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Havana, Cuba, 24-25 September 2001

D R A F T

**The Scope and Structure
of
the Scientific and Technical Advisory Committee (STAC)
of the SPAW Protocol**

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I. Introduction

1. The Protocol Concerning Specially Protected Areas and Wildlife (SPAW) establishes a Scientific and Technical Advisory Committee (STAC) to aid in the implementation of the Protocol. This draft document outlines a possible scope and structure of the STAC for the deliberation, approval and adoption by the First Meeting of the Contracting Parties to the SPAW Protocol (Havana, 24-25 September 2001).
2. The functions of the STAC are described in Article 20 of the SPAW Protocol as follows:

To provide advice to the Contracting Parties on:

 - a. The listing of protected areas
 - b. The listing of protected species
 - 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. Any other matters relating to the implementation of the Protocol, including those matters referred to it by the meetings of the Parties.
3. Additionally Articles 7 (Co-operation programme and listing of Protected Areas), 11 (Co-operative measures for the protection of wild flora and fauna), 13 (Environmental Impact Assessment), 15 (Changes in the status of Protected Areas or Protected Species), 21 (Establishment of common guidelines and criteria) of the Protocol provide specific functions to the STAC in keeping with the provisions of Article 20.
4. The STAC will work to improve the quality of the scientific, technical and technological advice provided to the Conference of the Parties, and to undertake sound scientific and technical assessments, including in-depth assessments of the state of knowledge on issues critical for the implementation of the Protocol;
5. Accordingly, the STAC will fulfil its mandate under the authority of, and in accordance with, guidance laid down by the Conference of the Parties, and upon its request.

II. Scope of the STAC

A. The Scientific and Technical Advisory Committee

6. The STAC, in addition to reviewing the work of subcommittees (see Section III below on sub-committees), should identify ways of supporting national governments in strengthening, developing or adapting public policies that promote the conservation and sustainable utilization of biotic resources. The STAC should identify and promote regional conservation projects and identify the ways to assist national governments in incorporating biodiversity conservation into their resource management activities.

Overall responsibilities may include the following:

- a. Identify regional and national needs related to protected area management and species conservation priorities.
 - b. Identify ways to integrate the conservation of biodiversity into national resources management policies.
 - c. Assist in the dissemination of information related to sustainable utilization of biotic resources.
 - d. Promote biodiversity initiatives that can be adopted by the private sector.
 - e. Coordinate or facilitate the training of environmental managers and policy makers on matters related to conservation and sustainable utilization of living resources.
 - f. Assist in the coordination of regional activities related to protected areas and species conservation, foster the strengthening of NGO's in the region and foster government/NGO's dialogues.
 - g. Ensure and promote coordination at the national level between the activities under the framework of the SPAW Protocol and those of relevant treaties such as the Convention on Biological Diversity, Ramsar, Heritage Convention, the Bonn Convention etc.
 - h. Provide advice to the Parties on issues relevant to the implementation of the Protocol.
 - i. Assist the Secretariat with the development of project proposals for regional implementation in support of the objectives of the Protocol and support with potential donors.
7. Each meeting of the STAC and its sub-committees should advance the programme of work for the Meeting of the Parties. The Meeting of the Parties will indicate a particular theme or themes as the focus of work for the following meeting of the STAC.

8. At each meeting the STAC should prepare and thereafter transmit, as soon as possible, a report to the Contracting Parties in accordance with the Rules for Procedure. Such report should summarize the discussions of the STAC and outline priorities for action. The report should include and provide the rationale for all findings and recommendations and may include any minority opinions provided to the Chairperson if consensus is not achieved. A copy of the report will be transmitted to all members of the STAC and to all relevant partners.
9. The Meetings of the Parties in turn will assess the work of the STAC at the following meetings and consider the recommendations made to it by the STAC with a view to providing guidance to the STAC on ways to improve its inputs.
10. Guidance to the STAC contained in specific decisions of a Meeting of the Parties should take into account the need for a coherent and realistic programme of work for the STAC, including the identification of priority issues, allowing flexibility in timing, and agrees that the STAC may, if necessary, adjust the timing of its consideration of issues.

B. Working groups

11. Working groups of the STAC could be established and operate simultaneously during meetings of the STAC. They should be established on the basis of well-defined terms of reference, and will be open to all Parties and observers. The financial implications of these arrangements should be reflected in the Workplan and Budget of the CEP. Additionally and as recommended by the Evaluation of the work of ISTAC (1992-2000) (UNEP(DEC)/CAR IG. 20/3) these working groups could also operate as standing and open-ended bodies functioning between meetings of the STAC for specific purposes.
12. A limited number of ad hoc technical expert groups on specific priority issues may be formed and utilized by the STAC. The establishment of such ad hoc technical expert groups would be guided by the following elements:
 - a. The ad hoc technical expert groups should draw on the existing knowledge and competence available within, and liaise with, international, regional and national organizations, including non-governmental organizations and the scientific community in fields relevant to the SPAW Protocol;
 - b. The STAC will recommend the exact duration and specific terms of reference, when establishing such expert groups for the approval of the Conference of the Parties;
 - c. Expert groups will be encouraged to use innovative means of communication and to minimize the need for face-to-face meetings;
 - d. The ad hoc technical expert groups may also convene meetings parallel to the proceedings of the STAC.
 - e. Reports produced by the ad hoc technical expert groups should, as a general rule be submitted for STAC review as working documents;

13. The STAC shall cooperate and meet with other relevant international, regional and national organizations, under the guidance of the Convention of the Parties, thus building upon the vast experience and knowledge available and fostering linkages of cooperation and collaboration as appropriate, in an effort to avoid any duplication at the national and regional levels.
14. The STAC in its scientific, technical and technological work and, in particular scientific assessments, should make use of existing programmes and activities of the CEP or of other bodies and of expertise made available by Parties.
15. Regional and sub-regional meetings for the preparation of regular meetings of the STAC may be organized as appropriate for specific items. The possibility of combining such meetings with other scientific regional meetings, in order to make maximum use of available resources, should be considered. The convening of such regional and sub-regional meetings will be subject to the availability of financial resources.
16. The Secretariat, in cooperation with the Parties, will develop and maintain lists of focal points, focal persons, and roster of experts that the STAC can draw upon for its meetings, sub-committees and ad hoc working groups.
17. These persons in 14 may be invited to make available, upon the request of STAC in consultation with the Secretariat, their specific expertise in order to contribute to the further development of the scientific, technical and technological issues of the work programme of the SPAW Protocol. Such requests could entail, inter alia, peer reviews, questionnaires, clarifications or examinations of scientific, technological and technical issues, specific contributions to the compilation of documents, participation in global and regional workshops and assisting in connecting the SPAW Protocol process to international, regional and national scientific, technical and technological processes.

III. Structure of the STAC

18. The structure of the STAC should enable it to perform its function to advise the Parties on the scientific and technical aspects of the conservation of special protected areas and special wildlife species. It also should be noted that the successful conservation and management of protected areas and wildlife are also dependent on social, development and economic issues as well as the purely scientific and technical. Therefore, the conservation and management of protected areas and wildlife is in essence multifaceted and interdisciplinary in nature and needs to be addressed within an integrated and participatory framework.
19. In this context, it may be necessary to incorporate into the STAC experts that cover social, developmental and economic issues to bring their own perspectives into the conservation issues discussion. It might not be necessary for these experts to attend all STAC meetings but their participation should be encouraged as much as possible and as necessary even as just observers. The involvement of NGO representatives has already been identified as crucial to

the improvement of STAC operations in the ISTAC evaluation (UNEP(DEC)/CAR IG. 20/3) and the participation of the private sector as desirable when appropriate.

20. The scientific and technical contribution of non-governmental organizations to the fulfillment of the mandate of the STAC should be strongly encouraged in accordance with the relevant provisions of the Convention and the draft Rules of Procedure of the STAC (UNEP(DEC)/CAR WG.23/3). The active participation of NGOs through the provision of expertise, access to funding not available to Governments, and bringing their own resources and contributions to bear on the SPAW effort should be recognized in the development of the Protocol to date.
21. The Secretariat may extend an invitation to any partner organization relevant to the Protocol, to attend the meetings of the STAC and its subsidiary bodies (i.e. working groups and STAC subcommittees) as observers. Observers may bring relevant information and documentation to the meetings in their original languages. Such documents shall only be considered as working documents, if so decided by the STAC in consultation with the Secretariat.
22. The STAC shall establish, with the approval of the Parties, such ad hoc working groups, as it deems necessary for the performance of its functions and determine their composition and terms of reference. Where applicable, ad hoc working groups shall operate on the basis of the Rules of Procedure of the STAC.
23. The SPAW Protocol concerns specifically with the protection of areas and habitats of special value and the conservation of threatened and endangered species of regional concern. Education, public awareness and capacity building is essential to the successful implementation of the SPAW Protocol and this is recognized in several of the Articles and provisions of the Protocol. Likewise, appropriate regulatory frameworks and legislation which responds effectively to the Protocol's obligations are required to meet the Protocol's objectives. Parties may need to seek advice and technical assistance on these matters. In this context, and in keeping with the deliberations during the First Meeting of ISTAC, 1992 where these issues were discussed, it is recommended that there could be at least four sub-committees of STAC:
 - a. Protected Areas Sub-Committee
 - b. Species Protection Sub-Committee
 - c. Education and Public Outreach
 - d. Legal and Regulatory Issues

A. Protected Areas Sub-Committee

24. In keeping with the issues addressed in the Protocol, the Protected Area Subcommittee should consider at least 5 topics: criteria for designating areas and listing under the Protocol, management and restrictions on the use of areas, enforcement of regulations, training, and income generation. Of these, income generation is probably one of the most critical, as simple improvements in all other areas can be made if income improves. At the time of this writing,

designation of specific new areas may deserve a lower priority than the other topics, since management of the existing areas is often failing to meet conservation objectives. However, setting forth some general principles and goals for protected areas would be useful at this time.

Responsibilities may include:

- a. developing principles for selecting areas to be protected,
- b. evaluating proposed protected areas and their listing under the Protocol,
- c. establishing principles for management of protected areas and for enforcement of regulations,
- d. identifying areas requiring special protection (eg. rare or fragile ecosystems, spawning aggregation areas etc.)
- e. coordinating and facilitating cooperation between manager and staff of protected areas, and other interested groups (e.g. local community, NGO's etc.),
- f. supporting centers for dissemination and archiving of data on protected areas,
- g. facilitating training of protected area managers and field and enforcement personnel in the subject of protected area management,
- h. encouraging creative approaches to income generation,
- i. reviewing country reports on progress in habitat protection, and
- j. Support the establishment of an information network and data bank related to: inventory of biotopes of major importance, threats to biodiversity, impact of natural disturbances and man induced perturbations, over-exploitation of species and habitat losses within the region. Use the network to assist local and international entities to detect threats and ensure timely interventions or facilitate the evaluation of conservation policies and methods.

B. Species Protection Sub-Committee

25. The Species Protection Subcommittee should give priority to the full range of cooperative measures to protect species listed on the Annexes to the Protocol. Given the large number of species listed, it may wish to identify priority species for international conservation programmes. Priorities should be based on needs and on available resources.

Responsibilities may include:

- a. review the criteria for listing species to be protected under Article 11,

- b. reviewing the status of species proposed for listing on SPAW Annexes,
- c. developing cooperative recovery plans for species listed on Annexes,
- d. supporting centers for disseminating and archiving data on species protection or supporting existing centers established for this purpose,
- e. facilitating training of scientists and technicians in conservation and restoration biology,
- f. assisting with the fund raising efforts for research and monitoring programmes,
- g. making recommendations concerning enforcement of regulations designed to protect species on the Annexes,
- h. reviewing country reports on progress in species protection, and
- i. assessment of restoration needs in the region and assist in the development of restoration plans for these habitats.

C. Education and Public Outreach

26. The Subcommittee on Education and Public Outreach should consider ways to improve the awareness and concern about environmental issues of the region. Top priority should be given to educating users of the marine environment (defined broadly to include anyone whose activities have an impact on the marine environment) and potential users in the next generation. The following responsibilities are to be implemented jointly with the Regional Programme of CEP on Education, Training and Awareness (ETA).

Responsibilities may include:

- a. strengthening environmental awareness in the region through concrete activities within CEP or other relevant frameworks,
- b. developing and providing information on the SPAW Protocol and Caribbean environmental problems for distribution to schools and general public,
- c. considering ways to encourage media attention on Caribbean environmental issues,
- d. strengthening of national institutions and environmental NGO's in region,
- e. fostering cooperation between Parties to SPAW and NGO's, and
- f. reviewing country reports on efforts to increase public awareness of environmental issues.

D. Legal and Regulatory Issues

27. This Subcommittee should focus on ways to help Parties implement the SPAW obligations. It should consider both legal and regulatory matters. It may be appropriate for it to provide advice in matters of cooperative enforcement of SPAW measures. It may also consider providing advice and assistance to interested governments who are not yet Parties but require updating of their national legislation in order to accede to the Protocol. In keeping with the integrated approach which is required to fully meet the SPAW Protocol objectives, this Subcommittee should execute its functions in co-operation with the Regional Programme of CEP on the Assessment and Management of Environmental Pollution (AMEP) and in coordination with activities being developed under the framework of the Protocol on Sources and Activities of Land-Based Marine Pollution

Responsibilities may include:

- a. assisting with the development of model legislation and/or guidelines for the implementation of SPAW obligations,
- b. providing technical advice for adapting legislation to fulfill SPAW obligations to the specific situation of Parties or interested governments,
- c. providing technical advice to Parties (or interested governments) in developing regulations to fulfill SPAW obligations,
- d. reviewing country reports on the development of legislation and regulations for implementing the SPAW Protocol,
- e. reviewing regulatory frameworks of Parties and identifying any inconsistencies with the SPAW obligations.

IV. Additional Inputs

28. In preparation for the First Meeting of the Contracting Parties to the SPAW Protocol and First Meeting of the Scientific, Technical and Advisory Committee (24 - 29 September 2001), the Secretariat invited the Parties, member governments of CEP and partner organizations to provide inputs for the agendas of the meetings and their documentation. The Government of Cuba provided the following comments with regard to the scope and structure of the STAC:

Criteria from Cuba with regard to the Composition, Scope and Mandate of the Scientific and Technical Advisory Committee (STAC) of the SPAW Protocol

The Conference of Plenipotentiaries for Specially Protected Areas and Wildlife, held in Kingston, 15 - 18 January 1990, adopted the agreement to create an Ad Hoc interim group of experts to function as the Scientific and Technical Advisory Committee STAC, as established in Article 20 of the SPAW Protocol, until the latter came into effect.

For operational reasons, due to the long period of time which passed before the entry into force of the Protocol, this Interim Scientific and Technical Advisory Committee, assumed a wide range of functions outside of the framework of the mandate conferred to the STAC under Article 20 of the Protocol.

Given its interim nature, ISTAC operated as an open body in which all the Member States of the CEP participated, whether or not they were Contracting Parties to the SPAW Protocol. For this same reason, when the protocol entered into force, ISTAC ceased to exist.

Now that the SPAW Protocol has entered into force, the Contracting Parties will have to define the scope, integration and mandate of the STAC. In light of the impact, which the management of the STAC will have on the implementation of the SPAW Protocol, Cuba feels that this matter should be resolved during this First Meeting of the Parties.

At the same time, Cuba thinks that only the Contracting Parties to the Protocol should have responsibility for defining the future of this body and that any analysis of the Meeting of the Parties to give the scope, structure and mandate to STAC, should be based on the following considerations:

- The STAC is a Consultative Body, a Technical Advisor to the Meeting of the Parties, subordinate to the Contracting Parties, which acts by express mandate of the Meeting of the Parties, and whose function shall be to advise the Meeting of the Parties in matters of a technical nature and to make recommendations to the Contracting Parties on the issues addressed.
- In the STAC meetings, only the expert representatives of the Contracting Parties to the Protocol will participate as members with full rights (voice and vote), without prejudice to the rights given to observers, according to the Rules of Procedure.

Any proposal based on different criteria, would be in contradiction with the precepts of Article 24 of the Cartagena Convention and Article 20 of the SPAW Protocol and would not encourage the ratification of the Protocol by new Contracting Parties.