



## Status of International Legislative Framework for the Management of Invasive Alien Species in the Wider Caribbean Region

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## List of Acronyms

AOSIS	Alliance of Small Island States
AS	Alien species
BPoA	Barbados Programme of Action
CARICOM	Caribbean Community
CARIFTA	Caribbean Free Trade Association
CBD	Convention on Biological Diversity
CEP	Caribbean Environmental Programme
CISWG	Caribbean Invasive Species Working Group
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals
COFI	Committee on Fisheries
COP	Conference of Parties
COTED	CARICOM Council for Trade and Economic Development
CPB	Cartagena Protocol on Biosafety
CPPC	Caribbean Plant Protection Commission
CRISIS	Caribbean Regional Invasive Species Intervention Strategy
CSM	CARICOM Single Market
CSME	CARICOM Single Market and Economy
EOSOC	Economic and Social Council
FAO	Food and Agriculture Organization of the United Nations
FCO	Foreign and Commonwealth Office
GISP	Global Invasive Species Programme
GloBallast	Global Ballast Water Management Programme
ICAO	The International Civil Aviation Organization
IAS	Invasive alien species
IHR	International Health Regulations
IMO	International Maritime Organization
IPPC	International Plant Protection Convention
IS	Invasive species
ISPM	International Standards for Phytosanitary Measures
IUCN	The World Conservation Union
JPoA	Johannesburg Plan of Action
LMO	Living modified organism
MoU	Memorandum of Understanding
NAPPO	North American Plant Protection Organization
NPPO	National Plant Protection Organization
NGO	Non-governmental organisation
OIE	Office International des Epizooties
OIRSA	<i>Organismo Internacional Regional de Sanidad Agropecuaria</i>
RPPO	Regional Plant Protection Organization
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SIDS	Small Island Developing States
SPAW	Protocol Concerning Specially Protected Areas and Wildlife
SPS Agreement	WTO Agreement on the Application of Sanitary and Phytosanitary Measures
SSC	Species Survival Commission
STRP	Scientific and Technical Review Panel
UK	United Kingdom
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
USA	United States of America
WCR	Wider Caribbean Region
WHC	The World Heritage Convention
WHO	World Health Organization
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization

## **Executive summary**

An invasive alien species (IAS) is an alien species, i.e. a species occurring outside its normal distribution, which becomes established in natural or semi-natural ecosystems or habitats, is an agent of change, and threatens native biological diversity. IAS introductions are international in character, hence development of the international legislative framework through global, regional or bilateral agreements is useful to prevent or minimize unwanted introductions and provide mechanisms for control or eradication. Internationally agreed instruments may be binding or non-binding and a range of terms exist to describe the extent to which a state has committed itself to a treaty.

A range of international instruments relating to IAS in the context of biological diversity conservation have participation by countries of the Wider Caribbean Region (WCR). These include: *Convention on Biological Diversity (CDB)*, *Barbados Plan of Action (BPoA)*, *Johannesburg Plan of Action (JPoA)*, *Mauritius Strategy*, *Convention on the Conservation of Migratory Species of Wild Animals (CMS)*, *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*, *United Nations Convention on the Law of the Sea (UNCLOS)*, *Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention)*, including the *Protocol Concerning Specially Protected Areas and Wildlife (SPAW)*, *Convention on Wetlands of International Importance Especially as Waterfowl Habitat* and the *FAO Code of Conduct for Responsible Fisheries*.

A range of protocols treat living modified organisms (LMOs) in a similar context to IAS. The *Cartagena Protocol on Biosafety (CPB)* is the major protocol with respect to regulation of movement of LMOs. Other protocols which make reference to LMOs include *CBD*, *International Plant Protection Convention (IPPC)*, *FAO Code of Conduct for Responsible Fisheries* and the *SPAW Protocol*.

International instruments relating to IAS in the context of quarantine measures where countries of the WCR participate include the *International Health Regulations (IHR)* and *IPPC*. *ISPM No 11 (2004) Pest Risk Analysis for Quarantine Pests Including Analysis of Environmental Risks and Living Modified Organisms* and *ISPM 3: Code of Conduct for the Import and Release of Exotic Biological Control Agents* are important to the control of IAS. Various standards from the Organisation Mondiale de la Santé Animale (OIE) minimize the transfer of zoonotic diseases.

Trade is one of the major pathways for the spread of IAS. The *WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)* is the major international instrument relating to trade globally and in the WCR. The *CARICOM Single Market (CSM)*, which allows for free movement of goods and services through measures such as eliminating all barriers to intra-regional movement, is likely to impact on the movement of IAS. The *Caribbean Invasive Species Working Group (CISWG)* has developed a *Caribbean Regional Invasive Species Intervention Strategy (CRISIS)* for the management of IAS in the Caribbean region.

International instruments relating to IAS in the context of marine transport include *Guidelines for the Control and Management of Ships' Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens*, the *Convention on the Control of Harmful Anti-fouling Systems on Ships* and the *Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter*. Civil aviation is an important pathway for the movement of IAS hence the International Civil Aviation Organization (ICAO) have adopted a resolution A33-18, *Preventing the Introduction of Invasive Alien Species* but leaves the responsibility of control measures up to individual countries.

The impact of IAS on tourism has been recognized and international instruments include the *CDB Guidelines on Biodiversity and Tourism Development* and the *World Heritage Convention* (WHC). The *Food Aid Convention* and the *Agreement on the Importation of Educational, Scientific and Cultural Materials* have the potential to create pathways for IAS to be spread through the supply of emergency food relief and transfer of biological collections.

Military activities could lead to the introduction and spread of IAS. However, little can be done to regulate military operations. The *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction* and the *Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques* may also include IAS.

No country in the WCR is party to or a member of all 28 international conventions/organizations reviewed. Barbados (17) is the country with the greatest participation while Haiti (11 + 2 signatory) has the least. This implies that no country has an international legal framework capable of addressing ranged from 16 - 22. However, almost all countries in the WCR are parties to the major conventions (CDB, CITES, UNCLOS, Cartagena Convention, Ramsar Convention, IPPC) or members of the key organizations (FAO, WHO, IMO, IPPC, WTO) which suggest that there is a fair level of harmonization in the mechanisms for the control of IAS in the WCR particularly in the broad pathways such as trade, travel, transport and tourism. However, the limited participation in GloBallast and the Convention on the Control of Harmful Anti-fouling Systems on Ships indicate that the marine pathway for IAS requires further harmonization.

The following is recommended to improve the international legislative framework:

- (1) Individual countries should investigate conventions and organization of which they are not currently parties or members to determine if the benefits of participation are appropriate in their developmental context.
- (2) Participation in conventions which control specific marine IAS pathways such as GloBallast and the Anti-fouling Convention needs to be improved
- (3) In conventions and organization of which there is maximum participation of WCR members, *ad hoc* groups such as AOSIS should be established to fine tune mechanisms for the control of IAS pathways through regional or bi-lateral agreements under advice from CISWG.
- (4) At COP meetings, WCR countries need to lobby for greater emphasis to be placed on developing specific mechanisms for the control of IAS beyond general guidelines.

## **1. Definitions and legal terminology relating to invasive alien species**

### ***1.1 Alien Invasive Species***

A species is considered to be native or within its normal distribution, if it exists in an area which forms part of its past or present natural range (the ecosystems and habitats where it lives or lived), or if it is within its natural dispersive potential (the distance it can travel under its own power or intrinsic dispersal mechanism). Native species may become invasive species (IS) depending on environmental factors. An alien species (AS), by contrast, is a species occurring outside its normal distribution. Introduction of AS may or may not have negative effects on biodiversity, hence may or may not become IS. The focus of this report is on invasive alien species (IAS) which can be described as an AS that has become established in natural or semi-natural ecosystems or habitats, is an agent of change, and threatens native biological diversity<sup>1</sup>. The terminology in the international instruments is inconsistent (i.e. AS, IAS, invasive species, exotic species, and alien invasive species) however, for the purposes of this document all will be referred to as IAS.

### ***1.2. The Wider Caribbean Region***

The Wider Caribbean Region (WCR) is defined in Article 2:1 of the *Cartagena Convention* as the "marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean adjacent thereto, south of 30° north latitude and within 200 nautical miles of the Atlantic coasts of the [United] States [of America] (USA)". This geographic area stretches from as far north as Florida (USA) to as far south and east as French Guyana on the North Coast of South America (Figure 1). The WCR comprises the 36 UN member states and territories that created the Caribbean Environment Programme (CEP)<sup>2</sup>. They include: Antigua & Barbuda, The Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, French Overseas Departments (French Guiana, Guadeloupe and Martinique) and Territories (St. Barthélemy and St. Martin), Grenada, Guyana, Guatemala, Haiti, Honduras, Jamaica, Mexico, Netherlands dependencies (Aruba and the Netherlands Antilles<sup>3</sup>), Nicaragua, Panama, St. Kitts & Nevis, St. Lucia, St. Vincent & The Grenadines, Suriname, Trinidad & Tobago, United Kingdom Overseas Territories (Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat, and the Turks & Caicos), United States of America (USA, including Navassa Island, Puerto Rico and the US Virgin Islands), and Venezuela.

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<sup>1</sup> IUCN-The World Conservation Union. 2000. IUCN Guidelines for the prevention of biodiversity loss due to biological invasion.

<sup>2</sup> <http://www.unep.ch/regionalseas/regions/car/carhome.htm>

<sup>3</sup> Bonaire, Curaçao, Saba, St. Eustatius, and St. Maarten



Central America and the Caribbean



Figure 1: The Wider Caribbean Region (Bermuda not shown). Map from [www.trailmonkey.com](http://www.trailmonkey.com)

The Caribbean has had a long history of colonization by European powers and as such some islands in the WCR are not independent and the legal status of each may be unique. From a legal and administrative standpoint, French Overseas Departments (e.g. Martinique, Guadeloupe, French Guyana) and Territories<sup>4</sup> are very different from each other: according to the French constitution, French laws and regulations generally apply in Departments as in the mainland. However, specific laws and regulations can be adapted to their specific situation. In Territories, the principle is the opposite: territories are governed by autonomy statutes that allow them to make their own laws, except for some specific areas (like defense and international trade).

Aruba and the Netherland Antilles, two constituent country of the Kingdom of the Netherlands, have their own Governments headed by a Prime Minister. Federal legislative power is vested in both the Government and Parliament. Generally MEAs signed by the Kingdom of the Netherlands also apply to Aruba and the Netherland Antilles. However, specific, usually bilateral, agreements are signed by these territories<sup>5</sup>.

<sup>4</sup> In French: *départements d'outre-mer* (DOM) and *collectivités d'outre-mer* or (COM)

<sup>5</sup> <http://www.arubaforeignaffairs.com/afa/readBlob.do?id=719>

Each United Kingdom Overseas Territory (UK OT) has its own legal system independent of the UK. The legal system is generally based on English Common Law, with some distinctions for local circumstances. The Foreign and Commonwealth Office (FCO) looks after the interests of the OTs, including foreign relations. Although the UK OTs do not normally participate as independent states in international conventions or organization, their participation with the UK delegation in international negotiations and conferences, as appropriate, is recommended in the UK OT Environment Charters. Multilateral Environmental Agreements (MEAs) signed by the UK need to be extended to the OTs to become applicable. None of the UK OTs, with the exception of Gibraltar, are members of the EU, and the main body of EU law does not apply. Defense of the UK OTs is the responsibility of the UK and several are used as military bases by the UK and its allies. In the WCR this applies to Bermuda, which houses the primary Royal Navy base in the Western Hemisphere.

Navassa Island, Puerto Rico and the US Virgin Islands (USVI) are unincorporated territories<sup>6</sup> of the United States which is defines as “a territory appurtenant and belonging to the United States, but not a part of the United States”. Puerto Rico and the USVI, as organized unincorporated territories<sup>7</sup>, are subject to U.S. jurisdiction and sovereignty, i.e. under the Federal Relations Act of 1950 all US Federal Laws that are “not locally inapplicable” are automatically law. In contrast, Navassa Island is an unorganized unincorporated territory and the Office of Insular Affairs of the United States Department of the Interior retains authority for Navassa Island's political affairs. The entire island and surrounding waters have been declared a protected area, the Navassa Island National Wildlife Refuge, which is administered by the Caribbean Islands National Wildlife Complex, an administrative unit of the United States Fish and Wildlife Service, which also oversees National Wildlife Refuges in Puerto Rico and the USVI.

### ***1.3 International Legal Instruments***

Internationally agreed instruments may be binding or non-binding. Binding agreements are agreements between states (treaties, conventions) which have a mandatory character in that they must be observed and their obligations carried out in good faith. Non-binding agreements or “soft law” are resolutions adopted by intergovernmental fora, in the form of recommendations, guidelines, programmes of action, declaration of principles etc., which are accepted by states as guidance for future action and are not mandatory. However, they may become included at a latter stage in a binding instrument and become “hard law”. A range of terms are used to describe treaty actions and varies with respect to the extent to which a state has committed itself to a treaty.

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<sup>6</sup> An unincorporated territory is essentially a colony: an area under US jurisdiction, to which Congress has determined that only select parts of the US Constitution apply. In contrast, an incorporated territory is a specific area under the jurisdiction of the US, over which Congress has determined that the Constitution is to be applied in its entirety in the same manner as it applies to the US states.

<sup>7</sup> An organized territory is a territory for which the United States Congress has enacted an Organic Act to formally set forth its system of government. Such territories can be incorporated or not, but only non-incorporated, organized territories exist since 1959. Organization of a territory was typically a prelude to statehood.



“Signature” is a term which must be interpreted in context of the nature of the treaty. For example, when a treaty is not subject to ratification, acceptance or approval, definite signature establishes consent to be bound by a treaty, i.e. the state becomes a party to the treaty. Signature - subject to ratification, acceptance or approval - does not establish consent to be bound; however, it is a means of authentication and expresses the willingness of the signatory state to continue the treaty-making process. In a similar manner, a representative may sign a treaty “*ad referendum*” which requires confirmation by the state to become definite. “Ratification”, “accession”, “approval” and “acceptance” all signify the state has consented to be bound by a treaty and is hence a party. The differences in terminology has historic reasons and guidance on this matter can be found at <http://untreaty.un.org/english/guide.pdf>

## **2. International law relevant to invasive alien species**

Legal and institutional frameworks in most countries treat IAS in a fragmented manner. Historically, the agricultural sector has the most developed mechanisms for controlling IAS due to the potential economic impacts; legal measures in other sectors have been adopted reactively as new problems and pathways have become apparent. As IAS introductions are international in character, the first line of defence is the development of international legislative framework based on global, regional or bilateral agreements in order to prevent or minimize unwanted introductions and provide mechanisms for control or eradication.

International rules or guidelines relevant to IAS have been developed in separate thematic areas and this sectoral pattern is reflected in the current institutional arrangements and processes. The following section groups international instruments relevant to the Wider Caribbean Region (WCR) by subject matter, looking at global and where applicable regional instruments in each category guided by the approach of Shine et al. 2000<sup>8</sup>.

Annex 1 lists the participation of states in the WCR, inclusive of their overseas territories, departments etc., in various international conventions and organizations related to IAS. A flowchart illustrating the international organization and their relationship to the Conventions/ Guidelines is given in Annex 2 while a table of declarations/ reservation/ notes is given in Annex 3.

## **3. International instruments relating to IAS in the context of biological diversity conservation**

### ***3.1 Small Island Developing States***

Small Island Developing States (SIDS) are small-island and low-lying coastal countries that share similar sustainable development challenges, including small population, lack of resources, remoteness, susceptibility to natural disasters, excessive dependence on international trade and tourism as well as vulnerability to global developments. In addition, they suffer from lack of economies of scale, high transportation and communication costs, and costly public administration and

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<sup>8</sup> Shine, C., Williams, N. and Gündling, L. 2000. A Guide to designing legal and institutional frameworks on alien invasive species. Environmental Policy and Law Paper No. 40. IUCN-Environmental Law Centre, <http://www.iucn.org/dbtw-wpd/edocs/EPLP-040-En.pdf>.

infrastructure. The Alliance of Small Island States (AOSIS)<sup>9</sup> is a coalition of SIDS and low-lying coastal countries. Founded in 1991, it is the *ad hoc* lobby and negotiating voice for SIDS within the United Nations system. In the WCR, these include Antigua & Barbuda, Bahamas, Barbados, Belize, Cuba, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts & Nevis, St. Lucia, St. Vincent & The Grenadines, Suriname and Trinidad & Tobago. The Netherland Antilles and USVI have observer status.

The first Global Conference on Sustainable Development of SIDS was convened in 1994 and the *Barbados Programme of Action* (BPoA)<sup>10</sup> was adopted, which set forth specific actions and measures to be taken at the national, regional and international levels in support of the sustainable development of SIDS. The BPoA recognized that small islands tend to have high degrees of endemism and levels of biodiversity, but the relatively small numbers of the various species impose high risks of extinction and create a need for protection. The introduction of “certain non-indigenous species” was considered one of the most significant threats to biodiversity in SIDS.

The World Summit on Sustainable Development (WSSD) in 2002 reaffirmed the special case of SIDS and highlighted a series of SIDS-specific issues and concerns in the Johannesburg Plan of Action (JPoA)<sup>11</sup> adopted by the Summit. The JPoA urged parties to strengthen national, regional and international efforts to control IAS and encourage the development of effective work programme on IAS all levels. In a follow-up to the WSSD, the United Nations General Assembly (UNGA)-adopted Resolution A/57/262 called for a comprehensive review of the BPoA. The resulting Mauritius Strategy for SIDS<sup>12</sup> of 2005 urges parties to control major pathways for potential IAS in SIDS.

### ***3.2. Laws and Agreements Applicable in the United Kingdom Overseas Territories***

In recognizing that the UK OTs contain a range of habitats and environments of global significance, the FCO and a number of NGOs organised a conference in 1999, which gave rise to the Environmental Charters for the Overseas Territories. These formal, individual agreements were signed in 2001. They detail commitments to develop and implement sound environmental management practices in the OTs and clarify the roles and responsibilities of the UK and OT Governments, the private sector, NGOs and local communities. Specifically, the UK commits itself to assist its OTs in reviewing and up-dating of environmental legislation, and to facilitate the extension of ratification of MEAs of benefit to the OTs where these have the capacity to implement. The OTs commit to effective implementation of MEAs already extended to them and to work towards extension of other relevant MEAs. The Environment Charters explicitly mention IAS management as one of ten guiding principles, and the agreed commitment is “to ensure the protection and restoration of key habitats, species and landscape features through legislation and appropriate management structures and mechanisms, including a protected areas policy, and attempt the control and eradication of invasive species”.

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<sup>9</sup> <http://www.sidsnet.org/aosis/>

<sup>10</sup> <http://www.sidsnet.org/docshare/other/BPOA.pdf>

<sup>11</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N02/636/93/PDF/N0263693.pdf?OpenElement>

<sup>12</sup> [http://www.un.org/smallislands2005/pdf/sids\\_strategy.pdf](http://www.un.org/smallislands2005/pdf/sids_strategy.pdf)

### 3.3. Convention on Biological Diversity

The Convention on Biological Diversity (CDB)<sup>13</sup>, with 191 states becoming parties since the text was adopted in 1992, is the only globally applicable, legally binding instrument to generally address IAS introduction, control and eradication across all biological taxa and ecosystems. All countries in the WCR are parties to the CBD with the exception of the USA which is a signatory but has not ratified the treaty (Annex 1).

Article 8(h) requires parties, as *part of in situ* conservation measures, as far as possible and appropriate “to prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species”. The CDB leaves parties the option to identify appropriate means to implement Article 8(h); however, the CDB provides guidance as illustrated below, into the design of legal frameworks for this purpose.

- Article 6 (b): integration of biodiversity-related considerations into sectoral and cross-sectoral plans, programmes and policies
- Article 7 (c): identification and monitoring processes and categories of activities that may have significant adverse effects on conservation and sustainable use of biodiversity
- Article 8 (l): where significant adverse effects on biological diversity have been determined, regulation or management of the relevant processes and categories of activities
- Article 11: use of incentives, conventional and regulatory approaches
- Article 12: promotion of research and training regarding conservation and sustainable use of biodiversity
- Article 13: promotion of public education and awareness
- Article 14: carrying out environmental impact assessments for project, programmes and policies likely to have a significant adverse impact on biodiversity and notification, exchange of information and consultation with neighbouring countries which may be adversely affected by damaging processes and activities

The CDB’s Conference of Parties (COP) designated IAS as a cross-cutting issue to be taken into account in the convention’s thematic work programmes. The Convention’s Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), in cooperation with the Global Invasive Species Programme (GISP), developed guiding principles for the prevention, introduction and mitigation of impacts of IAS entitled *Interim Guiding Principles for the Prevention, Introduction and Migration of Impacts of Alien Species* (Decision IV/1) which was endorsed at COP 5 in 2000 (Decision V/8). A three-stage hierarchical approach was proposed where the precautionary approach was applied to prevent the entry of potential IAS. If entry has occurred, actions should be taken to prevent establishment where eradication at the earliest stage is the preferred response; however, containment and long-term control measures should be considered if eradication not possible.

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<sup>13</sup> <http://www.cbd.int/default.shtml>

Decision VI/23 (COP 6) urged greater cooperation with other international instruments and organizations (e.g. *International Plant Protection Convention* (IPPC), Office International des Epizooties (OIE), Food and Agriculture Organization of the United Nations (FAO), International Maritime Organization (IMO), World Health Organization (WHO) and other relevant international organizations) for the development of guidelines for the mitigation of IAS. The SBSTTA was requested at COP 7 (Decision VII/13) to prepare a report to address the gaps and inconsistencies in the international regulatory framework at global and regional levels. Decision VIII/27 at COP 8 provided recommendations for capacity building for the management of IAS under specific headings i.e. aquaculture/mariculture, ballast water, marine fouling, civil air transportation, military activities, emergency relief aid and response, scientific research, tourism, pets, aquarium species, live bait, live food and plant seeds, biocontrol agents, *ex situ* animal breeding, inter-basin water transfer etc.

### ***3.4 Convention on the Conservation of Migratory Species of Wild Animals***

The *Convention on the Conservation of Migratory Species of Wild Animals*<sup>14</sup>, also known as CMS or the *Bonn Convention*, of 2004 aims to conserve terrestrial, marine and avian migratory species throughout their range. It is an intergovernmental treaty, concluded under the aegis of the United Nations Environment Programme (UNEP), concerned with the conservation of wildlife and habitats on a global scale. Article III (4) requires parties to prevent, reduce and control factors endangering migratory species, including “strictly controlling the introduction of, or controlling or eliminating already introduced exotic species”.

The CMS is a framework Convention comprising a range of agreements and Memoranda of Understanding (MoU) adapted to the requirements of particular regions. The development of models tailored according to the conservation needs throughout the migratory range is a unique capacity to CMS. In the WCR Antigua & Barbuda, Costa Rica, Cuba, Honduras, and Panama are parties to the CMS (Annex 1), but current specific Agreements and MoUs are irrelevant to the region and thus have not been signed. Jamaica is a signatory of the CMS, but has not ratified the Convention. Although the European Union, France, the Netherlands, and the UK have signed the CMS and extended it to their Caribbean dependencies with the exception of Anguilla, the species and habitats currently under protection are not be relevant to the WCR, though marine turtles are covered in other regions. In 2005, a Memorandum of Cooperation was signed between the CMS Secretariat and the Secretariat of the *Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region*.

### ***3.5 Convention on International Trade in Endangered Species of Wild Fauna and Flora***

The *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES)<sup>15</sup> entered into force in 1975. It aims to ensure that the international trade in specimen and wild animals and plants do not threaten their survival by using a

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<sup>14</sup> [http://www.cms.int/documents/convtxt/cms\\_convtxt.htm](http://www.cms.int/documents/convtxt/cms_convtxt.htm)

<sup>15</sup> <http://www.cites.org>

permit system to regulate the import and export of species. All countries within the WCR, with the exception of Haiti, are parties to CITES (Annex 1).

CITES currently lists over 30,000 species of animals and plants. Species in Appendix I of CITES are now threatened with extinction and may not be traded for primarily commercial purposes; however, scientific trade, captive breeding, and other limited uses are permitted under strict conditions. Species in Appendix II of CITES show potential to become threatened if their trade is not controlled while Appendix III of CITES contains species that individual countries have listed because they are under special management in that country and require the co-operation of other parties in the control of trade.

CITES is an important regulatory mechanism for the control of IAS. With respect to Decision 10.54, its 12<sup>th</sup> conference of parties in 2002 stated that parties should “recognize that non-indigenous species can pose significant threats to biodiversity, and that fauna and flora species in commercial trade are likely to be introduced to new habitat as a result of international trade.” The Animals Committee and Plants Committee, with respect to Decision 10.76 and 10.86, aimed to establish cooperation with The World Conservation Union/ Species Survival Commission (IUCN/SSC) for the implementation of the *IUCN Guidelines for the Prevention of Biodiversity Loss Due to Biological Invasions*. The Plants Committee suggested that the CDB could assist CITES in determining which CITES-listed plant species could be considered “alien invasive species”. Additionally the Plants Committee recommended that the Secretariat prepare a document which describes possibilities for CITES to contribute to the CBD document entitled “*IUCN Guidelines for the Prevention of Biodiversity Loss Due to Biological Invasion*”, which could provide input to the CDB prior to COP 9, held in May 2008.

### ***3.6 The United Nations Convention on the Law of the Sea***

Marine and freshwater ecosystems are particularly vulnerable to invasion by IAS and eradication and control options are not necessarily feasible; hence the international instruments dealing with aquatic environments may emphasize prevention. The United Nations Convention on the Law of the Sea (UNCLOS)<sup>16</sup>, which came into effect in 1994, provides a legal framework governing man's peaceful interaction with the oceans and Article 196 requires parties to “take all measures to prevent, reduce and control the intentional and accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto”. The Agreement for the implementation of provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks does not directly address the issue of IAS but is concerned with all factors which may impact transboundary fish species.

To date 155 countries and the European Community have joined in the Convention. The countries in the WCR are parties to UNCLOS, with the exception of the USA (who has signed the treaty, but the Senate has not ratified it) and Venezuela. The Turks & Caicos Islands have adopted the full convention as an international agreement (Annex 1). The Bahamas, Barbados, Belize, Costa Rica, Jamaica, St.

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<sup>16</sup> [http://www.un.org/Depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm)



Lucia, Trinidad & Tobago, the USA and the European OTs are members of the *Agreement for the Implementation of Provisions of the Convention relating to the Convention and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* of 2001 (Annex 1).

### ***3.7 Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region***

The *Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region*, better known as the *Cartagena Convention*, of 1983 is the only regional environmental legal agreement addressing biodiversity conservation issues of the WCR and is managed by the Caribbean Environmental Programme (CEP)<sup>17</sup>. The Convention and its protocols constitute a legal commitment by the participating governments to protect, develop and manage their common waters individually or jointly.

The objective of the *Protocol Concerning Specially Protected Areas and Wildlife* (SPA) is to protect rare and fragile ecosystems and habitats, thereby protecting the endangered and threatened species residing therein. Under Article 12, each party must “take all appropriate measures to regulate the intentional or accidental introduction of non-indigenous or genetically altered species into the wild that may cause harmful impacts to the natural fauna and other features of the Wider Caribbean Region”.

Bermuda is the only WCR territory not participating in CEP. Most of the other countries and territories of the WCR are parties to the Cartagena Convention, the exceptions being the Anguilla, Bahamas, Guyana, Haiti, Honduras, Montserrat, Nicaragua, St. Kitts & Nevis, Suriname (Annex 1).

### ***3.8 The Convention on Wetlands of International Importance Especially as Waterfowl Habitat***

The *Convention on Wetlands of International Importance especially as Waterfowl Habitat*<sup>18</sup>, better known as the *Ramsar Convention* of 1978 adopted a detailed resolution *Invasive Species and Wetlands* in 1999 (Resolution VII/14) which emphasized the threat of IAS to the ecological character of terrestrial and marine wetland species. It also directed the Scientific and Technical Review Panel (STRP) “to prepare guidance material for parties on legislation or other best practice management approaches that incorporate risk assessment, in order to minimize the introduction of new and environmentally dangerous alien species into a jurisdiction”.

Antigua & Barbuda, The Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, St. Lucia, Suriname, Trinidad & Tobago, USA, Venezuela and the dependent territories are parties to the Ramsar Convention (Annex 1).

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<sup>17</sup> <http://www.cep.unep.org>

<sup>18</sup> <http://www.ramsar.org>

### **3.9 FAO Code of Conduct for Responsible Fisheries**

Aquaculture and mariculture can present high risk introduction of IAS into the aquatic environment. The *FAO Code of Conduct for Responsible Fisheries*<sup>19</sup> of 1995 is a voluntary code (although certain aspects are based on international law such as the UNCLOS), which provides principles and standards applicable to the conservation, management and development of all fisheries. The code is global in scope, and is directed toward “members and non-members of FAO, fishing entities, subregional, regional and global organizations, whether governmental or non-governmental, and all persons concerned with the conservation of fishery resources and management and development of fisheries, such as fishers, those engaged in processing and marketing of fish and fishery products and other users of the aquatic environment in relation to fisheries”. FAO, in accordance with its role within the United Nations system, monitors the application and implementation of the code and its effects on fisheries and the Secretariat reports accordingly to the Committee on Fisheries (COFI).

All states, whether members or non-members of FAO, as well as relevant international organizations, whether governmental or non-governmental, are requested to actively cooperate with FAO in this work. Article 9.3.1 states that “efforts should be undertaken to minimize the harmful effects of introducing non-native species or genetically altered stocks used for aquaculture including culture-based fisheries into waters, especially where there is a significant potential for the spread of such non-native species or genetically altered stocks into waters under the jurisdiction of other states as well as waters under the jurisdiction of the state of origin. States should, whenever possible, promote steps to minimize adverse genetic, disease and other effects of escaped farmed fish on wild stocks”. All countries in the WCR are members of the FAO.

## **4. International instruments relating to IAS in the context of living modified organisms**

The *Cartagena Protocol on Biosafety* (CPB)<sup>20</sup> was adopted in 2000 by the COP of the CBD. The CPB aims to contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms (LMOs) resulting from modern biotechnology where a living modified organism is defined as “any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology”. The major focus of the protocol is the transboundary movement of the LMOs. This requires an advance informed agreement of the importing state prior to introduction into the environment, which allow for the appropriate risk assessment to take place. Globally 147 states are party to the CPB. All countries in the WCR are parties to the CPB with the exception of the USA, who have not signed, and Haiti, Honduras, and Jamaica, who are signatories but have not ratified the convention (Annex 1).

A few other international instruments relevant to the WCR make reference to living modified organisms (i.e. genetically altered stocks/ species) in a similar context to IAS as mentioned earlier. These include the CBD, IPPC, *FAO Code of Conduct for Responsible Fisheries* and the *SPAW Protocol*.

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<sup>19</sup> <http://www.fao.org/docrep/005/v9878e/v9878e00.htm>

<sup>20</sup> <http://www.cbd.int/biosafety/default.shtml>

## **5. International instruments relating to IAS in the context of Sanitary and Phytosanitary Measures (Quarantine)**

The key objective of Sanitary and Phytosanitary (quarantine) measures is to protect humans, animals and plants (wild and cultivated) from damage due to pest and disease. This is often achieved through the use of import and export control measures. The international regime with respect to human health and plant protection relevant to the WCR is discussed below. There is currently no global convention for the protection of animals; however, the OIE adopts international standards related to animal health to restrict the movement of live animals and fish to limit the spread of disease.

### **5.1 International Health Regulations**

The *International Health Regulations (IHR)*<sup>21</sup>, adopted by the World Health Assembly of the World Health Organization (WHO), are designed to ensure maximum security against the international spread of infectious diseases to humans. The IHR was revised in 2005 and updated in response to changes in disease epidemiology and control, and to the increase in international traffic. As IAS may serve as host or vectors of disease which affect human and animal health, inadvertently these regulations are perhaps the most stringent with respect to control the introduction and spread of invasive disease organisms. All territories in the WCR are members of the WHO and hence the regulations are applicable to all member states.

### **5.2 International Plant Protection Convention**

The IPPC<sup>22</sup> is an international instrument that provides a framework for international cooperation to secure common and effective action to prevent the spread of pest plants and plant products and to promote appropriate measures for their control. The IPPC defines “pest” as “any species, strain or biotype, animal life or any pathogenic agent injurious or potentially injurious to plants or plant products”. Thus the scope of the convention is not limited to cultivated plants but also includes weeds and other species, as well as diseases that may have an indirect effect on plants. “Alien or native invasive species” considered to be plant pest are covered by the IPPC standards and procedures.

Parties to the IPPC are required to adopt legislative, technical and administrative procedures and standards to identify pests that threaten plant health. Parties may prohibit the introduction of certain plants and other commodities; prescribe restrictions on the import of plants, plant products or other related articles; execute inspections; detain particular consignments. Parties are also required to distribute information regarding plant pest and means of prevention and control. Each party is required to establish a National Plant Protection Organization (NPPO). All countries in WCR are parties to the IPPC.

A *Phytosanitary Measure* is any legislation, regulation or official procedure aimed at preventing the introduction or spread of plant pests of potential economic importance.

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<sup>21</sup> <http://www.who.int/csr/ihr/en/index.html>

<sup>22</sup> <https://www.ippc.int/>

The IPPC Secretariat facilitates the development of *International Standards for Phytosanitary Measures* (ISPMs) which are designed to encourage the international harmonization of phytosanitary measures to facilitate safe trade and avoid the use of unjustified barriers to trade. One of the key components of many national phytosanitary systems is the three stage pest risk analysis (PRA). ISPM No. 11 (2004) *Pest Risk Analysis for Quarantine Pests Including Analysis of Environmental Risks and Living Modified Organisms* is most suited to control the introduction and spread of IAS.

Most species in their natural range show no sign of invasive behaviour as they are kept in check by physical barriers and co-evolved organisms but may become IS when biological regulation is not present in the new environment. Classical biological control, which involves the introduction of specific natural enemies from the homeland of a pest of foreign origin in order to transform the IAS into a non-invasive neutralized species, may be effective where invasive pest are transferred without their attendant co-evolved enemies. *The Code of Conduct for the Import and Release of Exotic Biological Control Agents* (ISPM No. 3) facilitates the safe import, export and release of such agents. The code address the importation of exotic biological control agents capable of self replication (parasitism, predators, parasites, phytophagous arthropods and pathogens) for research as well as the field release of control agents for classical biological control and biological pesticides.

### **5.3 Caribbean Plant Protection Commission and related regional bodies**

The Caribbean Plant Protection Commission (CPPC)<sup>23</sup> is a Regional Plant Protection Organization (RPPO) under the IPPC. A RPPO is an inter-governmental organization functioning as a coordinating body for NPPOs on a regional level. In recent years, the CPPC role has been limited to facilitating the participation of NPPOs in the WTO/SPS standard setting process (see 6.1 WTO Agreement on the Application of Sanitary and Phytosanitary Measures). As part of harmonization efforts in the region, the Caribbean Agricultural, Health and Food Safety Agency (CAHFSA) will be created to cover food safety, animal health and plant health matters for CARICOM and would eventually replace the CPPC.

Not all contracting parties to the IPPC are members of RPPOs, nor are all members of RPPOs contracting parties to the IPPC. Moreover, certain contracting parties to the IPPC belong to more than one RPPO. All countries in the WCR with the exception of Antigua & Barbuda, Bahamas, Belize, Guatemala and St. Vincent & The Grenadines are members of the CPPC (Annex 1). The UK joined on behalf of the BVI. Belize, Costa Rica, Dominica Republic, Guatemala, Honduras, Mexico, Nicaragua and Panama are part of the *Organismo Internacional Regional de Sanidad Agropecuaria* (OIRSA), and Mexico and the USA are members of the North American Plant Protection Organization (NAPPO).

### **5.4 World Organization for Animal Health**

The World Organization for Animal Health or Organisation Mondiale de la Santé Animale (OIE)<sup>24</sup> is the intergovernmental agency responsible for improving animal

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<sup>23</sup> <http://www.eppo.org/WORLDWIDE/RPPOs/cppc.htm>

<sup>24</sup> [http://www.oie.int/eng/OIE/en\\_about.htm?e1d1](http://www.oie.int/eng/OIE/en_about.htm?e1d1)

health worldwide. Zoonoses (animal diseases transmittable to humans) may be directly or indirectly (e.g. ectoparasite) transmitted. The OIE produces standards such as the Terrestrial Animal Health Code to assure the sanitary safety of international trade in terrestrial animals and their products. This is achieved through the detailing of health measures to be used by the veterinary authorities of importing and exporting countries to avoid the transfer of agents pathogenic for animals or humans, while avoiding unjustified sanitary barriers. All WCR Countries are members of the OIE except Antigua & Barbuda, Dominica, Grenada, St. Kitts & Nevis, St. Lucia and St. Vincent & the Grenadines.

## **6.0 International instruments relating to IAS in the context of trade**

IAS may be introduced through international trade either intentionally as the imported product themselves (e.g. plants, fishes, animals etc.) or unintentionally, as by products of trade, through cross-breeding of aliens with local populations, as parasites of traded products or as hitchhikers or stowaways in the ships, aeroplanes, vehicles or containers that deliver products or services.

### ***6.1 WTO Agreement on the Application of Sanitary and Phytosanitary Measures***

International trade in goods, services and intellectual property is currently governed by the World Trade Organization (WTO), which provides binding rules, enforced by a compulsory dispute settlement mechanism, designed to ensure governments extend free market access to each others products and services. These rules are based on the key principles of non-discrimination, transparency and predictability.

The WTO agreement on the *Application of Sanitary and Phytosanitary Measures (SPS Agreement)*<sup>25</sup> is a set of basic rules on how WTO members can apply those measures and is relevant to IAS that are pests or diseases, in that it helps members to:

- Protect human, animal and plant life or health from the risks arising from the entry, establishment or spread of pest, diseases, or disease carrying organisms
- Prevent or limit other damage, within the territory of the member from the entry, establishment or spread of pest

These standards must to be based on science and the SPS Agreement encourages members to use the international standards, guidelines and recommendations for food, animal health and plant health set by the FAO/WHO *Codex Alimentarius* Commission, the OIE and the FAO's Secretariat of the IPPC, and these bodies have observer status in the WTO. Non-compliance with these standards can lead to the establishment of trade barriers; however, these must not be protectionism in disguise. All independent countries in the WCR, with the exception of the Bahamas, who have observer status, are parties to the WTO (Annex 1). The Netherland Antilles, but not Aruba, are WTO members. Membership by the UK has not been extended to its OTs.

The most relevant ISPMs in the context of trade and IAS are:

- ISPM No. 01 (2006) Phytosanitary principles for the protection of plants and the application of phytosanitary measures in international trade
- ISPM No. 07 (1997) Export certification system
- ISPM No. 12 (2001) Guidelines for phytosanitary certificates

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<sup>25</sup> [http://www.wto.org/english/tratop\\_e/sps\\_e/sps\\_e.htm](http://www.wto.org/english/tratop_e/sps_e/sps_e.htm)



- ISPM No. 15 (2002) Guidelines for regulating wood packaging material in international trade
- ISPM No. 20 (2004) Guidelines for a phytosanitary import regulatory system
- ISPM No. 25 (2006) Consignments in transit

### ***6.2 Caribbean Single Market and Economy***

In 1972, Commonwealth Caribbean leaders at the Seventh Heads of Government Conference decided to transform the Caribbean Free Trade Association (CARIFTA) into a Common Market and establish CARICOM <http://www.caricom.org/index.jsp>. CARICOM was established in 1973 currently comprises Antigua & Barbuda, Barbados, Bahamas, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts & Nevis, St. Lucia, St. Vincent & The Grenadines, Suriname, and Trinidad & Tobago, while the other UK OTs Anguilla, Bermuda, British Virgin Islands, Cayman Islands and Turks & Caicos and are associate members of CARICOM; Aruba and the Netherland Antilles have observer status.

The establishment of the Caribbean Single Market (CSM) in 2006 by these countries was one of the precursor steps to the establishment of the CARICOM Single Market and Economy (CSME). The CSM allows for free movement of goods and services through measures such as eliminating all barriers to intra-regional movement and harmonising standards to ensure acceptability of goods and services traded and free movement of labour. These activities are likely to increase the risk of transfer of IAS within the Caribbean region. The CSME, to be established in 2008, is an integrated development strategy for the Caribbean region envisioned at the 1989 Conference of Heads of Government of the Caribbean Community. All full members of CARICOM except Bahamas, Haiti, and Montserrat are part of the CSME.

The potential impact of the CSME on the movement of IAS in the region is currently being addressed. The Caribbean Invasive Species Working Group (CISWG) submitted a Caribbean Regional Invasive Species Intervention Strategy (CRISIS) document to CARICOM member states at the 19<sup>th</sup> meeting of the CARICOM Council for Trade and Economic Development (COTED). The COTED endorsed the membership of the Working Group and charged the Working Group to develop fundable proposals for strengthening the region's ability to safeguard itself against IAS. CISWG also developed a proposal for a Caribbean Invasive Species Surveillance and Information Program (CISSIP).

### ***6.3. The Dominican Republic – Central America Free Trade Agreement***

The Dominican Republic – Central America Free Trade Agreement (DR-CAFTA) is a free trade agreement (legally a treaty under international law, but not under US law). Originally, the agreement encompassed the United States and the Central American countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, and was called CAFTA. In 2004, the Dominican Republic joined the negotiations, and the agreement was renamed DR-CAFTA. Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and the US are the members of DR-CAFTA.

DR-CAFTA does not talk directly about IAS, but in its chapter 17 says that the states which have signed the treaty commit themselves to apply the laws and regulations of agreements and convention signed by the country, for instance the CBD.

## **7. International instruments relating to IAS in the context of transport**

International transportation has been a major factor in the introduction of IAS; hence relevant international organizations have developed technical sectoral guidelines to minimize the risk associated with these pathways.

### ***7.1 Maritime Transport***

The IMO adopted the *Guidelines for the Control and Management of Ships' Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens*. These guidelines were intended to assist Governments and appropriate authorities in minimizing the risk of introducing harmful aquatic organisms and pathogens from ship's ballast water and associated sediments while protecting the ship's safety.

In 2001, the text of the *Convention on the Control of Harmful Anti-fouling Systems on Ships* was developed as certain anti-fouling systems used on ships were shown to pose a substantial risk of toxicity and other chronic impacts to ecologically and economically important marine organisms and human health. As proper anti-fouling system can be used to impede the spread of harmful aquatic organisms it is an important control measure to prevent the introduction of marine IAS. A legislative review<sup>26</sup> was prepared in 2002 with the aim to provide a legal instrument for the implementation of the voluntary convention; none of the six pilot countries are in the WCR. COP8 of the CDB urged parties to ratify and implement the Convention. To date only Antigua & Barbuda and Mexico in the WCR are parties to this treaty. France has also signed.

The IMO subsequently developed the *International Convention for the Control and Management of Ships' Ballast Water and Sediments*<sup>27</sup>. The Convention was adopted in 2004, but has yet to come into force as a quorum of 30 countries has not yet been met. While taking appropriate measures will not be mandatory until the Convention has been ratified by the required quorum, this will nevertheless enable countries to access funding, technical advice and other support to build the institutional collaborative structures. The GEF/UNDP/IMO Global Ballast Water Management Programme (GloBallast) is assisting developing countries to reduce the transfer of harmful aquatic organisms and pathogens in ships' ballast water, implement the IMO ballast water guidelines and prepare for the new IMO ballast water convention. Although all members of the WCR are members of the IMO, only Barbados and St. Kitts & Nevis in the WCR have signed the Convention.

The *Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter* 1996 also known as the "London Protocol" prohibits all dumping in the marine environment except for possibly acceptable wastes or any other matter on the so-called "reverse list". However, this does not include material incidental to, or

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<sup>26</sup> McConnell, M. 2002. *GloBallast Legislative Review . Final Report*. GloBallast Monograph Series No. 1. IMO London (<http://globallast.imo.org/monograph1%20legislative%20review.pdf>)

<sup>27</sup> <http://globallast.imo.org/index.asp>

derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea or their equipment. Although this Convention makes no mention of invasive species, it may be considered as a potential pathway for IAS. Antigua & Barbuda, Barbados, Costa Rica, Cuba, Dominican Republic, Haiti, Honduras, Jamaica, Mexico, Panama, St. Lucia, St Vincent & the Grenadines, Suriname and the USA are Party to the Convention. Bermuda (other French and Netherland OTS) is party to this convention.

## **7.2. Civil Aviation**

Civil aviation is an important pathway by which IAS are moved intentionally and unintentionally beyond natural borders<sup>28</sup>. The International Civil Aviation Organization (ICAO), a specialized agency of the United Nations linked to the Economic and Social Council (EOSOC) adopted resolution A33-18 *Preventing the Introduction of Invasive Alien Species* in 1998, which requested ICAO members to work with other United Nations organizations to identify approaches ICAO may take and support efforts to minimize risk of introducing potential IAS. In 2005, a survey on IAS was conducted and it was recommended that contracting states forward to ICAO the “best practices” from their various agencies (agriculture, horticulture, customs, quarantine, health) for publication as guidance material. Additionally ICAO appropriate bodies should consider drafting standards and recommended practices. The parties at COP8 of the CDB welcomed ICAO Assembly resolution A35-19 adopted in 2004, which reflected a commitment by ICAO member states to support one another’s efforts to reduce risks of introducing potential IS through civil air transport. All countries in the WCR, with the exception of Dominica, are members of ICAO.

## **8. International instruments relating to IAS in the context of tourism**

Tourism is one of the world’s fastest growing industries and it potentially can have devastating impacts on the environment. The CDB has produced *Guidelines on Biodiversity and Tourism Development*<sup>29</sup> where the introduction of IAS was recognized as a potential impact of tourism on the environment and biological diversity. COP8 of the CDB reiterated “the potential of tourism as a pathway for the introduction of alien invasive species and encouraged the World Tourism Authority and the International Air transportation association and other organizations to promote education and public awareness to minimize the introduction and spread of alien invasive species”.

The World Heritage Convention (WHC)<sup>30</sup> of 1972 is aimed to protect the world cultural and natural heritage. IAS have been recognized as a threat to the specific natural heritage sites. Under this programme, efforts are being made to prevent the introduction and eradicate IAS in the Galapagos World Heritage Site. All parties in the WCR, with the exception of the Bahamas, are parties to the World Heritage Convention.

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<sup>28</sup> Djoghlaif, A. (2007). Air transport remains a major pathway for invasive alien species. ICAO Journal Vol 62: 1 22-23, 37.

<sup>29</sup> <http://www.cbd.int/doc/publications/tou-gdl-en.pdf>

<sup>30</sup> <http://whc.unesco.org/en/convention/>

## **9. International instruments relating to IAS in the context of emergency relief, aid, and international development**

The *Food Aid Convention*<sup>31</sup> of 1999 aims to contribute to world food security and improve the ability of the international community to respond to emergency food situations. Under this convention certain developed countries have committed a certain quantity of food aid to a range of least developed countries, low-income countries and lower middle income countries to be distributed, for logistical purposes, in partnership with other food aid donors, recipient countries and any other partners. A range of products are eligible including grains, rice and seed for eligible products. The convention provides for a pathway for the movement of IAS although a range of measures are put in place to minimize potential transfers. All products must meet international quality standards, and with the exception of seeds, be suitable for human consumption. The convention does not mention IAS explicitly.

The United States along with Argentina, Australia, Canada, Japan, Norway, Switzerland, the European Union (EU) and its member states are signatories to the convention; however, recipients include all members of the WCR, with the exceptions of Antigua & Barbuda, The Bahamas, Mexico and St. Kitts & Nevis.

## **10. International instruments relating to IAS in the context of scientific research**

The *Agreement on the Importation of Educational, Scientific and Cultural Materials*<sup>32</sup> aims to encourage the free exchange of ideas and knowledge and, in general, the widest possible dissemination of the diverse forms of self-expression used by civilizations are vitally important both for intellectual progress and international understanding, and consequently for the maintenance of world peace. As this interchange is accomplished primarily by means of books, publications and educational, scientific and cultural materials; the convention aims to remove financial impediments. Articles include collections and collectors' pieces in such scientific fields as anatomy, zoology, botany, mineralogy, palaeontology, archaeology and ethnography, not intended for resale. Although there is no mention of IAS, the convention provides a potential pathway for the transfer of IAS. Columbia, Dominican Republic, Grenada, Guatemala, Haiti and Honduras are signatories to the treaty.

The intellectual property rights of germplasm for conservation and breeding is covered under the *Convention for Biological Diversity* while the actual movement of germplasm will follow the quarantine rules and regulations of the importing country.

## **11. International instruments relating to IAS in the context of military activities**

COP8 of the CDB recognized that military including peace-keeping activities could lead to the introduction and spread of IAS and urged UN Bodies to develop relevant guidelines and encouraged relevant UN bodies, in collaboration with the CBD and relevant organizations, to develop and promulgate guidance or codes of practice to address the issue of introduction and spread of invasive alien species associated with military operations or aid including peace-keeping operations. Parties and other

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<sup>31</sup> [http://untreaty.un.org/unts/144078\\_158780/10/4/3263.pdf](http://untreaty.un.org/unts/144078_158780/10/4/3263.pdf)

<sup>32</sup> <http://portal.unesco.org/en/ev.php->

[URL\\_ID=12074&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=12074&URL_DO=DO_TOPIC&URL_SECTION=201.html)

Governments should promote good practice and develop procedures and build relevant preventative capacity among their military, taking into account relevant international guidance, and to detect and rectify any problems of invasive alien species created during military operations.

However, little can be done to regulate military operations. The *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction* of 1972 commits each state to never under any circumstances develop, produce, stockpile or otherwise acquire or retain microbial or other biological agents or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes. All parties in the WCR with the exception of Trinidad & Tobago have signed; however, Guyana and Haiti have not acceded to the Convention. Antigua & Barbuda, the Bahamas, Belize, Dominica, France, Grenada, Jamaica, St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines, and Suriname have yet to ratify the Convention.

The *Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques*<sup>33</sup> of 1972 urges states not to engage in military or any other hostile use of environmental modification techniques. The term “environmental modification techniques” refers to any technique for changing - through the deliberate manipulation of natural processes – the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space. Cuba has ratified the convention, while Antigua & Barbuda, Dominica, Guatemala, St. Kitts & Nevis, St. Lucia and St. Vincent have acceded.

## **12. International instruments relating to IAS in the context of climate change**

The *United Nations Framework Convention on Climate Change* (UNFCCC), through the Kyoto protocol aims to reduce the emission of greenhouse gases in order to promote sustainable development. Although IAS are not specifically mentioned, they are encompassed under the definition of “adverse effects of climate change”, i.e. changes in the physical environment or biota resulting from climate changes which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.

All countries in the WCR are parties to the UNFCCC and the *Kyoto Protocol*. The USA, as an industrialized country that was a member of the Organisation for Economic Co-operation and Development (OECD) in 1992, fall under UNFCCC Annex 1, while all others fall under Non-Annex I Parties. They are mostly developing countries with some recognized by the convention as being especially vulnerable to the adverse impacts of climate change. Bermuda and Cayman Islands are covered by extension of the UK being a signatory.

## **13. Conclusion and Recommendations**

International legal frameworks often guide national legislation thus improving the capacity of a country to deal with IAS pathways, or conversely, facilitate pathways for

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<sup>33</sup><http://www.state.gov/t/ac/trt/4783.htm#signatory>



IAS. Most of the conventions and organizations reviewed traditionally or have recently have begun to address the issue of IAS as shown in the categories below.

- **Biodiversity:** IAS are recognized as a threat to biodiversity in the CDB, CSM, CITES, UNCLOS, *Cartagena Convention*, *Ramsar Convention* and the *FAO Code of Conduct for Responsible Fisheries*. Although not specified, IAS can be an issue under the *UNCLOS Agreement on Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*.
- **LMOs:** LMOs often have similar concerns to IAS and mechanisms put in place for management of LMOs under the *Cartagena Protocol* can also be applied to IAS.
- **Quarantine:** A range of quarantine measures exist which traditionally minimize the spread of IAS. These include the IHR for infectious human diseases and the IPPC for plant pest and pest products and the OIE for animal disease.
- **Trade:** Trading blocks, such as CARICOM, have been recognized as a factor which may promote the movement of IAS. The *WTO Agreement on the Application of Sanitary and Phytosanitary Measures* provides measures to minimize movement of IAS.
- **Transport:** IAS movement via sea and air are important pathways. The IMO and ICAO have recognized the importance of IAS. The IMO has adopted/implemented *Guidelines for the Control and Management of Ships' Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms*; *Convention on the Control of Harmful Anti-fouling Systems on Ships*; *International Convention for the Control and Management of Ships' Ballast Water and Sediments* and the *Convention on the Prevention of Marine Pollution by Dumping of Waste and other Matter* which may impact on IAS.
- **Tourism:** Tourism has been recognized a pathway for introduction of IAS by the CDB and the WHC.
- **Emergency relief:** The transboundary transfer of food as relief in emergency situations under the *Food Aid Convention* provides a pathway for IAS movement although standard practices to ensure sanitary and phytosanitary conditions still apply.
- **Scientific research:** The *Agreement on the Importation of Educational, Scientific and Cultural Materials* provides a limited pathway for the movement of IAS.
- **Military activities:** The CDB recognized that military activities could result in the transfer of IAS. However, the *Convention of the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on their Destruction* and the *Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques* may possibly include IAS, although not specifically mentioned.
- **Climate change:** Although IAS is not specifically mentioned under the UNFCCC, it is recognized as a consequence of climate change.

No country in the WCR is party to or a member of all 28 international conventions/organizations reviewed but participation ranged from 16 - 22. Almost all countries in the WCR are parties to the major conventions (CDB, CITES, UNCLOS, Cartagena

Convention, Ramsar Convention, IPPC) and members of the key organizations (FAO, WHO, IMO, IPPC, WTO) which suggests that there is a fair level of harmonization in the mechanisms for the control of IAS in the WCR, particularly in the broad pathways, such as trade, travel, transport and tourism. However, the limited participation in GloBallast and *the Convention on the Control of Harmful Anti-fouling Systems on Ships* indicate that the marine pathway for IAS requires further harmonization.

**Table 1: Frequency of country participation in international Conventions/ Organizations/ standards**

Participation	Frequency/ 28	Countries
22	2	Barbados; Cuba
21	6	Antigua & Barbuda, Costa Rica; Dominican Republic; Jamaica; St. Lucia; USA
20	3	Guatemala; Mexico; Panama;
19	6	Belize; Columbia; Haiti; Honduras; St. Kitts & Nevis; Suriname
18	3	Grenada; St. Vincent & Grenadines; Trinidad & Tobago
17	4	Dominica; Guyana; Nicaragua; Venezuela
16	1	The Bahamas

The following is recommended to improve the international legislative framework:

- (5) Individual countries should investigate conventions and organization of which they are not currently parties or members to determine if the benefits of participation are appropriate in their developmental context.
- (6) Participation in conventions which control specific marine IAS pathways such as GloBallast and the Anti-fouling Convention needs to be improved
- (7) In conventions and organization of which there is maximum participation of WCR members, *ad hoc* groups such as AOSIS should be established to fine tune mechanisms for the control of IAS pathways through regional or bi-lateral agreements under advice from CISWG.
- (8) At COP meetings, WCR countries need to lobby for greater emphasis to be placed on developing specific mechanisms for the control of IAS beyond general guidelines.

### Annex 1: List of conventions and organizations related to invasive alien species in the Wider Caribbean Region

Country	Alliance of Small Island Development States (AOSIS)	Convention on Biological Diversity (CBD)	Convention on the Conservation of Migratory Species of Wild Animals (CMS)	Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES)	United Nations Convention of the Law of the Sea (UNCLOS)	Agreement for the Implementation of Provisions of the Convention Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
Antigua & Barbuda	Member	Party	Party	Party	Party	-
The Bahamas	Member	Party	-	Party	Party	Party
Barbados	Member	Party	-	Party	Party	Party
Belize	Member	Party	-	Party	Party	Party
Colombia	-	Party	-	Party	Party	-
Costa Rica	-	Party	Party	Party	Party	Party
Cuba	Member	Party	Party	Party	Party	-
Dominica	Member	Party	-	Party	Party	-
Dominican Republic	Member	Party	-	Party	Party	-
Grenada	Member	Party	-	Party	Party	-
Guatemala	-	Party	-	Party	Party	-
Guyana	Member	Party	-	Party	Party	-
Haiti	Member	Party	-	-	Party	-
Honduras	-	Party	Party	Party	Party	-
Jamaica	-	Party	-	Party	Party	Party
Mexico	-	Party	-	Party	Party	-
Nicaragua	-	Party	-	Party	Party	-
Panama	-	Party	Party	Party	Party	-
St. Kitts & Nevis	Member	Party	-	Party	Party	-
St. Lucia	Member	Party	-	Party	Party	Party
St. Vincent & The Grenadines	Member	Party	-	Party	Party	-
Suriname	Member	Party	-	Party	Party	-
Trinidad & Tobago		Party	-	Party	Party	Party
United States of America		Signatory	-	Party	-	Party
Venezuela		Party	-	Party	-	-
<i>OT of France</i>						
Martinique						
Guadeloupe						
<i>OT of Netherlands</i>						
Aruba						
Netherlands Antilles						
<i>OT of UK</i>						
Anguilla					Party	Party
Bermuda					Party	Party
British Virgin Islands					Party	Party
Cayman Islands					Party	
Montserrat					Party	
Turks & Caicos					Party	Party
<i>OT of USA</i>						
US Virgin Islands	Observer					
Puerto Rico						

### Annex 1: List of conventions and organizations related to invasive alien species in the Wider Caribbean Region continued

Country	Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention)	Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)	FAO Code of Conduct for Responsible Fisheries	Cartagena Protocol on Biosafety (Cartagena Protocol)	WHO International Health Regulations
Antigua & Barbuda	Party	Party	Member	Party	Member
The Bahamas	-	Party	Member	Party	Member
Barbados	Party	Party	Member	Party	Member
Belize	Party	Party	Member	Party	Member
Colombia	Party	Party	Member	Party	Member
Costa Rica	Party	Party	Member	Party	Member
Cuba	Party	Party	Member	Party	Member
Dominica	Party	-	Member	Party	Member
Dominican Republic	Party	Party	Member	Party	Member
Grenada	Party	-	Member	Party	Member
Guatemala	Party	Party	Member	Party	Member
Guyana	-	-	Member	Party	Member
Haiti	-	-	Member	Signatory	Member
Honduras	-	Party	Member	Signatory	Member
Jamaica	Party	Party	Member	Signatory	Member
Mexico	Party	Party	Member	Party	Member
Nicaragua	-	Party	Member	Party	Member
Panama	Party	Party	Member	Party	Member
St. Kitts & Nevis	Party	-	Member	Party	Member
St. Lucia	Party	Party	Member	Party	Member
St. Vincent & The Grenadines	Party	-	Member	Party	Member
Suriname	-	Party	Member	Party	Member
Trinidad & Tobago	Party	Party	Member	Party	Member
United States of America	Party	Party	Member	-	Member
Venezuela	Party	Party	Member	Party	Member
<i>OT of France</i>					
Martinique					
Guadeloupe					
<i>OT of Netherlands</i>					
Aruba					
Netherlands Antilles					
<i>OT of UK</i>					
Anguilla					
Bermuda					
British Virgin Islands					
Cayman Islands					
Montserrat					
Turks & Caicos					
<i>OT of USA</i>					
US Virgin Islands					
Puerto Rico					

### Annex 1: List of conventions and organizations related to invasive alien species in the Wider Caribbean Region continued

Country	Caribbean Community (CARICOM)	International Maritime Organization (IMO)	International Convention for the Control and Management of Ships' Ballast Water and Sediments (GloBallast)	Convention on the Control of Harmful Anti-fouling Systems on Ships	International Civil Aviation Organization (ICAO)	United Nations World Tourism Organization (UNWTO)
Antigua & Barbuda	Member	Member	-	Party	Member	-
The Bahamas	Member	Member	-		Member	Member
Barbados	Member	Member	Party		Member	-
Belize	Member	Member	-		Member	-
Colombia		Member	-		Member	Member
Costa Rica		Member	-		Member	Member
Cuba		Member	-		Member	Member
Dominica	Member	Member	-		-	-
Dominican Republic		Member	-		Member	Member
Grenada	Member	Member	-		Member	-
Guatemala		Member	-		Member	Member
Guyana	Member	Member	-		Member	-
Haiti	Member	Member	-		Member	Member
Honduras		Member	-		Member	Member
Jamaica	Member	Member	-		Member	Member
Mexico		Member	-	Party	Member	Member
Nicaragua		Member	-		Member	Member
Panama		Member	-		Member	Member
St. Kitts & Nevis	Member	Member	Party		Member	-
St. Lucia	Member	Member	-		Member	-
St. Vincent & The Grenadines	Member	Member	-		Member	-
Suriname	Member	Member	-		Member	-
Trinidad & Tobago	Member	Member	-		Member	-
United States of America	-	Member	-		Member	Member <sup>34</sup>
Venezuela	-	Member	-		Member	Member
Territories of France (Guadeloupe, Martinique)	-	*	-	*	*	*
Territories of Netherlands (Aruba, Netherlands Antilles)	-	*	-		*	* <sup>34</sup>
Territories of United Kingdom (Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat, and Turks & Caicos)	* <sup>35</sup>	*	-		*	*

<sup>34</sup> Aruba, Puerto Rico and Netherlands Antilles are associate members of the UNWTO.

<sup>35</sup> Montserrat is a member of CARICOM. Anguilla, Bermuda, British Virgin Islands, Cayman Islands and Turks & Caicos are Associate members of CARICOM.

Country	International Plant Protection Convention (IPPC)	Caribbean Plant Protection Commission (CPPC)	World Organization for Animal Health (OIE)	World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures	Caribbean Community (CARICOM)
Antigua & Barbuda	Party	-	-	Member	Member
The Bahamas	Party	-	-	-	Member
Barbados	Party	Member	Member	Member	Member
Belize	Party	-	Member	Member	Member
Colombia	Party	Member	Member	Member	-
Costa Rica	Party	Member	Member	Member	-
Cuba	Party	Member	Member	Member	-
Dominica	Party	Member	-	Member	Member
Dominican Republic	Party	Member	Member	Member	-
Grenada	Party	Member	-	Member	Member
Guatemala	Party	-	Member	Member	-
Guyana	Party	Member	Member	Member	Member
Haiti	Party	Member	Member	Member	Member
Honduras	Party	-	Member	Member	-
Jamaica	Party	Member	Member	Member	Member
Mexico	Party	Member	Member	Member	-
Nicaragua	Party	Member	Member	Member	-
Panama	Party	Member	Member	Member	-
St. Kitts & Nevis	Party	Member	-	Member	Member
St. Lucia	Party	Member	-	Member	Member
St. Vincent & The Grenadines	Party	-	-	Member	Member
Suriname	Signatory*	Member	Member	Member	Member
Trinidad & Tobago	Party	Member	Member	Member	Member
United States of America	Party	Member	Member	Member	-
Venezuela	Party	Member	Member	Member	-
<i>OT of France</i>					
Martinique					
Guadeloupe					
<i>OT of Netherlands</i>					
Aruba					
Netherlands Antilles					
<i>OT of UK</i>					
Anguilla					
Bermuda					
British Virgin Islands					
Cayman Islands					
Montserrat					
Turks & Caicos					
<i>OT of USA</i>					
US Virgin Islands					
Puerto Rico					



### Annex 1: List of conventions and organizations related to invasive alien species in the Wider Caribbean Region continued

Country	Guidelines for the Control and Management of Ships' Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens.	IMO Convention on the Control of Harmful Anti-fouling Systems on Ships	IMO International Convention for the Control and Management of Ships' Ballast Water and Sediments (GloBallast)	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter	International Civil Aviation Organization (ICAO)
Antigua & Barbuda	Member	Party	-	Party	Member
The Bahamas	Member	-	-	-	Member
Barbados	Member	-	Party	Party	Member
Belize	Member	-	-	-	Member
Colombia	Member	-	-	-	Member
Costa Rica	Member	-	-	Party	Member
Cuba	Member	-	-	Party	Member
Dominica	Member	-	-	-	-
Dominican Republic	Member	-	-	Party	Member
Grenada	Member	-	-	-	Member
Guatemala	Member	-	-	Party	Member
Guyana	Member	-	-	-	Member
Haiti	Member	-	-	Party	Member
Honduras	Member	-	-	Party	Member
Jamaica	Member	-	-	Party	Member
Mexico	Member	Party	-	Party	Member
Nicaragua	Member	-	-	-	Member
Panama	Member	-	-	Party	Member
St. Kitts & Nevis	Member	-	Party	-	Member
St. Lucia	Member	-	-	Party	Member
St. Vincent & The Grenadines	Member	-	-	Party	Member
Suriname	Member	-	-	Party	Member
Trinidad & Tobago	Member	-	-	-	Member
United States of America	Member	-	-	Party	Member
Venezuela	Member	-	-	-	Member
<i>OT of France</i>					
Martinique					
Guadeloupe					
<i>OT of Netherlands</i>					
Aruba					
Netherlands Antilles					
<i>OT of UK</i>					
Anguilla					
Bermuda				Party	
British Virgin Islands					
Cayman Islands					
Montserrat					
Turks & Caicos					
<i>OT of USA</i>					
US Virgin Islands					
Puerto Rico					

### Annex 1: List of conventions and organizations related to invasive alien species in the Wider Caribbean Region continued

Country	United Nations World Tourism Organization (UNWTO)	World Heritage Convention (WHC)	Food Aid Convention	Agreement on the Importation of Educational, Scientific and Cultural Materials	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction	Convention on the Prohibition of Military or any Hostile use of Environmental Modification Techniques	United Nations Framework Convention on Climate Change	Total membership /25
Antigua & Barbuda	-	Member	-	-	Party	Party	Party	21
The Bahamas	Member	-	-	-	Party	-	Party	16
Barbados	-	Member	-	-	Party	-	Party	22
Belize	-	Member	-	-	Party	-	Party	19
Colombia	Member	Member	-	Party	Party	-	Party	19
Costa Rica	Member	Member	-	-	Party	-	Party	21
Cuba	Member	Member	-	-	Party	Party	Party	22
Dominica	-	Member	-	-	Party	Party	Party	17
Dominican Republic	Member	Member	-	Party	Party	-	Party	21
Grenada	-	Member	-	Party	Party	-	Party	18
Guatemala	Member	Member	-	Party	Party	Party	Party	20
Guyana	-	Member	-	-	Signatory	-	Party	17
Haiti	Member	Member	-	Party	Signatory	-	Party	19
Honduras	Member	Member	-	Party	Party	-	Party	19
Jamaica	Member	Member	-	-	Party	-	Party	21
Mexico	Member	Member	-	-	Party	-	Party	20
Nicaragua	Member	Member	-	-	Party	-	Party	17
Panama	Member	Member	-	-	Party	-	Party	20
St. Kitts & Nevis	-	Member	-	-	Party	Party	Party	19
St. Lucia	-	Member	-	-	Party	Party	Party	21
St. Vincent & The Grenadines	-	Member	-	-	Party	Party	Party	18
Suriname	-	Member	-	-	Party	-	Party	19
Trinidad & Tobago	-	Member	-	-	-	-	Party	18
United States of America	Member	Member	Party	Party	Party	Party	Party	21
Venezuela	Member	Member	-	-	Party	-	Party	17
<i>OT of France</i>								
Martinique								
Guadeloupe								
<i>OT of Netherlands</i>								
Aruba								
Netherlands Antilles								
<i>OT of UK</i>								
Anguilla								
Bermuda							Party	
British Virgin Islands								
Cayman Islands							Party	
Montserrat								
Turks & Caicos								
<i>OT of USA</i>								
US Virgin Islands								
Puerto Rico								

## Annex 2: Flowchart of International Conventions and Organizations



### Annex 3: Declarations/ Reservation/ Notes with respect to the International Conventions

International Convention	Country	Reservations/ Declarations/ Notes
Convention on Biological Diversity	Colombia	<p>Declaration: (Upon adoption)</p> <p>1. A thorough review of the text we are adopting today by a consensus to which Colombia was party reveals areas on which we must confirm and specify our position, with a view to strengthening the Convention in the near future and making it more useful with respect to the concerns of developing countries such as our own. 2. First, with respect to the principle laid down in the third article of the Convention, our country shares its spirit but interprets the text to mean that no country shall be responsible for activities carried out beyond the control of its Government, within its national jurisdiction, which cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. Secondly, our country welcomes the full recognition within the Convention of the knowledge, innovations and practices of indigenous communities, but considers that such communities must be fully guaranteed participation in the benefits arising from the use of such knowledge, innovations and practices and not only that such participation should be encouraged, as the text of the Convention rather weakly states. We therefore believe a future instrument under the Convention should endeavour to improve on this point. 4. Furthermore, Colombia questions the inclusion in the Convention of an article laying down the relationship with other international treaties, since this matter falls under the Vienna Convention on the Law of Treaties and also because the Article refers to another legal instrument that has still not entered into force.</p>
	Cuba	<p>Declaration:</p> <p>The Government of the Republic of Cuba declares, with respect to article 27 of the Convention on Biological Diversity, that as far as the Republic of Cuba is concerned, disputes that arise between Parties concerning the interpretation or application of this international legal instrument shall be settled by negotiation through the diplomatic channel or, failing that, by arbitration in accordance with the procedure laid down in Annex II on arbitration of the Convention.</p>
	France	<p>Declaration: (Upon adoption)</p> <p>1. France expected practical and sound provisions to strengthen the conservation of biodiversity. Such provisions are few and too vague. In this respect, it seemed to stand to reason to include a provision existing in several conventions (World Heritage and Biosphere Reserve of UNESCO, Ramsar, CITES) in a convention on biological diversity: we refer to global lists. France regrets that the manner in which the text of the Convention was adopted did not allow it to make a compromise proposal on the question of the global approach to biological diversity. 2. The difference of outlook on the part of some delegations towards a provision that France regarded as essential, together with the way in which the text of the Convention under-values the scientific approach, force France to refrain from initiating the Final Act of the Conference.</p> <p>Declaration: (Upon signature)</p> <p>With reference to article 3, that it interprets that article as a guiding principle to be taken into account in the implementation of the Convention; With reference to article 21, paragraph 1, that the decision taken periodically by the Conference of the Parties concerns the 'amount of resources needed' and that no provision of the Convention authorizes the Conference of the Parties to take decisions concerning the amount, nature or frequency of the contributions from Parties to the Convention.</p> <p>Declaration:</p> <p>With reference to article 3, that it interprets that article as a guiding principle to be taken into account in the implementation of the Convention; The French Republic reaffirms its belief in the importance of the transfer of technology and biotechnology in guaranteeing the protection and long-term utilization of biological diversity. Respect for intellectual property rights is an essential element of the implementation of policies for technology transfer and co-investment. The French Republic affirms that the transfer of technology and access to biotechnology, as defined in the Convention on Biological Diversity, will be implemented according to article 16 of that Convention and with respect for the principles and rules concerning the protection of intellectual property, including multilateral agreements signed or negotiated by the Contracting parties to the present Convention. The French Republic will encourage recourse to the financial mechanism established by the Convention for the purpose of promoting the voluntary transfer of intellectual property rights under French ownership, <i>inter alia</i>, as regards the granting of licences, by traditional commercial decisions and mechanisms while ensuring the appropriate and effective protection of property rights. With reference to article 21, paragraph 1, the French Republic considers that the decision taken periodically by the Conference of the Parties concerns the 'amount of resources needed' and that no</p>

		provision of the Convention authorizes the Conference of the Parties to take decisions concerning the amount, nature or frequency of the contributions from Parties to the Convention.
	United Kingdom	Declaration made upon signature and confirmed upon ratification: The Government of the United Kingdom of Great Britain and Northern Ireland declare their understanding that article 3 of the Convention sets out a guiding principle to be taken into account in the implementation of the Convention. The Government of the United Kingdom of Great Britain and Northern Ireland also declare their understanding that the decisions to be taken by the Conference of the Parties under paragraph 1 of article 21 concern 'the amount of resources needed' by the financial mechanism, and that nothing in article 20 or 21 authorises the Conference of the Parties to take decisions concerning the amount, nature, frequency or size of the contributions of the Parties under the Convention
	United States of America	1. In signing the Final Act, the United States recognizes that this negotiation has drawn to a close. 2. The United States strongly supports the conservation of biodiversity and, as is known, was an original proponent of a convention on this important subject. We continue to view international cooperation in this area as extremely desirable. 3. It is deeply regrettable to us that—whether because of the haste with which we have completed our work or the result of substantive disagreement—a number of issues of serious concern in the United States have not been adequately addressed in the course of this negotiation. As a result, in our view, the text is seriously flawed in a number of important respects. As a matter of substance, we find particularly unsatisfactory the text's treatment of intellectual property rights; finances, including, importantly, the role of the Global Environment Facility (GEF); technology transfer and biotechnology. 5. In addition, we are disappointed with the development of issues related to environmental impact assessments, the legal relationship between this Convention and other international agreements, and the scope of obligations with respect to the marine environment. 6. Procedurally, we believe that the hasty and disjointed approach to the preparation of this Convention has deprived delegations of the ability to consider the text as a whole before adoption. Further, it has not resulted in a text that reflects well on the international treaty-making process in the environmental field.
Convention on the Conservation of Migratory Species of Wild Animals	United Kingdom	The following territories are covered by the CMS: Isle of Man, Jersey; Guernsey; Bermuda; British Indian Ocean Territories; British Virgin Islands; Cayman Islands; Falkland Islands; Falkland Islands; Dependencies; Gibraltar; Montserrat; Pitcairn-Henderson-Ducie & Oeno Islands; St Helena; St Helena Dependencies; Turks & Caicos Islands; UK Sovereign Base Areas (Cyprus). <b>These territories are not covered by the CMS: Anguilla, British Antarctic Territory</b>
	Netherlands	Overseas territories of Aruba, Bonaire, Curaçao, Saba, Sint Eustatius and St Maarten
Convention on the International Trade in Endangered Species of Wild Fauna and Flora	St. Vincent & The Grenadines	28.02.1989: Added <i>Megaptera novaeangliae</i> (humpback whale) and <i>Eretmochelys imbricata</i> (marine turtle) to Appendix I
	Cuba	19.07.1990: Added <i>Chelonia mydas</i> and <i>Eretmochelys imbricata</i> (marine turtle) to Appendix I
	Suriname	15.02.1981: Added <i>Chelonia mydas</i> (marine turtle) (reservation not applicable to the Australian population) and <i>Dermochelys coriacea</i> (leatherback turtle) to Appendix I
	United Kingdom	17.05.1989: Added <i>Vulpes vulpes griffithii</i> , <i>Vulpes vulpes montana</i> , <i>Vulpes vulpes pusilla</i> (red foxes) and <i>Mustela erminea ferghanae</i> (weasel) to Appendix III 11.08.2000: Added <i>Mustela altaica</i> , <i>Mustela kathiah</i> and <i>Mustela sibirica</i> (weasels) to Appendix III
	France	22.02.1990: Added <i>Vulpes vulpes griffithii</i> , <i>Vulpes vulpes montana</i> , <i>Vulpes vulpes pusilla</i> (red foxes) and <i>Mustela erminea ferghanae</i> (weasels) to Appendix III 31.10.2000: Added <i>Mustela altaica</i> , <i>Mustela kathiah</i> and <i>Mustela sibirica</i> (weasel) to Appendix III
	Netherlands	29.06.1989: Added <i>Vulpes vulpes griffithii</i> , <i>Vulpes vulpes montana</i> , <i>Vulpes vulpes pusilla</i> (red foxes) and <i>Mustela erminea ferghanae</i> (weasels) to Appendix III 18.07.2000: Added <i>Mustela altaica</i> , <i>Mustela kathiah</i> and <i>Mustela sibirica</i> (weasels) to Appendix III
United Nations Convention of the Law of the Sea	Costa Rica	Upon signature (10 December 1982): The Government of Costa Rica declares that the provisions of Costa Rican law under which foreign vessels must pay for licences to fish in its exclusive economic zone, shall apply also to fishing for highly migratory species, pursuant to the provisions of articles 62 and 64, paragraph 2, of the Convention.

	Cuba	<p>Upon signature (10 December 1982): At the time of signing the Convention on the Law of the Sea, the Cuban Delegation declares that, having gained possession of the definitive text of the Convention just a few hours ago, it will leave for the time of the ratification of the Convention the issuing of any statement it deems pertinent with respect to articles: 287 -- on the election of the procedure for the settlement of controversies pertaining to the interpretation or implementation of the Convention; 292 -- on the prompt release of ships and their crews; 298 -- on the optional exceptions to the applicability of Section 2; as well as whatever statement or declaration it might deem appropriate to make in conformity with article 310 of the Convention."</p> <p>Upon ratification (15 August 1984): With regard to article 287 on the choice of procedure for the settlement of disputes concerning the interpretation or application of the Convention, the Government of the Republic of Cuba declares that it does not accept the jurisdiction of the International Court of Justice and, consequently, will not accept the jurisdiction of the Court with respect to the provisions of articles 297 and 298. With regard to article 292, the Government of the Republic of Cuba considers that once financial security has been posted, the detaining State should proceed promptly and without delay to release the vessel and its crew and declares that where this procedure is not followed with respect to its vessels or members of their crew it will not agree to submit the matter to the International Court of Justice.</p>
	France	<p>Upon signature (10 December 1982): 1. The provisions of the Convention relating to the status of the different maritime spaces and to the legal regime of the uses and protection of the marine environment confirm and consolidate the general rules of the law of the sea and thus entitle the French Republic not to recognize as enforceable against it any foreign laws or regulations that are not in conformity with those general rules. 2. The provisions of the Convention relating to the area of the sea-bed and ocean floor beyond the limits of national jurisdiction show considerable deficiencies and flaws with respect to the exploration and exploitation of the said area which will require rectification through the adoption by the Preparatory Commission of draft rules, regulations and procedures to ensure the establishment and effective functioning of the International Sea-Bed Authority. To this end, all efforts must be made within the Preparatory Commission to reach general agreement on any matter of substance, in accordance with the procedure set out in rule 37 of the rules of procedure of the Third United Nations Conference on the Law of the Seas. With reference to article 140, the signing of the Convention by France shall not be interpreted as implying any change in its position in respect of resolution 1514 (XV). 4. The provisions of article 230, paragraph 2, of the Convention shall not preclude interim or preventive measures against the parties responsible for the operation of foreign vessels, such as immobilization of the vessel. They shall also not preclude the imposition of penalties other than monetary penalties for any wilful and serious act which causes pollution.</p> <p>Upon ratification (11 April 1996): 1. France recalls that, as a State member of the European Community, it has transferred competence to the Community in certain matters covered under the Convention. A detailed statement of the nature and scope of the areas of competence transferred to the European Community will be made in due course in accordance with the provisions of Annex IX of the Convention. 2. France rejects declarations or reservations that are contrary to the provisions of the Convention. France also rejects unilateral measures or measures resulting from an agreement between States which would have effects contrary to the provisions of the Convention. 3. With reference to the provisions of article 298, paragraph 1, France does not accept any of the procedures provided for in Part XV, section 2, with respect to the following disputes:</p> <ul style="list-style-type: none"> <li>o Disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles;</li> <li>o Disputes concerning military activities, including military activities by government vessels and aircraft engaged in non-commercial service, and disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraph 2 or 3;</li> <li>o Disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations, unless the Security Council decides to remove the matter from its agenda or calls upon the parties to settle it by the means provided for in the Convention.</li> </ul>
	Guatemala	<p>Upon ratification (11 February 1997): [The Government of Guatemala] declares, that: (a) approval of the Convention by the Congress of the Republic of Guatemala shall under no circumstances affect the rights of Guatemala over the territory of Belize, including the islands, cays and islets, or its historical rights over Bahía de Amatique, and (b) accordingly, the territorial sea and maritime zones cannot be delimited until such time as the existing dispute is resolved.</p>



	Netherlands	<p>The Kingdom of the Netherlands hereby declares that, having regard to article 287 of the Convention, it accepts the jurisdiction of the International Court of Justice in the settlement of disputes concerning the interpretation and application of the Convention with States Parties to the Convention which have likewise accepted the said jurisdiction.</p> <p>B. OBJECTIONS: The Kingdom of the Netherlands objects to any declaration or statement excluding or modifying the legal effect of the provisions of the United Nations Convention on the Law of the Sea. This is particularly the case with regard to the following matters:</p> <p>I. Innocent passage in the territorial sea: The Convention permits innocent passage in the territorial sea for all ships, including foreign warships, nuclear-powered ships and ships carrying nuclear or hazardous waste, without any prior consent or notification, and with due observance of special precautionary measures established for such ships by international agreements.</p> <p>II. Exclusive economic zone 1. Passage through the exclusive economic zone: Nothing in the Convention restricts the freedom of navigation of nuclear-powered ships or ships carrying nuclear or hazardous waste in the exclusive economic zone, provided such navigation is in accordance with the applicable rules of international law. In particular, the Convention does not authorize the coastal State to make the navigation of such ships in the exclusive economic zone dependent on prior consent or notification.</p> <p>2. Military exercises in the exclusive economic zone: The Convention does not authorize the coastal State to prohibit military exercises in its exclusive economic zone. The rights of the coastal State in its exclusive economic zone are listed in article 56 of the Convention, and no such authority is given to the coastal State. In the exclusive economic zone all States enjoy the freedoms of navigation and overflight, subject to the relevant provisions of the Convention.</p> <p>3. Installations in the exclusive economic zone: The coastal State enjoys the right to authorize, operate and use installations and structures in the exclusive economic zone for economic purposes. Jurisdiction over the establishment and use of installations and structures is limited to the rules contained in article 56 paragraph 1, and is subject to the obligations contained in article 56 paragraph 2, article 58 and article 60 of the Convention.</p> <p>4. Residual rights: The coastal State does not enjoy residual rights in the exclusive economic zone. The rights of the coastal State in its exclusive economic zone are listed in article 56 of the Convention, and cannot be extended unilaterally.</p> <p>III. Passage through straits: Routes and sea lanes through straits shall be established in accordance with the rules provided for in the Convention. Considerations with respect to domestic security and public order shall not affect navigation in straits used for international navigation. The application of other international instruments to straits is subject to the relevant articles of the Convention.</p> <p>IV. Archipelagic States: The application of Part IV of the Convention is limited to a State constituted wholly by one or more archipelagos, and may include other islands. Claims to archipelagic status in contravention of article 46 are not acceptable. The status of archipelagic State, and the rights and obligations deriving from such status, can only be invoked under the conditions of part IV of the Convention.</p> <p>V. Fisheries: The Convention confers no jurisdiction on the coastal State with respect to the exploitation, conservation and management of living marine resources other than sedentary species beyond the exclusive economic zone. The Kingdom of the Netherlands considers that the conservation and management of straddling fish stocks and highly migratory species should, in accordance with articles 63 and 64 of the Convention, take place on the basis of international cooperation in appropriate subregional and regional organizations.</p> <p>VI. Underwater cultural heritage: Jurisdiction over objects of an archaeological and historical nature found at sea is limited to articles 149 and 303 of the Convention. The Kingdom of the Netherlands does however consider that there may be a need to further develop, in international cooperation, the international law on the protection of the underwater cultural heritage.</p> <p>VII. Baselines and delimitation: A claim that the drawing of baselines or the delimitation of maritime zones is in accordance with the Convention will only be acceptable if such lines and zones have been established in accordance with the Convention.</p> <p>VIII. National legislation: As a general rule of international law, as stated in articles 27 and 46 of the Vienna Convention on the Law of Treaties,</p>
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	Nicaragua	<p>Upon signature (9 December 1984): In accordance with article 310, Nicaragua declares that such adjustments of its domestic law as may be required in order to harmonize it with the Convention will follow from the process of constitutional change initiated by the revolutionary State of Nicaragua, it being understood that the Convention and the Resolutions adopted on 10 December 1982 and the Annexes to the Convention constitute an inseparable whole. For the purposes of articles 287 and 298 and of other articles concerning the interpretation and application of the Convention, the Government of Nicaragua shall, if and as the occasion demands, exercise the right conferred by the Convention to make further supplementary or clarificatory declarations.</p> <p>Upon ratification (3 May 2000): In accordance with article 310 of the United Nations Convention on the Law of the Sea, the Government of Nicaragua hereby declares: 1. That it does not consider itself bound by any of the declarations or statements, however phrased or named, made by other States when signing, accepting, ratifying or acceding to the Convention and that it reserves the right to state its position on any of those declarations or statements at any time. 2. That ratification of the Convention does not imply recognition or acceptance of any territorial claim made by a State party to the Convention, nor automatic recognition of any land or sea border. In accordance with article 287, paragraph 1, of the Convention, Nicaragua hereby declares that it accepts only recourse to the International Court of Justice as a means for the settlement of disputes concerning the interpretation or application of the Convention. Nicaragua hereby declares that it accepts only recourse to the International Court of Justice as a means for the settlement of the categories of disputes set forth in subparagraphs (a), (b) and (c) of paragraph 1 of article 298 of the Convention.</p>
	Panama	<p>Upon ratification (1 July 1996): The Republic of Panama, in depositing its instrument of ratification of the United Nations Convention on the Law of the Sea (adopted by Law No. 38 of 4 June 1996 and promulgated in Official Journal No. 23.056 of 12 June 1996), declares that it has exclusive sovereignty over the "historic Panamanian bay" of the Golfo de Panamá, a well-marked geographic configuration the coasts of which belong entirely to the Republic of Panama. It is a large indentation or inlet to the south of the Panamanian isthmus, where sea-waters superjacent to the seabed and subsoil cover the area between latitudes 7°28'00" North and 7°31'00" North and longitudes 79°59'53" and 78°11'40", both west of Greenwich, these being the positions of Punta Mala and Punta Jaqué respectively, west and east of the entrance of the Golfo de Panamá. This large indentation penetrates fairly deep into the Panamanian isthmus. The width of its entrance, from Punta Mala to Punta de Jaqué is some 200 kilometres and it penetrates inland a distance of 165 kilometres (measured from the imaginary line joining Punta Mala and Punta Jaqué to the mouths of the Rio Chico east of Panama City). Given its present and potential resources, the historic bay of the Golfo de Panamá is a vital necessity for the Republic of Panama, both in terms of security and defence (this has been the case since time immemorial) and in economic terms, as its marine resources have been utilized since ancient times by the inhabitants of the Panamanian isthmus. It is oblong in shape, with a coastal outline that roughly resembles a calf's head, and its coastal perimeter, which measures some 668 kilometres, is under the maritime control of Panama. According to this delimitation, the historic bay of the Golfo de Panamá has an area of approximately 30,000 square kilometres. The Republic of Panama declares that, in the exercise of its sovereign and territorial rights and in compliance with its duties, it will act in a manner compatible with</p>

	United Kingdom	<p>the provisions of the Convention and reserves the right to issue further statements on the Convention if necessary.</p> <p>Upon accession (25 July 1997):</p> <p>(a) General: The United Kingdom cannot accept any declaration or statement made or to be made in the future which is not in conformity with articles 309 and 310 of the Convention. Article 309 of the Convention prohibits reservations and exceptions (except those expressly permitted by other articles of the Convention). Under article 310 declarations and statements made by a State cannot exclude or modify the legal effect of the provisions of the Convention in their application to the State concerned.</p> <p>The United Kingdom considers that declarations and statements not in conformity with articles 309 and 310 include, inter alia, the following: those which relate to baselines not drawn in conformity with the Convention; those which purport to require any form of notification or permission before warships or other ships exercise the right of innocent passage or freedom of navigation or which otherwise purport to limit navigational rights in ways not permitted by the Convention; those which are incompatible with the provisions of the Convention relating to straits used for international navigation, including the right of transit passage; those which are incompatible with the provisions of the Convention relating to archipelagic states or waters, including archipelagic baselines and archipelagic sea lanes passage; those which are not in conformity with the provisions of the Convention relating to the exclusive economic zone or the continental shelf, including those which claim coastal state jurisdiction over all installations and structures in the exclusive economic zone or on the continental shelf, and those which purport to require consent for exercises or manoeuvres (including weapons exercises) in those areas; those which purport to subordinate the interpretation or application of the Convention to national laws and regulations, including constitutional provisions.</p> <p>(b) European Community: The United Kingdom recalls that, as a Member of the European Community, it has transferred competence to the Community in respect of certain matters governed by the Convention. A detailed declaration on the nature and extent of the competence to the European Community will be made in due course in accordance with the provisions of Annex IX of the Convention.</p> <p>(c) The Falkland Islands: With regard to paragraph (d) of the Declaration made upon ratification of the Convention by the Government of the Argentine Republic, the Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and over South Georgia and the South Sandwich Islands. The Government of the United Kingdom, as the administering authority of both Territories, has extended the United Kingdom's accession to the Convention and ratification of the Agreement to the Falkland Islands and to South Georgia and the South Sandwich Islands. The Government of the United Kingdom, therefore, rejects as unfounded paragraph (d) of the Argentine declaration.</p> <p>(d) Gibraltar: With regard to point 2 of the declaration made upon ratification of the Convention by the Government of Spain, the Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over Gibraltar, including its territorial waters. The Government of the United Kingdom, as the administering authority of Gibraltar, has extended the United Kingdom's accession to the Convention and ratification of the Agreement to Gibraltar. The Government of the United Kingdom, therefore, rejects as unfounded point 2 of the Spanish declaration.</p> <p>(e) Extent: These instruments of accession and of ratification extend to: The United Kingdom of Great Britain and Northern Ireland; The Bailiwick of Jersey; The Bailiwick of Guernsey; The Isle of Man; <b>Anguilla; Bermuda;</b> British Antarctic Territory; British Indian Ocean Territory; <b>British Virgin Islands; Cayman Islands;</b> Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; <b>St. Helena and Dependencies;</b> South Georgia and South Sandwich Islands; <b>Turks &amp; Caicos Islands</b></p> <p>Declaration made after accession</p> <p>12.01. 1998: Declaration on the choice of procedure under article 287: In accordance with Article 287, paragraph 1, of the United Nations Convention on the Law of the Sea, the United Kingdom of Great Britain and Northern Ireland chooses the International Court of Justice for the settlement of disputes concerning the interpretation or application of the Convention. The International Tribunal for the Law of the Sea is a new institution, which the United Kingdom hopes will make an important contribution to the peaceful settlement of disputes concerning the law of the sea. In addition to those cases where the Convention itself provides for the compulsory jurisdiction of the Tribunal, the United Kingdom remains ready to consider the submission of disputes to the Tribunal as may be agreed on a case-by-case basis.</p> <p>7.04.2003; Declaration pursuant to article 298, paragraph 1 of the United Nations Convention on the Law of the Sea: ".....the United Kingdom of</p>
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	Mexico	Declaration made after ratification (6 January 2003): Declarations under articles 287 and 298: In accordance with the terms of article 287 of the United Nations Convention on the Law of the Sea, the Government of Mexico declares that it chooses, in no order of preference, one of the following means for the settlement of disputes concerning the interpretation or application of the Convention: 1. The International Tribunal for the Law of the Sea established in accordance with annex VI; 2. The International Court of Justice; 3. A special arbitral tribunal constituted in accordance with annex VIII for one or more of the categories of disputes specified therein. "The Government of Mexico declares that, pursuant to article 298 of the Convention, it does not accept the procedures provided for in part XV, section 2, with respect to the following categories of disputes: 1. Disputes relating to sea boundary delimitations, or those involving historic bays or titles, pursuant to paragraph 1 (a) of article 298; 2. Disputes concerning military activities and the other activities referred to in paragraph 1 (b) of article 298.
Agreement for the Implementation of Provisions of the Convention Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks	France	<p>Upon signature: Declarations: 1. The Government of the French Republic recalls that the requirements for implementing the Agreement must be strictly in conformity with the 1982 United Nations Convention on the Law of the Sea. 2. The Government of the French Republic hereby declares that the provisions of article 21 and 22 apply only to maritime fishing operations. 3. These provisions cannot be regarded as capable of being extended to cover vessels engaged in maritime transport under another international instrument, or of being transferred to any instrument not dealing directly with the conservation and management of fisheries resources covered by the Agreement.</p> <p>Upon ratification: In accordance with article 47.1 of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (with two annexes), done at New York on 4 December 1995, of which the United Nations is the depository, and in accordance with article 5.2 of annex IX to the United Nations Convention on the Law of the Sea, the Government of the French Republic hereby declares that, as a member of the European Community, France has transferred competences dealt with in the Agreement to the European Community. These competences are listed in an annex to this declaration. The Government of the French Republic also confirms the content of the declarations made by the European Community upon ratification of the Agreement.[See declarations under "European Community".]</p> <p>Interpretative declarations: 1. In ratifying the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the Government of the French Republic declares that it considers that the Agreement constitutes an important effort to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks and to promote international cooperation to that end. 2. The Government of the French Republic understands that the terms "geographical particularities", "specific characteristics of the subregion or region", "socio-economic, geographical and environmental factors", "natural characteristics of that sea" or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under international law. 3. The Government of the French Republic understands that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas recognized by international law. 4. The Government of the French Republic understands that the term "States whose nationals fish on the high seas" shall not provide any new grounds for jurisdiction based on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction. 5. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transition period as referred to in article 21, paragraph 3. Thereafter, if no agreement has been reached, the States shall act only in accordance with the provisions provided for in articles 21 and 22 of the Agreement. 6. Regarding the application of article 21 of the Agreement, the Government of the French Republic understands that, when the flag State declares that it intends to exercise its authority, in accordance with article 19, over a fishing vessel flying its flag within the framework of an alleged violation committed on the high seas, the authorities of the inspecting State shall not purport to exercise any further authority under the provisions of article 21 over such a vessel. Any dispute related to this issue shall be settled in accordance with the procedures set forth in Part VIII of the Agreement (Peaceful settlement of disputes). No State may invoke this type of dispute to remain in control of a vessel which does not fly its flag for an alleged violation committed on the high seas. In addition, the Government of the French Republic considers that the word "unlawful" in article 21, paragraph 18, of the Agreement should be interpreted in the light of the whole Agreement, and, in particular, articles 4 and 35 thereof. 7. The Government of the French Republic reiterates that all States shall refrain in their relations from the threat or use of force in accordance with general principles of international law, the Charter of the United Nations and the United</p>

		<p>Nations Convention on the Law of the Sea. 8. In addition, the Government of the French Republic stresses that the use of force as referred to in article 22 constitutes an exceptional measure which must be based on the strictest compliance with the principle of proportionality and that any abuse thereof shall entail the international liability of the inspecting State. Any case of non-compliance must be resolved by peaceful means, in accordance with the applicable dispute-settlement procedures. It considers, moreover, that the relevant conditions for boarding and inspection should be further elaborated in accordance with the applicable principles of international law, within the framework of the appropriate subregional and regional fisheries management organizations and arrangements. 9. The Government of the French Republic understands that, in the application of the provisions of article 21, paragraphs 6, 7 and 8, the flag State may avail itself of its legal provisions under which the prosecuting authorities have the power to decide whether or not there are grounds for prosecution in the light of all the facts of the case. Decisions by the flag State based on such provisions must not be interpreted as failure to respond or to take action. 10. The Government of the French Republic declares that the provisions of articles 21 and 22 apply only to the sole sector of sea fishing. 11. The Government of the French Republic is of the view that the provisions of articles 21 and 22 could not be considered as liable to be extended to vessels engaged in maritime transport within the framework of another international instrument or to be transposed to any instrument that does not deal directly with the conservation and management of the fish resources dealt with in the Agreement.</p>
	Netherlands	<p>Upon signature: Declaration in respect of article 47: Upon signing the Agreement the Netherlands recalls that, as a Member State of the European Community, it has transferred competence to the Community with respect to certain matters governed by the Agreement. A detailed declaration on the nature and extent of the competence transferred to the European community has been made by the European Community on the occasion of its signature of the Agreement, in accordance with article 47 of the Agreement.</p> <p>Interpretative declarations made upon signature of the Agreement: [Same interpretative declarations, mutatis mutandis, as those made under European Community.]</p> <p>Upon ratification: "The Government of the Kingdom of the Netherlands recalls that as a member of the European Community it has transferred competence to the Community in respect of certain matters governed by the Agreement.... the Government of the Kingdom of the Netherlands [confirms] the declarations<sup>1</sup> made by the European Community upon ratification of the Agreement for the Implementing of the Provisions of the United Nations Convention on the Law of Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and Highly Migratory Fish Stocks. In this respect, ... [the Government of the Kingdom of the Netherlands confirms] the declarations<sup>1</sup> made by the European Community upon ratification of the Agreement for the Implementing of the Provisions of the United Nations Convention on the Law of Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. [See declarations under "European Community".]</p>
	United Kingdom	<p>1. The United Kingdom understands that the terms 'geographical particularities', 'specific characteristics of the sub-region or region', 'socio-economic geographical and environmental factors', 'natural characteristics of that sea' or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under international law,</p> <p>2. The United Kingdom understands that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas, recognized by international law,</p> <p>3. The United Kingdom understands that the term 'States whose nationals fish on the high seas' shall not provide any new grounds for jurisdiction based on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction,</p> <p>4. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transitional period as referred to in article 21 (3). Thereafter, if no agreement has been reached, States shall act only in accordance with the provisions provided for in articles 21 and 22 of the Agreement." Upon a request for clarification as to why the ratification of 3 December 1999 excluded the metropolitan territory of the United Kingdom of Great Britain and Northern Ireland, and subsequent consultations, the following additional declaration was provided by the United Kingdom of Great Britain and Northern Ireland on 10 December 2001:</p> <p>1. The United Kingdom is a keen supporter of the Straddling Fish Stocks Agreement. Legislation of the European Communities (Council decision 10176/97 of 8 June 1998) binds the United Kingdom as a matter of EC law to deposit its instrument of ratification in relation to the metropolitan territory simultaneously with the European Community and the other Member States. It is hoped that this event will take place later this year. The constraints imposed by that Council decision only apply in respect of the United Kingdom metropolitan territory and those overseas territories to which the EC treaties apply. 2. In the light of its temporary inability to ratify the Agreement in relation to the metropolitan territory, and the strong</p>

		<p>desire of the United Kingdom to implement the Agreement in respect of those overseas territories to which the EC treaty does not apply, because of the advantages it will bring to them, the United Kingdom lodged its instrument of ratification to the Agreement, with declarations, in respect of those overseas territories on 3 December 1999. 3. The United Kingdom is concerned that upon entry into force of the Agreement, the overseas territories covered by this ratification should enjoy the rights and obligations accruing under the Agreement. I would therefore be grateful if you would arrange for the above formal declaration to be circulated in order in order to make it clear to all concerned the nature of the United Kingdom's approach to ratification of this convention. ...Accordingly, the ratification was accepted in deposit on 10 December 2001, the date on which the second declaration was lodged with the Secretary-General.</p> <p>Upon deposit of the instrument of ratification by the United Kingdom of Great Britain and Northern Ireland, on behalf of the United Kingdom of Great Britain and Northern Ireland: [The Government of the United Kingdom has the honour to declare], in accordance with article 47 (1) of the Agreement (applying mutatis mutandis article 5 (2) and (6) of Annex IX of the United Nations Convention on the Law of the Sea 1982), that as a Member of the European Community, the United Kingdom has transferred competence to the European Community in respect of certain matters governed by the Agreement, which are specified in the Annex to this declaration. [See declarations under "European Community."/[The Government of the United Kingdom hereby confirms] the declarations made by the European Community upon ratification of the Agreement, and confirm that the interpretative declarations made by the European Community shall apply also to the United Kingdom's ratification of the said Agreement in respect of certain Overseas Territories, namely Pitcairn, Henderson, Ducie and Oeno Islands, Falkland Islands, South Georgia and South Sandwich Islands, <b>Bermuda, Turks &amp; Caicos Islands</b>, British Indian Ocean Territory, <b>British Virgin Islands and Anguilla</b>. [See declarations under "European Community.]</p>
	United States of America	<p>Declaration: "In accordance with article 30 (4) of the Agreement, the Government of the United States of America declares that it chooses a special arbitral tribunal to be constituted in accordance with Annex VIII of the United Nations Convention on the Law of the Sea of 10 December 1982 for the settlement of disputes pursuant to Part VIII of the Agreement."</p>
Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region	United States of America and United Kingdom	<p>Interpretive Statement: This Convention in no way alters international law relating to the sovereign immunity of any warship, naval auxiliary or other ship or aircraft owned or operated by a State and used for the time being only on government non-commercial service. However, each Contracting Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships or aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with the present Convention.</p>
Convention on Wetlands of International Importance Especially as Waterfowl Habitat		<p><b>None relevant to the WCR</b></p>
Cartagena Protocol on Biosafety	European Community	<p>The European Community declares that, in accordance with the Treaty establishing the European Community, and in particular Article 175(1) thereof, it is competent for entering into international agreements, and for implementing the obligations resulting therefrom, which contribute to the pursuit of the following objectives: preserving, protecting and improving the quality of the environment; protecting human health; prudent and rational utilisation of natural resources; promoting measures at international level to deal with regional or worldwide environmental problems. Moreover, the European Community declares that it has already adopted legal instruments, binding on its Member States, covering matters governed by this Protocol, and will submit and update, as appropriate, a list of those legal instruments to the Biosafety Clearing House in accordance with Article 20(3)(a) of the Cartagena Protocol on Biosafety. The European Community is responsible for the performance of those obligations resulting from the Cartagena Protocol on Biosafety which are covered by Community law in force. The exercise of Community competence is, by its nature, subject to continuous development.</p>
International Plant Protection Convention	Cuba	<p>Declaration and reservation made upon ratification:  Declaration: "... the provisions contained in Article XI of the International Plant Protection Convention are contrary to the Declaration on the granting of independence to colonial countries and peoples (United Nations General Assembly Resolution 1514 of 14 December 1960) which proclaims the necessity of bringing to a speedy and unconditional end colonialism in all forms and manifestations."    Reservation: "... Cuba does not consider itself bound by the provisions in Article IX, believing that any differences in interpretation or implementation of the convention between parties must be solved by direct negotiation through diplomatic channels.</p>



	Suriname	On 22 April 1977, the Director-General received from Suriname a formal declaration of succession stating that Suriname considers itself bound by the Convention, which had been previously declared applicable to
	United States of America	United States of America accepted the amended Convention (1997) subject to the following understandings:  "(1) RELATIONSHIP TO OTHER INTERNATIONAL AGREEMENTS. - The United States understands that nothing in the amended Convention is to be interpreted in a manner inconsistent with, or alters the terms or effect of, the World Trade Organization Agreement on the Application of Sanitary or Phytosanitary Measures (SPS Agreement) or other relevant international agreements.  (2) AUTHORITY TO TAKE MEASURES AGAINST PESTS. - The United States understands that nothing in the amended Convention limits the authority of the United States, consistent with the SPS Agreement, to take sanitary or phytosanitary measures against any pest to protect the environment or human, animal, or plant life or health.  (3) ARTICLE XX ('TECHNICAL ASSISTANCE'). - The United States understands that the provisions of Article XX entail no binding obligation to appropriate funds for technical assistance."
International Convention for the Control and Management of Ships' Ballast Water and Sediments (GloBallast)		None relevant to WCR
Convention on the Control of Harmful Anti-fouling Systems by Ships		
World Heritage Convention	Netherlands	<b>With an extension to the Netherlands Antilles.</b>
Food Aid Convention		
Agreement on the Importation of Educational, Scientific and Cultural Materials	United States of America	The ratification is subject to the reservation contained in the Protocol annexed to the Agreement.
	Netherlands	Extension to Suriname, and Aruba
	United Kingdom	Extends to Turks and Caicos Islands, Cayman Islands, Montserrat, Anguilla, British Virgin Islands
Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques		No relevant ratifications