

Caribbean Conservation Association (CCA) (www.ccanet.net). Main regional conservation NGO; four priorities: environmental awareness-building, information management, communication, and international convention compliance, including marine and coastal resources and protected areas, land-based sources of marine pollution, treaties. Headquarters: St. Michael, Barbados. Membership throughout WCR; at present includes 17 of the region’s governments, 60 NGOs, numerous associates (individuals).

Table 4 (cont.)

WIDECAST (Wider Caribbean Sea Turtle Conservation Network) (www.widecast.org) or (www.cep.unep.org/programmes/spaw/widecast). Network of Coordinators in more than 40 Caribbean nations and territories, linking scientists, conservationists, resource managers, resource users, policy-makers, industry groups, educators and other stakeholders. Coordinating headquarters: Marine Laboratory, Duke University, North Carolina, USA. Non-membership organization; extensive specialized network throughout the WCR.

Island Resources Foundation (IRF) (www.irf.org). Founded in the U.S. Virgin Islands (USVI) in 1972 by Dr. Edward Towle, provides environmental technical assistance to small island states, mostly in the Caribbean; emphasis on application of sound science to environmental problem-solving in policy/law, planning, environmental impact assessment, biodiversity conservation, institutional development and environmental information. Offices in British VI, USVI, Washington, DC. Works mostly through programme associates; welcomes membership by individuals and institutions.

CANARI (Caribbean Natural Resources Institute) (www.canari.org). Founded some 20 years ago, this independent technical and research institute promotes participatory management of natural resources in Caribbean islands, specializes in issues related to participatory management, publications, and provides analyses, technical assistance and training products throughout the WCR. Located in Laventille, Trinidad and Tobago. Non-membership environmental NGO.

University Institutes:

CERMES (Center for Resource Management and Environmental Studies) (<http://cavehill.uwi.edu/cermes>). Department at the University of West Indies, Barbados campus; promotes and facilitates sustainable development in the Caribbean and beyond through graduate education, applied research, innovative projects, professional training, involvement in national regional and global initiatives. Provides environmental advisory services to all sectors. Non-membership; university department.

Fisheries Organizations in or involving the WCR:

Caribbean Regional Fisheries Mechanism (CRFM) (www.caricom-fisheries.com). Established by CARICOM in 2002; promotes sustainable use of fisheries and aquaculture resources in and among Member States. Headquarters: Belize City, Belize. Membership: all CARICOM members eligible; 18 country members.

OSPESCA (Organización del Sector Pesquero y Acuicola del Istmo Centroamericano) (www.sica.int/ospesca/) Promotes coordinated and sustainable development of fisheries and aquaculture. Headquarters: Antiguo Cuscatlán, El Salvador. Membership: all Central American countries eligible; 7 full members and 1 associate, all within WCR.

Table 4 (cont.)

OLDEPESCA (Organización Latinoamericana de Desarrollo Pesquero) (www.oldepesca.org). Its goal is to meet Latin American food requirements adequately by making use of the region's fisheries resources for its peoples through development and regional cooperation. Headquarters: Lima, Peru. Membership: all Central and South American States eligible; 14 country members, 10 within WCR.

WECAFC (FAO West Central Atlantic Fishery Commission) (www.fao.org/fi/body/rfb/wecafc/wecafc). Facilitates coordination of research, education, and training; assists members in establishing rational policies for fisheries management among two or more countries. Advisory functions only. Headquarters: Bridgetown, Barbados. All WCR states and dependencies are members.

ICCAT (International Commission for the Conservation of Atlantic Tuna) (www.iccat.es). Mandate to manage all tuna and tuna-like species in the Atlantic. Headquarters: Madrid, Spain. Membership: Barbados, St. Vincent and the Grenadines, Trinidad and Tobago, Puerto Rico and US Virgin Islands (through US).

* International NGOs also have projects, networks, and growing visibility in the region; these include:

- IUCN (The World Conservation Union) (www.iucn.org), headquartered in Switzerland, an intergovernmental membership organization with permanent observer status at the United Nations General Assembly;
- The Nature Conservancy (www.nature.org), headquartered in the United States, with objectives to preserve plants, animals and natural communities by protecting highest-value lands and waters they need to survive; and
- Birdlife International (www.birdlife.org/worldwide), a global partnership of conservation organizations to conserve birds, their habitats and global biodiversity, headquartered in the United Kingdom.

Participation by the SIDS in the SPAW Protocol is a special challenge with respect to issues of capacity. A comparative analysis of protected areas policy, law, and institutions in six Organization of Eastern Caribbean States (OECS) States (Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines), conducted in 2006, found that the policy framework for protected areas management in all six countries was fragmented, and in most cases with severely outdated legislation.⁴⁸ Moreover, none of the

⁴⁸ See L. Gardner, "Comparative Analysis for Development of a Harmonised Protected Areas Management Framework within the OECS Region" (January 15, 2007), commissioned by the Environment and Sustainable Development Unit, Secretariat of the Organisation of Eastern

countries had developed specific national legislation to give effect to the provisions of MEAs, including the CBD. Nor were mechanisms in place to coordinate the various institutions with protected areas responsibility, which commonly fell among several institutions.⁴⁹ The study characterized the protected areas frameworks in those six countries as a patchwork of policy, legislative, and institutional arrangements which continue to evolve.⁵⁰

Also generating special challenges is the potential conflict between national and regional objectives. For example, under Annex II of the SPAW Protocol, all sea turtles are completely protected. In many countries in the region, however, some exploitation is legally permitted and even where there are rules setting out prohibitions, enforcement is weak or non-existent. This situation was confirmed in a study commissioned by CITES in 2001 because of concerns about sea turtle management in the region. The study, undertaken by TRAFFIC International and delivered in 2006, covered 26 political jurisdictions of the Lesser Antilles, Central America, Colombia and Venezuela (all in the WCR), analyzing their exploitation, trade, and management of sea turtles.⁵¹

Among the findings of this 500+-page study was that legal frameworks for sea turtle management were inadequate in most of the jurisdictions and that enforcement of legislation that did exist was also largely inadequate because of local socio-cultural dynamics and capacity issues, plus complicated or unclear legal provisions. The study identified six priorities for immediate action,

Caribbean States, under the OECS Protected Areas and Associated Livelihoods Project, pp. 16, 20; available online: <<http://www.oecs.org/esdu/library.html>>, click on link “Comparative Analysis” under the “Protected Areas” group of documents.

⁴⁹ *Id.*, at 24–25.

⁵⁰ *Id.*, at 26. Unfortunately the scope of the OECS study did not extend to OECS Associate Members, such as the British Virgin Islands (BVI), which since 2000 has made significant strides in its policy, legal, and institutional framework for protected areas management. This includes enactment in 2006 of new principal legislation for protected areas that incorporates MEA requirements (CBD, Ramsar, and CMS), sets up a management regime consistent with IUCN best practice guidelines, requires public input and stakeholder participation, creates a network of protected areas, and incorporates important marine, coastal, and associated terrestrial areas throughout the territory in its protected areas system. See *Virgin Islands National Parks Act 2006* (No. 4 of 2006), available from the Director, National Parks Trust, Road Town, Tortola, British Virgin Islands. The mission of the National Parks Trust, the institution responsible for the protected areas programme in the BVI, is: “To preserve and manage designated natural and cultural areas in order to improve the quality of life in the British Virgin Islands.” See, online: <<http://www.bvinationalparkstrust.org/index2.html>>.

⁵¹ A. Bräutigam and K. L. Eckert, *Turning the Tide: Exploitation, Trade and Management of Marine Turtles in the Lesser Antilles, Central America, Colombia and Venezuela* (Cambridge, TRAFFIC International, 2006).

including the need to increase government participation in regional agreements “that provide an operational basis for a unified, science-based and multilateral response... [and that][t]he most prominent of these agreements are the SPAW Protocol... and IAC”⁵² (the Inter-American Convention for the Protection and Conservation of Sea Turtles). Most of the islands in the WCR are also not yet parties to this regional sea turtle protection treaty, which was adopted in 1994 and entered into force in 2001 [see Table 3].⁵³

There may be similar tensions with protection of marine mammals, all species of which are also given complete protection in the SPAW Protocol, Annex II. Six Caribbean countries are parties to the International Whaling Convention (IWC) (Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines). Of these six, only St. Kitts and Nevis and St. Vincent and the Grenadines are parties to the SPAW Protocol. Over the years, all six have supported Japan in its ‘scientific whaling’ programme and its efforts to restore commercial whaling.⁵⁴ The situation is complicated because Japan provides much-needed development assistance to the region, especially for fisheries development.⁵⁵ St. Vincent and the Grenadines receives special permission from the International Whaling Commission for aboriginal subsistence whaling of humpbacks (not to exceed 20 for the seasons 2008–12),⁵⁶ but Japan’s harvest under the scientific whaling exception is in the thousands. These national tensions between objectives of the SPAW Protocol and the IWC may ease if CITES Contracting Parties become more involved in the active oversight of the provisions of CITES regarding protected whale species being taken from the high seas.⁵⁷

⁵² *Id.*, at xiv.

⁵³ The *Inter-American Convention for the Protection and Conservation of Sea Turtles* aims at achieving harmonious measures for sea turtle management between nations, multilateral coordination of conservation and protection actions, and oversight of the implementation of a regional agenda to enable the recovery of these species. For the text of the Convention, see online: <<http://www.iacseaturtle.org/iacseaturtle/English/link.asp>>.

⁵⁴ See Third Millennium Foundation (Paciano, Italy) (2007), “*Japan’s Vote Consolidation Operation at the International Whaling Commission*”, pp. 87–94; this contains ODA data for the six countries of the Caribbean. A copy of this document is available on the website of the Pew Tokyo Whale Symposium at the United Nations University, Tokyo, 30–31 January 2008, online: <<http://www.pewwhales.org/tokyosymposium/resources.html>>, under ‘Background Documents’.

⁵⁵ *Id.*

⁵⁶ See Press Release, Day 2, Tuesday 29 May 2007, of the International Whaling Commission’s 59th annual meeting in Anchorage, USA, online: <<http://www.iwcoffice.org/meetings/meeting2007.htm>>.

⁵⁷ As a new development, a highly respected international law expert who is a specialist in the

Maintaining Financial Flows

The CEP and SPAW work programmes have been plagued from the beginning by funding concerns and uncertainty about future financial resources. Initially, the CEP was funded under UNEP's Environment Fund, with the anticipation that long-term support would shift to member governments and other partner governments and organizations as the CEP grew. Today, basic financial operating costs of the RCU are met by an entirely voluntary system of contributions from governments, with payments made directly to a Caribbean Trust Fund.⁵⁸ Recommended contribution levels are established during each biennial Intergovernmental Meeting of CEP for the coming two years. Member governments in arrears are encouraged to make in-kind contributions. There are no sanctions for non-payment.

Funding challenges are a topic at each SPAW COP. At the most recent meeting, in November 2006, the issue was of sufficient immediate concern that the Decision of the Meeting included a request for the Secretariat to provide a more detailed budget for each area of work of the SPAW Programme, and a provisional detailed budget of activities undertaken by the SPAW/RAC, "which will facilitate fundraising and decision-making in the event of insufficient Programme funding."⁵⁹ It does not appear that the current voluntary structure for financing is a sustainable arrangement for the challenges ahead, and governments, international organizations, and other donors need to consider ways to strengthen the Trust Fund, supplement it with more funding partnerships, and secure a more stable operating base for the future.

These funding constraints are exacerbated when countries that are already members do not actively participate in the Working Groups established by the parties to produce specific outputs. Among the priority outputs are protected

workings of CITES has suggested that Japan's 'research whaling' is in violation of CITES restrictions concerning taking protected whale species from the high seas, and has called for the Contracting Parties to CITES, through its Standing Committee, to initiate compliance procedures and possible sanctions without delay. See P. H. Sand, "Japan's 'Research Whaling' in the Antarctic Southern Ocean and the North Pacific Ocean in the Face of the Endangered Species Convention (CITES)" (2008) 17 *Review of European Community and International Environmental Law (RECIEL)* 56–71.

⁵⁸ For information on the status of voluntary contributions from members in 2004–2005 see online: <<http://www.cep.unep.org/operational-components/Caribbean-trust-fund>>.

⁵⁹ "Report of the Meeting" (Fourth Meeting of the Contracting Parties (COP) to the Protocol Concerning Specially Protected Areas and Wildlife (SPAW) in the Wider Caribbean Region, Montego Bay, Jamaica, 28 November 2006), p. 14, paras. 13 and 14, (UNEP(DEPI)/CAR.IG.25.6), available online: <http://www.cep.unep.org/meetings/2006/spaw-cop-iv/meeting_documents_view>.

areas guidelines and species management plans. Delays in their development and adoption not only postpone substantive use, but also add to the already heavy workload of the Secretariat, as it must continue to administer and coordinate unfinished business while new activities need to be initiated.

Again, at the November 2006 meeting of the SPAW COP, this was an added topic of concern. The substantive part of the agenda had two key documents for decision:

- (1) the Final Draft Guidelines and Criteria for the Evaluation of Protected Areas to be listed under the SPAW Protocol (in preparation since the SPAW Protocol had come into force), and
- (2) the Revised Draft Action Plan for the Conservation of Marine Mammals (MMAP) in the Wider Caribbean Region. After extensive discussion of the Protected Areas Guidelines, it was decided that the Working Group should continue for one final extension (until the 4th STAC meeting in July 2008), in part, to give more parties a chance to participate, some delegates having expressed concern that “the document did not reflect the views of all Parties, since only a few had participated in the Working Group and that more input from the [SIDS] was needed.”⁶⁰ A similar outcome resulted for the MMAP, an activity in the SPAW Protocol’s workplan since 2001. While the Working Group was commended for its work, delegates decided to extend the timetable until STAC4 for refining the document and increasing participation, noting with regret the lack of participation from many parties in the Working Group; again, the missing parties were mainly from the SIDS.⁶¹ The COP in both cases asked the Secretariat and the SPAW/RAC to approach relevant National Focal Points, encouraging them to participate.

The Caribbean Large Marine Ecosystem Project—A New Opportunity

In November 2007, the Global Environment Facility (GEF) cleared a new full-sized project for the WCR. Entitled “Sustainable Management of Shared

⁶⁰ Anxious to move forward, however, the parties set a timetable and process for their final adoption, requesting the Secretariat and SPAW/RAC to provide all National Focal Points with the draft for a rapid, one-month maximum, internal consultation process before being submitted in final form to the next meeting of the Science and Technical Advisory Committee in July 2008, at which point, if approved by that STAC meeting, it could be applied on an interim basis until adoption at COP5 in 2009. See “*Report of the Meeting*”, *id.* at 4 and 13 (paras. 3–5).

⁶¹ *Id.*, at 6.

Living Marine Resources of the Caribbean Large Marine Ecosystem (LME),” the GEF project grant will be roughly \$7.7 million, supplemented by co-financing, for a total project amount of roughly \$56 million, with implementation beginning in June 2008.⁶² The predominant large marine ecosystem covered by this 4-year project is the Caribbean Large Marine Ecosystem (CLME).⁶³ The United Nations Development Programme (UNDP) is the Implementing Agency through its regional office and the two Executing Agencies are the UN Office for Project Services (UNOPS) and IOCARIBE (noted above for its MOC with CEP), with the Project Implementing Unit being based at IOCARIBE in Cartagena, Colombia.

The Centre for Resource Management and Environmental Studies (CERMES), University of West Indies, Barbados, was the Project Implementation Unit for the project’s preparation phase, and numerous excellent background studies and technical reports were prepared by experts during this phase to lay the groundwork for the project design, all available through CERMES.⁶⁴ CERMES will continue to have an active role in project implementation.

This new GEF-supported Caribbean project can bolster the CEP. With its substantial new resources, the CLME can bring much added expertise, scientific analyses, and momentum for enhanced implementation of the CEP, its Cartagena Convention and Protocols, including especially the SPAW Protocol.

⁶² The 4-year project falls under the GEF focal area of International Waters (IW), and its strategic objectives to foster international, multi-state cooperation on priority transboundary water concerns through more comprehensive, ecosystem-based approaches to management, and to catalyze transboundary action addressing these concerns. In support of these objectives, the project fits within GEF’s IW Strategic Program No. 1: “restoring and sustaining coastal and marine fish stocks and associated biological diversity.” See, “*Focal Area Strategies and Strategic Programming for GEF-4, Annex 3: International Waters Focal Area Strategy and Strategic Programming for GEF-4*”, p. 45, 47, online: <<http://www/gefweb.org>>, click ‘policies’, then ‘focal area strategies’. The project details (GEF Project ID I032, UNDP PMIS ID 2193) are available from UNDP-GEF through their website, see online: <<http://www.undp.org/gef/05/portfolio/iw.html>>.

⁶³ The project area also covers adjacent LMEs, namely the upstream Brazil-Guianas Shelf LME and the Gulf of Mexico LME. These LME designations have been increasingly used since the early 1990s, when the international community undertook a global effort to address coastal and marine resource management with an ecosystem-based approach, which included classifying the oceans into Large Marine Ecosystems (these are relatively large regions of ocean and coastal space that encompass river basins and estuaries and extend out to the seaward boundary of continental shelves and the seaward margins of coastal current systems). The UN Atlas of the Oceans identifies 64 named LMEs, the Caribbean Sea being number 12; see online: <http://www.oceansatlas.org/html/lme/lme_.html>.

⁶⁴ Online: <<http://cavehill.uwi.edu/cermes/clme.html>>.

It is worth highlighting a few key features of the CLME project here for their complementary nature and relevance to the CEP and especially the SPAW Protocol. The project's overall objective is "sustainable management of the shared living marine resources of the Caribbean LME and adjacent areas through an integrated management approach that will meet the World Summit on Sustainable Development (WSSD) target for sustainable fisheries."⁶⁵ The WSSD target is to restore depleted fish stocks to maximum sustainable yield by 2015.

Improving governance capacity, especially for fisheries, is the central focus. As explained in the project document, despite "heightened awareness throughout the region that an integrated approach is required for the Caribbean region, the knowledge base, legal/policy regime and technical and institutional capacity that are required to give effect to the variety of agreements and commitments [of countries] are severely constrained for most of the countries in the region."⁶⁶ While fisheries provide the nexus for building a knowledge base and a transboundary governance framework, the project's scope extends to living marine resources in general because of the recognized interdependence between fisheries, habitats, ecosystems, and biodiversity. Attention is directed to three main transboundary concerns: unsustainable exploitation of fish and other living resources, habitat degradation and community modification, and pollution.⁶⁷ The pollution component relates to mandates of the Cartagena Convention's LBS Protocol, which is yet to come into force, but as with the SPAW Protocol, it already has an active Sub-programme promoting and supporting implementation.⁶⁸

The momentum for the project came from national governments in the WCR, who acknowledged that the current state of the Caribbean Sea required immediate attention and action, particularly with regard to fisheries

⁶⁵ Final Project Document submitted to the GEF for final comments and CEO endorsement: "UNDP Project Document, PIMS 2193—Sustainable Management of the Shared Living Marine Resources of the Caribbean Large Marine Ecosystem (CLME) and Adjacent Regions" (March 08, 2008), para. 137.

⁶⁶ *Id.*, para. 134.

⁶⁷ *Id.*, para. 46.

⁶⁸ Three countries currently are party to the LBS Protocol: France, Panama, Trinidad and Tobago. The LBS Protocol, which was opened for signature in 1999, will enter into force upon deposit of the ninth instrument of ratification, as provided by the Cartagena Convention, Article 28. The LBS Protocol and the Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region (Oil Spills Protocol) are both served by the CEP Sub-Programme 'Assessment and Management of Environmental Pollution' (AMEP). Information about the objectives and activities of the AMEP Sub-Programme is available online: <<http://www.cep.unep.org/operational-components/amep/overview-and-objectives>>.

resources.⁶⁹ Twenty-three governments, all in the CEP, came together to support the project and ask GEF for financial assistance: Antigua and Barbuda, Bahamas, Barbados, Belize, Brazil, Colombia, Costa Rica, Dominica, Dominican Republic, Guatemala, Grenada, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago. Seventeen of the countries are already parties to the Cartagena Convention and seven are parties to the SPAW Protocol.

As an operating principle, the CLME project plans to “build on and complement existing projects and initiatives.”⁷⁰ Working closely with countries and other institutions in the region, the project’s main outputs will include:

- 1) an analysis of transboundary marine issues and problems relating to the management of the CLME and actions needed to address these, including an improved Information Management System;
- 2) development of a Strategic Action Programme (SAP) for the CLME using an ecosystem-based approach and including inputs from CERMES, UNEP, the Food and Agriculture Organization (FAO) and other key partners;
- 3) development of a management and governance framework for fisheries management that includes regional level policy components for governance of the CLME;
- 4) strengthening linkages between the private sector, advisory institutions and decision-making bodies to improve policy-making and implementation at all levels; and
- 5) undertaking four targeted projects to demonstrate how the SAP can be applied and implemented at different levels.

One of the four demonstration projects is directly related to the SPAW Protocol’s mandate and will benefit, in particular, from the expertise and institutional infrastructure of the RCU and the SPAW RAC. This demonstration project is on “reef fisheries and biodiversity,” and includes the objective to enhance marine biodiversity conservation by strengthening existing marine protected areas (MPAs) and promoting ratification of international agreements relevant to the sustainable use of coastal and marine resources in the CLME.⁷¹

⁶⁹ UNDP Project Document, *supra* note 64, para. 4.

⁷⁰ UNDP Project Document, *supra* note 64, para. 135.

⁷¹ UNDP Project Document, *supra* note 64, see paras. 183–186.

International Policy Supports A Strengthened Regional Seas Approach

A 2007 IUCN Situation Analysis for the Wider Caribbean concluded that “sustainable development [in the region] demands regional approaches and regional integration, to allow for the effective management of large ecosystems; for the sharing of experience; expertise and resources; and for the coordination of efforts towards a common vision. In many areas, such as marine resource management and fisheries development, sustainability cannot be achieved without harmonized policies and joint action.”⁷²

This conclusion has been reinforced in several international fora. Most recently, the United Nations General Assembly at its 9th Global Meeting of the Regional Seas Conventions and Action Plans in October 2007 adopted the ‘Jeddah Declaration’: furthering the implementation of the Regional Seas Conventions and Action Plans towards the sustainable development of the marine and coastal environment.⁷³ The Jeddah Declaration renewed members’ commitment to implement existing resolutions and agreements of the Regional Seas Programmes, while acknowledging the “transboundary nature of the marine and coastal environment and the growing need for regional and global collaboration and coordination in addressing environmental issues.” The Jeddah Declaration also commits member states to implementing Regional Seas Agreements and Plans in accordance with the new Global Strategic Directions (2008–2012) document adopted at that meeting.

This Strategic Directions document recognizes the “continued decline in marine and coastal ecosystem services” and “links with economic and human development.”⁷⁴ Accordingly, it sets forth a number of strategic directions for the coming five years for Regional Seas Programmes. These include incorporating Regional Seas Conventions and Protocols into national legislation, developing and implementing protocols addressing land-based pollution sources and activities, contributing to implementation of the 2010 biodiversity targets of WSSD for promoting establishment of networks of marine and coastal protected areas, and planning proper coastal land and watershed use, including designation of important wetlands under Ramsar, emphasizing the need to implement the ecosystem approach in integrated marine and coastal management as an overarching management framework, and strengthening capacities in governance and sustainable financing mechanisms.

⁷² IUCN Caribbean Initiative, *A Situation Analysis for the Wider Caribbean* (Switzerland, IUCN-World Conservation Union, 2007), p. 37.

⁷³ UNEP(DEPI)/RS.9/8 (31 October 2007).

⁷⁴ “*Global Strategic Directions for the Regional Seas Programmes 2008–2012: Enhancing the Role of the Regional Seas Conventions and Action Plans*,” UNEP(DEPI)/RS.9/6 (31 October 2007).

Directed to protection of the Caribbean Sea, in particular, is a decision in 1991 under the International Convention for the Prevention of Pollution from Ships (MARPOL), which designated the Caribbean Sea as a “Special Area” because of its high vulnerability to the impacts of pollution and its economic importance to the countries of the WCR.⁷⁵ This designation, when put into effect, means that ships are prohibited from disposing of any garbage, including any plastics, in the sea area.⁷⁶ This designation is particularly important to protect living marine resources and ecosystems from the damage that can be caused from the discharge of ship garbage, including especially plastics. The designation has not yet been put into effect because the lead agency, the International Maritime Organization (IMO), is assessing the adequacy of the region’s reception facilities for ship garbage. The CEP, in this case through the LBS Protocol and its RACs, has been providing regional support and assistance and helping IMO work with governments in collecting necessary information and discussing the additional measures needed. The initiative illustrates the valuable role played by the programme overall in helping advance the objectives of the Cartagena Convention and the SPAW Protocol, as well as the LBS Protocol.⁷⁷

In a separate initiative in a different forum, the Association of Caribbean States (ACS) coordinated the promotion and adoption in 2005 of a UN General Assembly Resolution “Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development.”⁷⁸ This

⁷⁵ Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Designation of the Wider Caribbean area as a special area under Annex V of MARPOL, 73/78), Resolution MEPC.48(31), adopted on 4 July 1991.

⁷⁶ Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, No. 5.

⁷⁷ During 2007, the CEP RCU, through the LBS Protocol, undertook joint efforts with IMO to convene seminars with governments in the region to discuss the current pollution challenges in the WCR, threats from emerging issues such as invasive species, the need for improved waste management, and the additional measures needed to implement international obligations and address outstanding marine pollution control issues. The seminars were organized through UNEP’s CEP/RCU and the LBS Programme Officer, by the LBS RAC/REMPEITC-Carib. See “*Regional Seminars increase awareness of critical need to protect Caribbean Sea from Pollution*”, on the CEP website, home page under ‘CEP news’, online: <<http://www.cep.unep.org/newsandevents/news/2007/regional-seminars-increase-awareness-of-critical-need-to-protect-caribbean-sea-from-pollution>>. Moreover, in each of the countries, the responsible IMO Focal Point was confirmed and it was agreed that information on the state of reception facilities in each country would be submitted electronically to IMO and that the CEP RCU would package all seminar presentations and materials submitted and send copies to all the other member countries. Email communication with LBS Programme Officer, Christopher Corbin, 15 January 2007.

⁷⁸ UNGA A/RES/59/230, 16 February 2005.

Resolution recognized, in relevant part, the ACS initiative, encouraged continued development of this approach in the region, called upon States to prioritize action on marine pollution and bring into force the LBS Protocol, and called upon the international community, the United Nations system and multilateral financial institutions, including the GEF, to actively support national and regional activities in this area. The ACS has become one of the main regional institutions working on this new initiative, which it has entitled the 'Caribbean Sea Initiative'. The CEP RCU is represented on its Steering Committee and is expected to play a part in supporting those implementation activities stimulated by the initiative that fall within CEP's mandate.⁷⁹

Finally, it is worth highlighting one other international initiative that is promoting regional environmental cooperation and action in the WCR. This is the White Water to Blue Water Initiative (WW2BW), launched in 2002 at the WSSD, to build partnerships and activities for integrated management of watersheds, coasts, and oceans.⁸⁰ Serving initially as a networking and coordination tool, the initiative has begun to identify and engage partner activities among interested international organizations, national governments, non-governmental organizations, and universities in the region.

Among WW2BW's priorities are supporting cooperation, good governance and strengthened national and regional institutional capacity for integrated management of connected fresh water and oceans systems, including help in implementing treaties such as the Cartagena Convention and its three Protocols. It is difficult to know if the initiative has brought much 'new' money, because existing activities that fit within the WW2BW objectives may be counted. New monies may become more available as the initiative gains exposure. Governments of the WCR have pledged in-kind and facilitative support. The WW2BW Steering Committee includes the U.S. Department of State, U.S. Department of Commerce/National Oceanic and Atmospheric Administration, the UNEP CEP, and the Caribbean Environmental Health Institute. Partners include the governments of the WCR, Canada, France, The Netherlands, the United Kingdom and the United States. Virtually all international and regional organizations and non-governmental organizations operating in the Caribbean are also considered partners.

⁷⁹ Email communication with LBS Programme Officer, Christopher Corbin, 15 January 2008.

⁸⁰ See basic facts about the WW2BW Initiative online: http://www.usaid.gov/our_work/environment/water/ww_to_bw.html.

Conclusion

Scientific research has improved our understanding about accelerating degradation of the living marine resources of the WCR; these resources are a mainstay of the region's economic and social health. National policies and programmes have not kept pace with this improved understanding. It is increasingly imperative that national policies and programmes be harmonized and coordinated within a regional framework if efforts to protect, restore, and sustainably manage these shared resources are to succeed. The Caribbean Regional Seas Programme and its Protocols, especially the SPAW Protocol, have been developed by the countries of the WCR to serve as this regional framework.

As discussed throughout this article, there are many important benefits and advantages that the SPAW Protocol, the SPAW Programme and its RAC offer to countries in the WCR, not least of which is a truly regional voice. The SPAW Protocol is the only regional environmental legal agreement addressing biodiversity conservation issues and its institutional components are well established, especially the STAC, to bring sound science to their decision-making. The Electronic Working Groups created by the Contracting Parties generate materials tuned to the needs of national implementation. The guidance provided by the SPAW Protocol is concrete and specific, based on the latest science for sustainable management of marine and coastal resources, especially protected areas and protected species. The objectives of the SPAW Protocol include building the much-needed network of well-designed and well-managed MPAs in the WCR to protect threatened ecosystems (e.g., coral reefs, sea grass beds, mangroves), habitats for fisheries, biodiversity, and the other essential services these resources provide.

The SPAW Protocol needs increased support and participation by governments in the WCR and other partner governments, international organizations, regional institutions, non-governmental organizations, and donors to meet the existing and new environmental challenges ahead. The CLME project, a major new initiative financed by the GEF and others, can help by using and building upon the expertise and accomplishments of the CEP in both biodiversity conservation and pollution control. The SPAW Protocol should be a high priority for all parties concerned about biodiversity conservation and sustainable development in the WCR and worldwide.