



# United Nations Environment Programme



UNEP(DEC)/MED WG.270/Inf.28  
8 July 2005

ENGLISH  
ORIGINAL: ENGLISH

---



## MEDITERRANEAN ACTION PLAN

Meeting of Map Focal Points

Athens (Greece), 21-24 September 2005

### DRAFT GUIDELINES FOR THE AMENDMENT OF ANNEXES II AND III TO THE SPA PROTOCOL

*For reasons of economy, this document will be available  
in a limited number at the meeting.  
You are kindly requested to bring your copy to the meeting.*

Note : The designations employed and the presentation of the material in this document do not imply the expression of any opinion whatsoever on the part of UNEP or RAC/SPA concerning the legal status of any State, Territory, city or area, or of its authorities, or concerning the delimitation of their frontiers or boundaries. The opinions expressed in this information document are those of the author and do not necessarily represent the views of UNEP.

© 2005 United Nations Environment Programme  
Mediterranean Action Plan  
Regional Activity Centre for Specially Protected Areas (RAC/SPA)  
B.P.337 –1080 Tunis CEDEX  
E-mail : [car-asp@rac-spa.org](mailto:car-asp@rac-spa.org)

The original version (English) of this document has been prepared by RAC/SPA supported by its consultant Mr. Giuseppe Notarbartolo di Sciara and a working group gathered at the premises of the IUCN Centre for Mediterranean Cooperation (Campanillas, Malaga 13-15 December 2004)

## FOREWORD

Since the adoption of Annexes II and III to the SPA Protocol in 1996, the RAC/SPA has set out some guidelines, including draft common criteria, for the amendment of Annexes II and III to the SPA & Biodiversity Protocol. Such actions, following Contracting Parties recommendations, have been developed considering that changes in the status of populations and in taxonomy may occur along time.

The RAC/SPA took into account the procedures in the Barcelona Convention, as well as similar procedures within the framework of other international conventions and / or organizations (as reflected in document UNEP(DEC)/MED WG.232/Inf.11), for the elaboration of the document UNEP(DEC)/MED WG.268/09, presented to the seventh NFP meeting to the SPA & Biodiversity Protocol (Seville, 31 May - 3 June 2005) NFP. The steps undertaken were described in document UNEP(DEC)/MED WG.268/Inf.13.

Taking into consideration the various questions of substance, form and timing raised by the participants to the above mentioned meeting regarding the legal implications of such a process, the document will be further elaborated along the next biennium through incorporating inputs based on comments communicated in writing to RAC/SPA by all the Contracting Parties.

Also an standard annotated proposal form for amendments and an evaluation process for each amendment proposal would be prepared and tested by RAC/SPA during the next biennium, upon approval by the Contracting Parties Meeting next November 2005, and taking into account both the Contracting Parties and relevant conventions/intergovernmental organisations advise.

Meanwhile, as agreed during the last NFP meeting in Seville, the RAC/SPA adapted the document UNEP(DEC)/MED WG.268/09 with further inputs and observations from the NFP to SPA, in order to present a more consensual ongoing version to the MAP focal point meeting to be held in Athens on September 2005. It was agreed at that meeting that, being a document still to be further elaborated, the document would be an information one and not for adoption yet.



## **A. ELABORATION PROCESS**

### **A.1. BACKGROUND**

The SPA Protocol aims to protect, preserve and manage in a sustainable and environmentally sound way, areas of particular natural and cultural value, as well as threatened or endangered species of flora and fauna. This is to be achieved through the establishment of specially protected areas and the adoption of measures to protect and manage species with a view to maintaining or restoring them to a favourable state of conservation.

The annex II and III to the SPA Protocol concern respectively the List of Endangered or Threatened Species and the List of Species whose Exploitation is Regulated. These two annexes were elaborated during a meeting of experts, held in Montpellier (France) from 22 to 25 November 1995. The draft annexes elaborated by the above-mentioned meeting were reviewed by the Third Meeting of the National Focal Points for Specially Protected Areas (Tunis, 25-27 March 1996). Finally, these two annexes were adopted by the Contracting Parties in a Plenipotentiary Meeting, held in Monaco on 24 November 1996.

Under Article 16 b, the Protocol invites the Parties to adopt common criteria for the amendment of the Protocol Annexes, as provided for in Article 14 of the Protocol itself. The RAC/SPA has prepared in the recent past a series of documents and working papers to provide baseline information for such task.

Article 12 of the Protocol ("Cooperative measures for the protection and conservation of species") specifies that Annexes II and III to the Protocol, relating to the List of Endangered or Threatened Species and the List of Species whose Exploitation is Regulated, are provided to assist Parties in the protection and conservation species of flora and fauna, and of maintaining them in a favourable state of conservation, also through cooperative measures.

Subsequently, a programme of work was implemented by the RAC/SPA to make further progress on the issue, with the intent of submitting draft criteria for revision by the National Focal Points and, later on, to the 14<sup>th</sup> Meeting of the Contracting Parties to the Barcelona Convention.

### **A.2. ACTIONS UNDERTAKEN BY RAC/SPA**

The above mentioned programme of work involved initially the preparation of an information note on "Guidelines for the amendment of the annex II and III to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean" (presented to the 6<sup>th</sup> SPA NFP meeting as UNEP(DEC)/MED WG.232/Inf 11) and the further preparation of a discussion document by a consultant, entitled: "Criteria for the amendment of Annexes II and III to the Mediterranean SPA

Protocol: a discussion paper”, which was submitted to the RAC/SPA on July 2004, and which provided the background for the discussion and the drafting work.

A meeting was envisaged by the RAC/SPA to address the drafting of the guidelines, including criteria for the amendment of the Annexes and jointly organised with the IUCN Centre for Mediterranean Cooperation.

## **1. Experts meeting**

The meeting took place from 13-15 December 2004 at the premises of IUCN Centre for Mediterranean Cooperation, located in the Technological Park of Andalucia, Campanillas, Malaga. Representatives from both institutions, experts in the subject to be discussed, as well as three SPA Focal points were invited to participate in the documents elaboration.

### *a. Participants to the meeting:*

- Mr. Ameer Abdulla, IUCN Med
- Mr. Juan Antonio Camiñas, Fisheries Expert, IEO
- Mr. Daniel Cebrian Menchero, RAC/SPA International Expert
- Mr. Eliezer Frankenberg, Israel Focal Point
- Ms. Paloma Garzon, on behalf of Spain Focal Point
- Ms. Maria Giménez Casalduero, Legal Counsellor to the RAC/SPA
- Ms. Myroula Hadjichristoforou, Cyprus Focal Point
- Mr. Giuseppe Notarbartolo di Sciara, RAC/SPA Consultant
- Ms. Alison Rosser, IUCN Species Survival Commission
- Mr. Jean-Christophe Vié, IUCN Expert
- Mr. François Simard, IUCN Med
- Mr. Jamie Skinner, IUCN Med

### *b. Elaboration of documents*

The proposed criteria and the procedure for the amendment of the Annexes, as well as the information containing the elaboration process were drafted.

## **2. Final process**

The drafts were made available to all the attendants to the meeting for a final round of comments and further revision until 31 March 2005. After that date, RAC/SPA elaborated the final version of two drafts, presented to the 7th SPA National Focal Points Meeting as working document and information document respectively.

## **B. DRAFT GUIDELINES**

### **B.1. GENERAL PRINCIPLES**

The Contracting Parties agree that the following general principles will guide their work in the choice of species to be included in Annexes II and III to the Protocol, and in amending such Annexes:

1) the Annexes to this Protocol relating to the List of Endangered or Threatened Species and the List of Species whose Exploitation is Regulated are provided to assist Parties in managing species of flora and fauna, also through cooperative measures, with the aim of the protection and conservation of the flora and fauna, and of maintaining them in a favourable state of conservation.

2) No limit is imposed on the total number of species included in the Annexes or on the number of species any individual Party can propose for listing. Nevertheless, the Parties agree that species will be selected according to the best scientific basis available and included in the Annexes according to their conservation status or the degree of threat acting on the conservation status of their populations; Following the Protocol, they will have therefore to fulfil the requirements set out by the present criteria.

3) The cooperation with other regional and international organisations that have also adopted list of species is recommended. Particularly those including species that are listed in the Annexes II and III, may help a better implementation of the Protocol on that regard.

4) The updated IUCN Red List Categories and Criteria are now used as standard practice by many international organisations concerned with the conservation of species and biodiversity. In order to promote uniformity and stability, it is recommended to initially base on them the assessment of the status of species to be included in the Annexes..<sup>1</sup>

5) The order in which the criteria are listed below does not imply priority.

---

<sup>1</sup> (a) IUCN. 2001. IUCN Red List categories and criteria. Version 3.1. Species Survival Commission, Gland. (b) IUCN. 2003. Guidelines for Application of IUCN Red List Criteria at Regional Levels. Version 3.0. Species Survival Commission, Gland. Both documents can be downloaded from: [http://www.redlist.org/info/categories\\_criteria.html](http://www.redlist.org/info/categories_criteria.html)

## **B.2. DEFINITION OF TERMS HEADING THE LISTS INCLUDED IN ANNEXES II AND III**

### **1. Definition of endangered and threatened species**

Although the definitions of the different categories of threat in the IUCN Red List are different from those of the Protocol, in this case it is important to apply the latter. This will not prevent in any way from using the IUCN categories and criteria as a guideline, as indicated above. However, it must be noted that in the Protocol the distinction between endangered and threatened is unclear and it seems desirable that the point be clarified in the future. The Protocol provides (Article 1) the following definitions for endangered and threatened species:

“Endangered species means any species that is in danger of extinction throughout all or part of its range. Threatened species means any species that is likely to become extinct within the foreseeable future throughout all or part of its range and whose survival is unlikely if the factors causing numerical decline or habitat degradation continue to operate.”

Such definitions are confusing because the difference between the two is unclear, and the definition of threatened seems like a repetition of that of endangered. To further clarify this point, it is considered for future amendments of the lists in the SPA Protocol the corresponding definitions in the SPAW Protocol (Cartagena Convention):

“Endangered species are species or sub-species of fauna and flora, or their populations, which are in danger of extinction throughout all or part of their range and whose survival is unlikely if the factors jeopardizing them continue to operate. Threatened species are species or sub-species of fauna and flora, or their populations: (i) that are likely to become endangered within the foreseeable future throughout all or part of their range if the factors causing numerical decline or habitat degradation continue to operate; or (ii) that are rare because they are usually localized within restricted geographical areas or habitats or are thinly scattered over a more extensive range and which are potentially or actually subject to decline and possible endangerment or extinction.”

### **2. Definition of exploitation**

It is necessary to better define herein the term “exploitation” used in the protocol list. There are many ways in which this term can be considered. Exploitation may be lethal/consumptive, or non lethal/non consumptive. Consumptive exploitation can be directed or accidental. The Protocol text does not provide for such distinctions; however, considering the original choice of the species listed in Annex III, it would seem that only consumptive exploitation was considered when the current listing was made. The meaning of the term should be enlarged to be all-inclusive, given that, for conservation purposes, what matters is the population status of any given species, resulting from the effects of exploitation of all kinds.



### **B.3. CRITERIA**

1. A species may be considered for inclusion in the Annexes on the basis of the evaluation of its status, showing population decline, range reduction, fragmentation level, or vulnerability to human and other environmental factors.
2. It is recommended that the IUCN Red List Criteria be applied in a regional Mediterranean context as a guiding tool for the inclusion of species in the Annexes. A species may be considered for inclusion in Annex II if through the application of the IUCN Criteria at a regional level it falls under one of the following Categories of threat: Critically Endangered, Endangered, Vulnerable or Data Deficient.
3. A species should be considered for inclusion in Annex III when it is known, inferred or projected that unless its exploitation is subject to regulation, it will fall under the categories of endangered or threatened species according to the Protocol.
4. A species may be considered for inclusion in the Annexes if it is included in other relevant conservation instruments.
5. When considering a species for inclusion in the Annexes, lack of full scientific certainty should not be invoked as a reason for postponing its inclusion, which should be guided by the best interest of the conservation of the species.
6. Any Party may propose the inclusion in the Annexes of a species which is endemic to its jurisdiction, in consideration of the importance of regional cooperation for the species' conservation.
7. A species that is threatened outside the Mediterranean region, and that is known to occasionally or marginally occur in the Mediterranean, may be considered for inclusion in the Annexes.
8. A proposal for listing in the Annexes should generally be confined to the level of species. The inclusion of a taxon in an Annex covers all lower taxa and populations within said taxon. Exceptions may be considered if this would improve the conservation status of the species. Annexes may include taxa higher than species when reasonable inference exists that all lower taxa have similar justifications for being listed, or to avoid problems of misidentification caused by similarity in the appearance between species.
9. Different populations of the same species may exceptionally be considered for inclusion in both Annexes if this will improve the conservation status of the species.
10. If the taxonomic position of a species listed in the Annexes has changed due to specialist revising work, the Annexes should be updated accordingly, to ensure that any inconsistency or ambiguity deriving from taxonomic reshuffling is solved, and that the taxon continues to be subject to the appropriate conservation or management considerations. A footnote will indicate the species name or position used upon the

first inscription, but regarding procedures such updating will not be considered as an amendment

11. Species, such as marine phanerogams, that are essential for the creation and/or maintenance of fragile and vulnerable habitats and ecosystems which also support threatened species, may be included in the Annexes.

12. Exceptionally, a non-threatened species may be considered for inclusion in Annex III if the exploitation of that species, or the degradation of the habitat it helps to create or sustain, impacts on a species which is listed in Annex II.

13. When indicated by changes in the conservation status of a listed species, such species should be considered for transfer between or, exceptionally, removal from the Annexes.

#### **B.4. LEGAL STATUS**

1. As provided for in Article 12 of the Protocol, Parties shall adopt cooperative measures to ensure the protection and conservation of the species listed in the Annexes, which include the List of Endangered or Threatened Species and the List of Species whose Exploitation is Regulated.

2. The Parties shall ensure the maximum possible protection and recovery of the species of fauna and flora listed in the Annex relating to the List of Endangered or Threatened Species by adopting at the national level the measures provided for in paragraphs 3 and 5 of Article 11 of the Protocol.

3. The Parties, in cooperation with competent international organizations, shall take all appropriate measures to ensure the conservation of the species listed in the Annex relating to the List of Species whose Exploitation is Regulated while at the same time authorizing and regulating the exploitation of these species so as to ensure and maintain their favourable state of conservation.

#### **B.5. PROCEDURES FOR LISTING**

1. The Parties may revise Annexes II and III, as provided for in article 23 of the Convention.

2. Based on Article 2 of the Protocol, species may be listed if they currently occupy, or occupied historically, habitats comprised within the geographic coverage of the Protocol.

3. Proposals for inclusion in, or exclusion from, the Annexes may be submitted either by any Party or by the Regional Activity Centre for Specially Protected Areas.

4. The procedure for inclusion of the proposed species in, or exclusion from, an Annex is the following:

(a) Parties submitting proposals for inclusion of species in, or exclusion from, an Annex shall provide the Regional Activity Centre for Specially Protected Areas with a written proposal, including an appropriately detailed justification for inclusion according to the above criteria. The proposal should reach the Centre at least 100 days prior to the National Focal Points Meeting;

(b) for each species, the Centre shall review, as appropriate, the original proposal according to the criteria. If the proposal is found to be consistent with the criteria, it will be submitted together with comments and eventual recommendations for its conservation to the National Focal Point Meeting, which shall examine the eligibility of the species for inclusion/exclusion on/from the list;

(c) after evaluation by the National Focal Points, as provided for in article 14 of the Protocol, the Regional Activity Centre for Specially Protected Areas shall prepare a report, based on the National Focal Points Meeting proposals, including draft amended lists for each Annex. The report will be submitted to the Party making the proposal as well as to the Meeting of the Contracting Parties;

(d) The Party making the proposal will present it to the Meeting of the Contracting Parties, accompanied by the report prepared by the Regional Activity Centre for Specially Protected Areas

(e) the Meeting of the Parties shall decide whether to include/exclude the species in the appropriate Annexes. Upon adoption, for sake of clarity, the heading of every amended Annex will contain the date of amendment.

## **B.6. MONITORING, CONSERVATION AND MANAGEMENT MEASURES**

1. Conservation or management objectives should be clearly defined in a proposal for the inclusion in the Annexes of any species, and should be based on an adequate knowledge.

2. In the case of shortcomings in basic knowledge, a proposal for inclusion of species in the Annexes should contain a programme for the collection of the necessary data and information.

3. Upon inclusion in Annex II, a species should be subject to the preparation of a conservation plan targeting either the species, or its habitat, or both.

4. Upon inclusion in Annex III, a species will have to be subject to the preparation of a management plan.

5. Conservation or management measures for species newly included in Annexes II or III should take into account existing action plans and/or management plans for the species or their habitats, when applicable.

6. Reviews of the status of the species listed in the Annexes, and assessments of the effectiveness of measures taken to implement conservation or management plans, shall be performed periodically through research and monitoring programmes, as provided for in Article 20 of the Protocol.

7. Upon the result of the status reviews and the report of the Contracting Parties, the Centre is requested to suggest recommendations for future action.