

## **Final Act of the Conference of Plenipotentiaries of the Northeast Pacific Regional Seas Programme**

1. At its nineteenth session, the Governing Council of United Nations Environment Programme (UNEP) requested the Executive Director, within the context of the UNEP regional seas programme, and taking account of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities<sup>1</sup>, to assist the Governments of the Northeast Pacific in negotiating a regional agreement for the development and implementation of a plan of action for the protection and sustainable development of the marine and coastal environment of the Northeast Pacific (decision 19/14, of 7 February 1997).
2. At its twentieth session, in decision 20/20 of 4 February 1999, the UNEP Governing Council endorsed the action taken in facilitating the establishment of a proposed regional seas programme for the Northeast Pacific, and took note of the wide support by the Governments concerned. The Council also invited the Governments of Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama to endorse the proposed meeting of high-level government-designated experts to review the proposals for a regional framework convention and plan of action for the protection and sustainable development of the marine and coastal environment of the Northeast Pacific region.
3. In accordance with the mandate given by the Governing Council, the first Meeting of High-Level Government-Designated Experts was held in Panama City from 5 to 8 September 2000, at the kind invitation of the Government of Panama. That meeting examined the proposals for a draft convention and a draft plan of action for the Northeast Pacific region, and prepared preliminary elements thereof.
4. The draft text of the convention was reviewed and amended by the second session of the Meeting of High-Level Government-Designated Experts for the Proposed Northeast Pacific Regional Seas Programme, which was held in Managua, Nicaragua, from 19 to 23 March 2001. At that session, the experts also amended and approved the draft Action Plan and the programme of work for the period 2001-2006. They requested UNEP to prepare a strategy incorporating the components of the plan, which would be an integral part of the Plan of Action.
5. At the third session of the Meeting of High-Level Government-Designated Experts, held in Panama from 6 to 9 August 2001, the experts reviewed a third draft of the proposed Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific and approved the

draft, as amended. The Meeting also approved the text of the Plan of Action, without amendments.

6. Upon the kind invitation by the Government of the Republic of Guatemala, the Executive Director of UNEP convened the Conference of Plenipotentiaries on the Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific in Guatemala, on 18 February 2002.

7. The session was opened by Mr. Jorge Illueca, Assistant Executive Director, UNEP Division of Environmental Conventions, speaking on behalf of Mr. Klaus Töpfer, Executive Director of UNEP.

8. At the inaugural ceremony, the Conference heard a welcome address by Mr. Sergio Laverreda, Vice-Minister of Environment and Natural Resources of Guatemala.

9. Representatives of the following States and regional integration organizations participated in the Conference: Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the Central American Integration System.

10. Observers from the following States attended the Conference: Canada, United States of America.

11. The following United Nations bodies, specialized agencies and convention secretariats were represented by observers: Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, Secretariat of the United Nations; UNEP Coordination Office of the Global Programme of Action (GPA) for the Protection of the Marine Environment from Land-based Activities; Secretariat of the Cartagena Convention for the Protection and Development of the Environment of the Wider Caribbean Region.

12. The following intergovernmental organizations were represented by observers: Central American Commission on Maritime Transport (COCATRAM).

13. The meeting elected, by acclamation, the following officers to form its Bureau:  
President: Mr. Rodolfo Tejeda (Guatemala)  
Vice-President: Mr. Alfonso Pefla (Colombia)  
Rapporteur: Mr. Hugo Guzmán (Mexico)

14. The Conference, on the basis of the provisional agenda contained in document UNEP(DEC)/NEP/Plenipot./1, adopted the following agenda:

1. Opening of the Conference of Plenipotentiaries.

2. Organization of the conference:
  - a. Election of the officers of the Conference;
  - b. Adoption of the agenda;
  - c. Organization of work.
3. Presentation of the credentials of the representatives.
4. Report of the Third Session of the Meeting of High-Level Government Designated Experts for the Proposed Regional Seas Programme for the Northeast Pacific.
5. Transfer to the Convento de las Capuchinas in the city of Antigua, Guatemala for the signing ceremony of the Convention.
6. Signing ceremony.
7. Other matters.
8. Closure of the meeting.
9. Reception offered by the Government of Guatemala.

15. The Conference agreed to work in its entirety without establishing any subsidiary body, except for the Credentials Committee.

16. The Conference had before it, as a basis for its work, the following documents:

- a. The report of the Third Session of the Meeting of High-Level Government-Designated Experts for the Proposed Regional Seas Programme for the Northeast Pacific, document UNEP(DEC)/NEP/Plenipot./2;
- b. The Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific, document UNEP(DEC)/NEP/Plenipot./3;
- c. The Plan of Action for the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific, document UNEP(DEC)/NEP/Plenipot./4.

17. The Conference appointed a Credentials Committee, consisting of the following members, to examine, with the assistance of the secretariat, the credentials of the representatives at the Conference: Ms. Jenny Asch (Costa Rica); Mr. José Luis Dominguez (Guatemala); and Mr. Abel Salazar (El Salvador).

18. The representative of Colombia made the following statement: (to be completed)

19. The representative of Mexico made the following statement: (to be completed).

20. The representative of Nicaragua announced his Government's intention to sign the Convention, with the following reservation and interpretive declaration: (to be completed)

21. The representative of El Salvador announced the Government's intention to sign the Convention, with the following reservation and interpretive declaration: (to be completed)

22. The representatives of Costa Rica, Guatemala, Honduras, and Panama, in their statements, announced their Governments' intention to sign the Convention.

23. The secretariat made a clarification concerning the reference to the regional economic integration organizations and confirmed that they were in fact parties to various conventions. He cited the examples of the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Flora and Fauna, and the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, to all of which the European Union was a party. The secretariat noted that such regional economic integration organizations exercise the rights and perform the obligations, which its member States would otherwise have, on problems relating to which compliance has been transferred to them by those member States.

24. The Conference approved the recommendation of the Credentials Committee that the credentials of the representatives of the participating States, as listed in paragraph 9 above, should be recognized as being in due form.

25. At the Convento de las Capuchinas, in the city of Antigua, Mr. Tejeda, President of the meeting, formally presented to the Conference the text of the Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific, as agreed to at the Third Session of High-Level Government-Designated Experts for the proposed regional seas programme for the Northeast Pacific.

26. The Conference adopted, on 18 February 2002, the Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific and its Plan of Action. The Convention, which is included in appendix I to this Final Act, will be opened for signature in the city of Antigua, Guatemala, on 18 February 2002 and at Guatemala City from 19 February 2002 to 18 February 2003.

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Antigua, Guatemala, on this eighteenth day of February, two thousand and two, in one original in the English and Spanish languages, all texts being equally authentic. The original of the Final Act shall be deposited with the Government of the Republic of Guatemala.

President of the Conference:  
Rodolfo TEJEDA

Representatives of the following States and regional integration organizations signed the Final Act: COLOMBIA, COSTA RICA, EL SALVADOR, GUATEMALA, HONDURAS, MEXICO, NICARAGUA, PANAMA, CENTRAL AMERICAN INTEGRATION SYSTEM