

Concept Paper on the relationship between the Apia Convention and other relevant conventions

This Paper is divided into 7 sections:

- 1 Introduction
- 2 Usefulness of a regional approach to conservation issues
- 3 Institutional Frameworks for the Convention
- 4 Reporting
- 5 Funding requirements
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1 INTRODUCTION

1. The Apia Convention (the Convention), the region's oldest conservation treaty, entered into force in 1990 after a fourteen year wait to obtain ratification from four member countries. A fifth country also joined in 1990. There have been no new Parties since and reasons for the lack of interest in the Convention have been identified as:

- its failure to address the modern nature conservation legal and policy needs of the region;
- its definition of protected areas is outdated and does not reflect regional practice;
- its treatment of endangered and migratory species is limited;
- international conventions like the Convention on Biological Diversity (CBD) cover the same issues;
- all the benefits available to Parties are deliverable under the SPREP work programme;
- its less than rigorous scientific foundation;
- territories have not been accommodated.

A list of obligations under the Apia Convention is given at Annex 1.

2. A number of recent SPREP Papers¹ have explored in some detail the issues involved; for the sake of brevity these will be referenced only where necessary. Of the four options² arising from those papers, the Parties at their Sixth Meeting decided to pursue the fourth option³ of “creating a new successor Convention to supersede the Apia Convention” and proposed that a Working Group be convened in order to work on the text of such a convention. The Working Group did not meet due to lack of funds. At the Seventh Meeting of the Parties it was decided that rather than seek funds to hold a meeting that a Concept Paper (ie, this Paper) be produced and discussed by way of an electronic Working Group.⁴

3. As it happens, there may not now be any point in drafting a successor Convention as the CBD’s recently adopted (2006) an Island Biodiversity Programme of Work (IBPOW)⁵ that covers much of what the successor Convention was going to provide. It may be worthwhile to revisit option 1 (“substantively amending the Convention”) of the original list of options and see whether minimal changes can be made to the Apia Convention by aligning it to the CBD’s Programme of Work on Protected Areas,⁶ adopted in 2004, (after the SPREP Papers were written).

4. The focus of this Concept paper however is to expand on an additional idea, which, although raised on previous occasions,⁷ hasn’t arisen as a distinct option, namely, **the Apia Convention acting as a regional forum to coordinate the various biodiversity multilateral environment agreements (MEAs) to which SPREP members are Parties as well as other conservation activities in the region.** The results of this added function would be to enhance the profile of the Apia Convention and to allow for much-needed amendments to be made to it in the context of a more complete backdrop of conservation activities in the region.

¹ “Papers on the Revision of the Apia Convention” have been posted on the SPREP website in the “Legal Documents” section <http://www.sprep.org/legal/regional.htm> These are:

1. Discussion Paper for submission to the Sixth Ordinary Meeting of Parties to the Convention on Conservation of Nature in the South Pacific, 2002.
2. Discussion Paper on the potential need to amend the Convention on Conservation of Nature in the South Pacific, 2002.
3. The African Convention on the Conservation of Nature and Natural Resources (Revised).
4. SPREP Working Paper on the Convention on Conservation of Nature in the South Pacific (Pulea, 2002).
5. The Apia Convention as a Protocol to the SPREP Convention.
6. Experts Report, 2001.

²

1. substantively amending the Apia Convention;
2. developing a Protocol under the Apia Convention;
3. making the Apia Convention a Protocol to the SPREP Convention;
4. creating a new successor Convention to supersede the Apia Convention.

³ The option of denouncing the Convention had been considered but was rejected by the Experts Meeting 2001 and therefore wasn’t presented as an option to the Sixth Meeting.

4.5.1 Article XIV of the Apia Convention provides “Any Contracting Party may denounce the Convention by written notification to the Depositary at any time after five years from the date of entry into force of the Convention. The denunciation shall take effect twelve months after the depositary has received the notification.”

4.5.2 This approach was not considered an option during the Ad-Hoc meeting of Experts. The unanimous view was that the Apia Convention is the only legal framework in the region for the conservation of ecosystems and their components, including marine ecosystems and it should be preserved and built on.

Discussion Paper on the potential need to amend the Convention on Conservation of Nature in the South Pacific, 2002.

⁴ Paragraph 26 of the Report of the Seventh Meeting, 2004.

⁵ See pages 81-112 of the Report of the Eighth Meeting of Parties to the CBD, <http://www.biodiv.org>.

⁶ <http://www.biodiv.org/programmes/cross-cutting/protected/wopo.asp>.

⁷ See footnotes 11 and 12 below.

5. An expanded Convention could also assist in the current discussion within the Roundtable for Nature Conservation, which is the key coordination mechanism for the Action Strategy for Nature Conservation 2003-2007⁸. The Action Strategy is “regionally owned” having been endorsed by the Fourteenth SPREP Meeting (2003) and by many regional and international organizations.

6. At present SPREP is working with a consultant to develop an appropriate monitoring and evaluation process for the Action Strategy and to use the information to analyze progress towards the 2003-2007 conservation targets under the Strategy. Despite the number of partners to the Strategy, based on work currently underway, there is no clear evidence that anyone, anywhere, has set about explicitly implementing it. A revised Apia Convention might help to improve ownership and understanding of the Strategy as well as provide more in-depth discussion by countries on what they need to do to progress conservation in the region.

2 USEFULNESS OF A REGIONAL APPROACH TO CONSERVATION ISSUES

7. MEAs now number in the hundreds with more being added each year. The following are relevant biodiversity MEAs in relation to the Apia Convention. There exist many other relevant MEAs⁹ which may also be considered at some future time:

- Convention on Biological Diversity, 1992 (CBD)
- Convention on the Conservation of Migratory Species of Wild Animals, 1979 (CMS)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973 (CITES)
- Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972 (WHC)
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat, 1971 (Ramsar).

Summary descriptions of these conventions are provided at Annex 2 and SPREP members that are Parties to these 5 conventions and the Apia Convention are listed at Annex 3.

⁸ The Action Strategy is the regional framework for nature conservation in the Pacific. It is meant to represent a consensus on the priority concerns for conservation and ways in which these can be addressed. It arose out of the Seventh Pacific Regional Conference on Nature Conservation and Protected Areas held in Rarotonga in 2002.

⁹ The following is a sampling of other relevant MEAs to which PICs are Parties or signatories to or have adopted:

- International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004
- International Treaty on Plant Genetic Resources for Food and Agriculture, 2002
- Cartagena Protocol on Biosafety, 2000
- Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, 2000
- Agreement for the Implementation of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995
- FAO Code of Conduct for Responsible Fisheries, 1995
- UN Convention on Desertification, 1994
- Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests, 1992 (Statement of Forest Principles)
- Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, 1990
- United Nations Convention on the Law of the Sea, 1982 (Part XII: the Marine Environment)
- International Convention for the Regulation of Whaling, 1946

Is the Convention obsolete because the issues it deals with are already comprehensively dealt with by the CBD or other related conventions?

8. At the Fifth Meeting of the Parties to the Apia Convention in Guam, 2000, the Director of SPREP commented:

“...A question that is often asked and I would like to reflect on, is why we bother with regional approaches to global concerns? In other words if a global framework exists to deal with a particular environmental concern, is there a need for an additional regional framework? The environmental concern may be global in nature but particular regional concerns also need to be taken into account so that the global instrument is directly relevant to the region. ...Hence in Article VI, a Party may make appropriate provision for customary use of areas and species in accordance with traditional cultural practices.

9. Similarly, the Discussion Paper on the potential need to amend the Convention on Conservation of Nature in the South Pacific, 2002, at paragraph 3.6.2 states:

“The very nature of global conventions make them prone to principles and rules which provide a global common denominator but increasingly leaving implementation to the national or regional levels. The CBD and the United Nations Framework Convention on Climate Change are both framework conventions. Both Conventions only provide a blueprint of the kinds of environmental issues that Parties have agreed to address.

A regional instrument therefore provides an opportunity to intensify, complement and concretise the general global rules in a regional context. The purpose of a revision of the Apia Convention would not be to incorporate the provisions of existing global conventions ... but to assist countries meet their global obligations at the national level...”.

10. Finally, at the 2005 Conference of Plenipotentiaries to the Noumea Convention, the Director of SPREP, noted:

The point has been well made that individual countries should subscribe directly to the international instruments and not bother with another layer of bureaucracy. My answer to this is that the international instruments actually encourage regional agreements as a means of facilitating the work of their secretariats. Regional arrangements have the advantage of allowing global issues to be placed and made sense of within a regional context. They also allow scarce resources to be more closely aligned to local needs and offer a forum for Pacific island countries to share common interests and concerns.

11. The SPREP Annual Reports for 2004 and 2005, (in large part forming the basis of the Secretariat's Report in 8AC/8SC/WP.4) describe major conservation work SPREP is engaged in. In most cases this work has specific links with programmes of work carried out by the Secretariats of the above-listed MEAs and with CROP agencies and other regional institutions. On the other hand there is a large amount of work to which there are no specific links which is carried out by or between governments (at the national or sub-national levels), NGOs (international, regional and local) and even individuals, in conjunction with each other and a wide array of funding bodies. This complex of activities occurs independently of the Apia Convention and can in no way be said to be driven by it.

12. The CBD's IBPOW will become the regional framework for the numerous topics relevant to island biodiversity with which the CBD deals. A list of obligations under the CBD is reproduced at Annex 4. Despite the overwhelming amount of work this portends for the region it still does not capture work generated under the other conventions listed above, nor numerous conservation activities occurring (mostly at the sub-national level by non-State actors) independently of the IBPOW.

13. Given the lack of suitable fora¹⁰ where PICs can come together to discuss the totality of conservation work in the region, the Apia Convention could become the mechanism by which such a multi-convention, multi-stakeholder meeting was undertaken.¹¹ This has been argued in a slightly different way in a previous SPREP paper.¹²

14. In addition to its given duties¹³, a Meeting of the Parties of the Apia Convention in an expanded role could:

- (a) identify progress made to achieving national coordination and legal harmonization of biodiversity related agreements by monitoring implementation and gaps through a reporting process;
- (b) endorse strategies, programmes and activities in relation to issues raised under the Convention as reflected in the SPREP work programme activities;

¹⁰ The Roundtable for Nature Conservation, coordinated by SPREP, is an evolving coalition of more than 30 members that includes donors, NGOs, regional organizations and national governments working in nature conservation in the Pacific. It has a unique governance structure in which civil society are the key players and this is unlikely to change.

The Pacific Regional Conference on Nature Conservation and Protected Areas is held every 5 years and it may prove difficult to get it to meet at lesser intervals.

¹¹ *"Samoa's representative believed that the Convention could provide the overall framework for all conservation work in the region and noted that there needed to be a formal arrangement to link all the programmes including SPREP's new strategic programmes which would bring in new international resources to support national level activities."* Paragraph 22 of the Report of the Seventh Meeting.

¹² *"A regional coordination mechanism is needed to address the obligations imposed by global conventions Pacific Island countries are Parties to many multilateral environment agreements that impose many more obligations. These agreements have been developed in relative isolation from each other and the institutional arrangements and implementing activities they set up, have not facilitated a co-ordinated approach to implementation by the countries Party to those conventions. This is despite the fact that they operate in the same ecosystems. The result of that piecemeal approach has been fragmentation in the design and application of legal and policy instruments at both the national and international level."*

"National planners, focal points and other government officials and agencies responsible for implementing international agreements related to biodiversity currently face the challenge of having to comply with overlapping, and sometimes conflicting, international obligations. The challenge is heightened when human and financial resources are severely limited as they are in the Pacific Islands region."

"There is therefore an urgent need to strategically address implementation of multilateral environment agreements. If revised appropriately, the Meeting of the Parties to a Convention with broadened objectives, could provide the principal vehicle to achieving a comprehensive, coordinated and concerted response to global commitments in addition to providing the legal framework for the SPREP Action Plan."

Discussion Paper on the potential need to amend the Convention on Conservation of Nature in the South Pacific, 2002, paragraph 3.6.2.

¹³ An attachment to the rules of Procedure adopted in 1998 states that the Ordinary Meetings of the Contracting Parties shall review the implementation of this Convention and, in particular:

1. assess periodically the state of the environment relevant to the Convention in the South Pacific region;
2. consider, review and recommend cooperative activities to be undertaken within the framework of this Convention and, in particular, to fulfill the Parties obligations under Article VII;
3. consider information submitted by the Parties under Articles V(2) and II(2);
4. establish working groups as required to consider any matters concerning this Convention;
5. consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

- (c) be updated on the most recent developments taken at the Meetings of the conferences of the parties by relevant convention secretariats;
- (d) endorse and/or seek guidance on regional positions to take to the conference of the parties of relevant conventions;
- (e) exchange information on funding opportunities and proposal development;
- (f) exchange information on the challenges and progress in national and regional implementation of international conventions through for example, National Biodiversity Strategies and Action Plans, the IBPOW and the Action Strategy for Nature Conservation;
- (g) exchange experiences on the administration and management of protected areas (including sanctuaries, wetlands, heritage sites, buffer zones and corridors) and the protection of ecosystems and species;
- (h) endorse MOUs and joint work programmes between SPREP and convention secretariats;
- (i) develop joint activities to progress implementation.

The Convention can be adjusted to allow it to perform these additional functions.

3 INSTITUTIONAL FRAMEWORK FOR THE CONVENTION

15. The Apia Convention provides for the Government of Samoa to be the Depositary and, as subsequently interpreted, for SPREP to be the Secretariat. Under the Convention the Secretariat is to:

- receive notifications of the establishment of any protected area and of legislation and the methods of administrative control (article II.2);
- receive lists of species of its indigenous fauna and flora that are threatened (article V.2);
- circulate to the Contracting Parties, information and documents to be provided by the Parties under the provisions of the Convention (article VIII.2).

16. The Meeting of Parties to the Apia Convention can still be held biennially on the margins of the SPREP Meeting. Alternatively it could be held back-to-back with a meeting such as the Round Table for Nature Conservation. In either case it could be held either annually or biennially, depending on the level of activity and the level of interest by the Parties to the Apia Convention.

4 REPORTING

17. The reporting format for the Apia Convention is reproduced at Annex 5.¹⁴ Reports from Parties are invariably of activities that are implemented under other MEAs (or processes) that happen to coincide with obligations under the Apia Convention. Reports of activities performed under the Convention has not been a strong feature in recent Meetings of the Parties; one Party submitted a Report at the Seventh Meeting in 2004, two at the Sixth Meeting in 2002 and three at the Fifth Meeting in 2000.

¹⁴ As regards species lists and protected areas, an updated Convention could usefully adopt the current tools used by the Roundtable for Nature Conservation to understand where there is ongoing activity and where more needs to be done: the online inventory of conservation activities in the Pacific and the Pacific Protected Areas Database.

18. Reporting under MEAs is a problem faced by many countries including almost all PICs, which typically, have understaffed environment departments yet are Parties to many MEAs. SPREP has engaged with UNEP as well as the United Nations University “Interlinkages Initiative” (Synergies and Coordination among MEAs) in trying to resolve this problem and more recently with the Australian Department of Environment and Heritage regarding reporting, but much more work needs to be done.

19. The Apia Convention if it is to become a multi-convention platform will obviously need to consider the opportunities (eg, a reporting format that satisfies reporting requirements for multiple MEAs) and problems (eg, the sheer immensity of the work to be reviewed) that could arise in that role.

20. The indirect reporting by countries of activities undertaken under the Apia Convention is mirrored within SPREP where the Convention is indirectly implemented under the SPREP work programme (via the Island Ecosystems programme (IEP) activities consistent with the objectives of the Convention) rather than directly through the Apia Convention itself. As suggested above, finding a home for the Convention within the IEP is a preliminary step towards addressing this situation.

5 FUNDING REQUIREMENTS

21. The Apia Convention relies for its functioning on contributions from the Parties. Recurring budget items are: a fee to the Secretariat for provision of advice to the Parties (under which core Secretariat costs have been subsumed) and the cost of holding the next Meeting of the Parties.

22. Activities may be planned and budgeted for, but if the Parties do not agree to contribute, then a donor has to be found. The Apia Convention has adopted Financial Regulations that authorize the establishment of Trust Funds, which would presumably hold funds from external sources, but no Trust Funds are currently operating. Budget replenishments therefore are solely for providing advice to and organizing ordinary meetings of the Parties.

23. Meetings of the Parties to the Apia Convention have been held in conjunction with other meetings in order to achieve cost savings, thereby considerably easing the financial burden of holding such Meetings. This, in addition to the lack of activities under the Convention, has meant that the Convention has still been able to operate, albeit minimally, despite arrears of contributions by one or two Parties.

24. The added function proposed for the Apia Convention would likely mean contributions from other sources or other MEAs could be provided and pooled to meet the costs of holding of an enlarged meeting as well as for commonly agreed activities.

6 SUMMARY

25. Option 4, the drafting of a successor Convention to the Apia Convention needs to be reviewed in light of the adoption in March 2006 by the Parties to the CBD (which includes every PIC) of an Island Biodiversity Programme of Work which is a regional framework that operationalises key provisions of the CBD, much in the same way that the successor Conventions, as envisaged, would have done. In lieu of option 4, it may now be better to revisit option 1, substantively amending the Apia Convention, by aligning the Apia Convention to the CBD's Programme of Work on Protected Areas.

26. The criticism that a regional convention is redundant because a global equivalent exists has been credibly rebutted. Despite the numerous MEAs that exist to which PICs are Parties, there is still a need to (a) right-size the work of these MEAs to the regional level and (b) coordinate work amongst these MEAs as well as amongst numerous other conservation activities in the region. However, just because it may be desirable to have a single forum in which these functions were performed, does not imply the Apia Convention is the place for this to happen, even though there appears to be no administrative or legal barriers for the Convention to be used in such a way. There still needs to be discussion on how much of a priority convening such a forum would be and whether it is appropriate for the Apia Convention to take on such a role.

27. Finally, an Apia Convention that did have such a role could potentially assist with the implementation of the Action Strategy for Nature Conservation.

Annex 1

Obligations under the Apia Convention

- Encourage the creation of protected areas and existing protected areas, paying particular attention to endangered species, superlative scenery, striking geological formations, and regions and objects of aesthetic interest or historic, cultural or scientific value. Article II
- Notify SPREP of the establishment of any protected area and of the legislation and the methods of administrative control adopted in connection therewith. Article II
- Not alter the boundaries of national parks so as to reduce their areas, nor shall any portions of such parks be capable of alienation, except after the fullest examination. Article III.1
- Not subject the resources of national parks to exploitation for commercial profit, except after the fullest examination. Article III.2
- Prohibit the hunting, killing, capture or collection of specimens (including eggs and shells) of the fauna and destruction or collection of specimens of the flora in national parks, except when carried out by or under the direction or control of the appropriate authorities or for duly authorized scientific investigations. Article III.3
- Make provision for visitors to enter and use national parks, under appropriate conditions, for inspirational, educative, cultural and recreative purposes. Article III.4
- Maintain as inviolate, national reserves as far as practicable. Article IV
- Give permission to carry out scientific investigations in national reserves consistent with the purposes for which a national reserve was established. Article IV
- Protect indigenous fauna and flora in protected areas. Article V.1
- Use best endeavours to protect such fauna and flora (special attention being given to migratory species) so as to safeguard them from unwise exploitation and other threats that may lead to their extinction. Article V.1
- Establish and maintain a list of species of its indigenous fauna and flora that are threatened with extinction. Article V.2
- Communicate above list to the Secretariat. Article V.2
- Protect as completely as possible as a matter of special urgency and importance the species included in the list it has established in accordance with the provisions of the last preceding paragraph. Article V.3
- Prohibit the hunting, killing, capture or collection of specimens (including eggs and shells) of such species except with the permission of the appropriate authority and only under special circumstances, in order to further scientific purposes or when essential for the maintenance of the equilibrium of the ecosystem or for the administration of the area in which the animal or plant is found. Article V.3

- Carefully consider the consequences of the deliberate introduction into ecosystems of species which have not previously occurred therein. Article V.4.
- Co-operate in promoting the objectives of this Convention, especially within the framework of the South Pacific Regional Environment Programme. Article VII.1
- Whenever practicable conduct research relating to the conservation of nature. Article VII.2
- Coordinate as appropriate such research with research carried out by other Parties. Article VII.2
- Co-operate in the exchange of information on the results of such research and on the management of protected areas and of protected species. Article VII.2
- Co-operate in the interchange and training of personnel for the conservation of nature. Article VII.3
- Examine the possibility of developing programmes of education and public awareness relating to conservation of nature. Article VII.5
- Maintain consultations with one another with the object of giving effect to the provisions of this Convention. Article VIII.1

Annex 2

Summary Profile of conservation related MEAs

More information can be found at the websites of individual conventions (see <http://www.sprep.org/legal/international.htm>) or more conveniently, at the following site: <http://www.biodiv.org/cooperation/related-conventions/guide.shtml>. The Experts Report 2001 provides similar information and includes notes on implementation and budgets.

CBD

The objectives of the Convention on Biological Diversity (CBD) are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from commercial and other utilization of genetic resources. The agreement covers all ecosystems, species, and genetic resources.

CMS

The Convention on the Conservation of Migratory Species of Wild Animals (CMS, or the Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. Parties to the CMS work together to conserve migratory species and their habitats by providing strict protection for the most endangered migratory species, by concluding regional multilateral agreements for the conservation and management of specific species or categories of species, and by undertaking co-operative research and conservation activities.

CITES

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Through its three appendices, the Convention accords varying degrees of protection to more than 30,000 plant and animal species.

WHC

The primary mission of the World Heritage Convention (WHC) is to identify and conserve the world's cultural and natural heritage, by drawing up a list of sites whose outstanding values should be preserved for all humanity and to ensure their protection through a closer co-operation among nations.

Ramsar

The Convention on Wetlands (popularly known as the Ramsar Convention) provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. The convention covers all aspects of wetland conservation and wise use, recognizing wetlands as ecosystems that are extremely important for biodiversity conservation in general and for the well-being of human communities.

Annex 3

Parties to the Apia Convention and related MEAs

	Apia	CBD	CMS	CITES	WHC	Ramsar
Australia	√	√	√	√	√	√
Cook Is	√	√				
FSM		√			√	
Fiji	√	√		√	√	√
France	√	√	√	√	√	√
Kiribati		√			√	
Marshall Is		√			√	√
Nauru		√				
New Zealand		√	√	√	√	√
Niue		√			√	
Palau		√		√	√	√
PNG		√		√	√	√
Samoa	√	√	√	√	√	√
Solomon Is		√			√	
Tonga		√			√	
Tuvalu		√				
USA				√	√	√
Vanuatu		√		√	√	
18	5	17	4	9	15	9

Annex 4

Obligations under the CBD

(From: A brief comparison of the Convention on Biological Diversity & the Apia and SPREP Conventions, Ilona Millar, 2006)

Parties to the CBD agree to do the following. Bold indicates similar obligations in the Apia Convention.

- Develop national strategies, plans or programmes for the conservation and sustainable use of biodiversity;¹⁵
- Integrate the conservation and sustainable use of biodiversity into sectoral and cross-sectoral plans, programmes and policies;¹⁶
- Identify components of biological diversity that are important for conservation and sustainable use; monitor those components;¹⁷
- Identify processes and categories of activities that are likely to have significant adverse impacts upon the conservation and sustainable use;¹⁸
- **Establish a system of protected areas where special measures need to be taken to conserve biological diversity;**¹⁹
- Develop guidelines for the selection, establishment and management of protected areas;²⁰
- Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;²¹
- Promote the protection of ecosystems, natural habitats and maintenance of viable populations of species in natural surroundings;²²
- Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;²³
- Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species;²⁴
- Establish and maintain means to regulate, manage or control risks associated with living modified organisms;²⁵

¹⁵ CBD Art.6(a)

¹⁶ CBD Art.6(b)

¹⁷ CBD Art.7(a) &(b)

¹⁸ CBD Art.7(c)

¹⁹ CBD Art.8(a)

²⁰ CBD Art.8(b)

²¹ CBD Art.8(c)

²² CBD Art.8(d)

²³ CBD Art.8(e)

²⁴ CBD Art.8(f)

²⁵ CBD Art.8(g)

- **Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;**²⁶
- **Endeavour to provide conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;**²⁷
- **Preserve and maintain knowledge, innovations and practices of indigenous and local communities;**²⁸
- **Develop or maintain necessary legislation and or other regulatory provisions for the protection of threatened species and populations;**²⁹
- **Where a significant adverse effect on biological diversity has been determined, regulate or manage the relevant processes or categories of activities;**³⁰
- Adopt measures for the ex-situ conservation of components of biological diversity, preferably in the country of origin;³¹
- Establishing and maintaining facilities for ex-situ conservation of and research on plants, animals and micro-organisms;³²
- **Adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitat under appropriate conditions;**³³
- Regulate and manage the collection of biological resources from natural habitats for ex-situ conservation purposes so as not to threaten ecosystems and in-situ populations of species;³⁴
- Integrate consideration of the conservation and sustainable use of biological resources into national decision making;³⁵
- Adopt measures relating to the use of biological resources to avoid or minimise adverse impacts on biological diversity;³⁶
- **Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;**³⁷
- **Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced;**³⁸
- Encourage cooperation between governmental authorities and the private sector in developing methods for sustainable use of biological resources;³⁹

²⁶ CBD Art.8(h)

²⁷ CBD Art.8(I)

²⁸ CBD Art.8(j)

²⁹ CBD Art.8(k)

³⁰ CBD Art.8(l)

³¹ CBD Art.9(a)

³² CBD Art.9(b)

³³ CBD Art.9©

³⁴ CBD Art.9(d)

³⁵ CBD Art.10(a)

³⁶ CBD Art.10(b)

³⁷ CBD Art.10©

³⁸ CBD Art.10(d)

³⁹ CBD Art.10(e)

- Adopt economically and socially sound measures that act as incentives for conservation and sustainable use;⁴⁰
- **Establish and maintain programmes for scientific and technical education and training; promote research that contributes to the conservation and sustainable use of biological diversity, particularly in developing countries and promote cooperation in the use of scientific advances;**⁴¹
- Promote and encourage understanding of the importance of and measures required for the conservation of biological diversity;⁴²
- Introduce appropriate procedures for environmental impact assessment of proposed projects that are likely to have a significant adverse effect on biological diversity with a view to avoiding or minimising such effects and, where appropriate, allow for public participation in such procedures;⁴³
- Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse effects are duly taken into account;⁴⁴
- Promote notification and exchange of information and consultation on activities which are going to have impacts on other States or areas outside jurisdiction;⁴⁵ notify of potential imminent dangers and damage originating within a State's jurisdiction that will affect other States;⁴⁶ and, promote national agreements or emergency responses;⁴⁷
- Endeavour to create conditions to facilitate access to genetic resources for environmental sound used by other Contracting Parties and not to impose restrictions that run counter to the Convention (on mutually agreed terms and subject to prior informed consent);⁴⁸
- Provide for access and transfer of technology (including biotechnology) to developing countries under fair and most favourable terms;⁴⁹
- **Facilitate the exchange of information, including scientific, technical and socio-economic research and information on training and surveying programmes, specialised knowledge and indigenous and traditional knowledge;**⁵⁰
- Promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity;⁵¹
- Provide financial support and incentives in respect of national activities intended to achieve the objectives of the Convention; developed countries are to provide new resources to enable developing countries to meet the agreed full incremental cost of implementing measures which fulfil obligations of the convention.⁵²

⁴⁰ CBD Art.11

⁴¹ CBD Art.12

⁴² CBD Art.13

⁴³ CBD Art.14(1)(a)

⁴⁴ CBD Art.14(1)(b)

⁴⁵ CBD Art.14(1)(c)

⁴⁶ CBD Art.14(1)(d)

⁴⁷ CBD Art.14(1)(e)

⁴⁸ CBD Art.15

⁴⁹ CBD Art.16 & 19

⁵⁰ CBD Art.17

⁵¹ CBD Art.18

⁵² CBD Art.20

Annex 5

Draft Format for National Reports by the Parties to the Apia Convention

For the period covering the last two years:

1. Give details of new Protected Areas established (name, size, category, main features).
2. Give details of new or amended legislation covering protected areas, art. 2(2).
3. Give details of amendments to your list of indigenous species threatened with extinction, art. 5(2).
4. How many permits were given by the appropriate authority to hunt, kill, capture or collect species in the list? What were the reasons? art. 5(3).
5. What are your provisions for customary use of areas and species in accordance with traditional cultural practices? art. 6.
6. Outline cooperation or coordination with other Contracting Parties in implementing the Convention, such as information sharing, training of personnel, research, education and public awareness programmes; art. 7.
7. List any other activities undertaken to implement the objectives of the Convention.