

**EC-GCC CO-OPERATION:
PREPARATION OF A STRATEGY ON BIODIVERSITY AND THE
ESTABLISHMENT OF PROTECTED AREAS FOR THE ROPME AND
PERSGA REGIONS**

**PERSGA
PROTOCOL CONCERNING THE CONSERVATION OF BIOLOGICAL
DIVERSITY AND THE ESTABLISHMENT OF PROTECTED AREAS**

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PREAMBLE

The Contracting Parties,

Being Parties to the Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment, adopted in 1982, and its associated Protocol (hereinafter referred to as 'the Convention');

Conscious of the continued pressures on the marine and coastal areas and their ecosystems within their respective territories and elsewhere, due to the process of urbanization, population growth, economic development, and other factors which may result in substantial decline of biodiversity, and of the need to provide co-operative and effective measures to deal with and minimize them;

Stressing the importance of safeguarding biodiversity and, as appropriate, improving the state of the natural and cultural heritage of the PERSGA region, in particular through the enhancement of specially protected marine and coastal areas and also by the protection and conservation of threatened species, on a national and regional basis to deal with this problem in a comprehensive manner;

Recognizing that adoption and eventual ratification/accession of the Protocol will provide many national, regional and global benefits including: contribution to the conservation of endemic, migratory, regional and globally significant species of fauna and flora; reduction of the loss and degradation of coastal and marine ecosystems in the region; enhancement of socio-economic development in the region, through the sustainable use of coastal and marine resources, including fishing and tourism; facilitation of the development and implementation of integrated coastal and marine resource management procedures; assistance to other regions in the preparation of similar legal frameworks for access to, sustainable use of, and equitable sharing of the benefits developed from, their genetic resources and; improvement of regional collaboration, particularly concerning issues of a trans-boundary nature and by providing vehicles for public awareness, education and research;

Considering the principles enunciated in instruments adopted by the United Nations Conference on Environment and Development and particularly the Convention on Biological Diversity (Rio de Janeiro, 1992), including the Jakarta Mandate and its five thematic themes, as well as the instruments of other relevant international agreements and programme of actions dealing directly or indirectly with biodiversity conservation and specially protected areas;

Conscious that when there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be invoked as a reason for postponing measures to avoid or minimize such a threat;

Reaffirming that all States shall cooperate to conserve, protect and restore the health and integrity of marine and coastal ecosystems and that in view of the different contributions to global environmental degradation, States have common but differentiated responsibilities, and that developed countries have acknowledged the responsibility that they bear in the international pursuit to sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command;

Have agreed as follows:

PART 1. GENERAL PROVISIONS

ARTICLE 1: OBJECTIVES

1. To provide for the conservation, protection and restoration of the health and integrity of the ecosystems and biological diversity in the PERSGA region;
2. To safeguard the threatened species, the critical habitats, sites of particular importance, as well as representative types of coastal and marine ecosystems, their biodiversity and their sustainable use and management, to ensure long-term viability and diversity.

ARTICLE 2: USE OF TERMS

For the purpose of this Protocol the following terms and expressions have the meanings indicated below, except when otherwise inferred from the text:

1. 'Competent Authority' (otherwise 'National Focal Point'): means the authority designated by each Contracting Party, as responsible for the coordination for implementing this protocol;
2. 'Biological diversity' ('biodiversity'): means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
3. 'Biological resources': means genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity;
4. 'Biotechnology': means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use;
5. 'Carrying capacity': means the capacity of a natural system, such as a coral reef, to support tourism, recreation or other human activities, according to physical, ecological and socioeconomic criteria;
6. 'Contracting Parties': means those Parties which have become party to this Protocol;
7. 'Convention': means the Regional Convention for Conservation of the Red Sea and Gulf of Aden Environment, 1982;
8. 'Council': Council of the Organization;
9. 'Ecosystem': means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;
10. 'Endemic species': means any species believed to occur only in a specified geographic region in the wild;
11. 'Genetic resources': means genetic material of actual or potential value;
12. 'Habitat': means the place or type of site where an organism or population naturally occurs;
13. **In land water (according to UNCLOS as it been suggested at the meeting):** waters on the landward side of the baseline of the territorial sea from part of the internal waters of the state;
14. 'Organization': means the Regional Organization for the Conservation of the Red Sea and Gulf of Aden (PERSGA);
15. 'Protected area': means a geographically defined costal and marine areas that are designated or regulated and managed to achieve specific conservation objectives;
16. 'Protocol': The Protocol Concerning the Conservation of Biological Diversity and Establishment Protected Areas;
17. 'Sustainable use': means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations;

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18. 'Technology': means the practice, description and terminology of any or all of the applied sciences which have practical and/or industrial use, including biotechnology;
19. 'Threatened species': means any taxon whose survival is significantly jeopardized by human activities or other factors. It is a collective term encompassing the following IUCN (The World Conservation Union) categories: Critically Endangered (taxa facing an extremely high risk of extinction in the wild), Endangered (taxa facing a very high risk of extinction in the wild) and Vulnerable (taxa facing a high risk of extinction in the wild).

ARTICLE 3: AREA OF APPLICATION

The Protocol shall include the Sea Areas as defined in the Convention, together with the waters on the landward side of the baselines from which the breadth of the territorial sea of the Contracting Parties is measured.. The terrestrial coastal areas, the saltwater marshes communicating with the sea, and any terrestrial coastal areas designated by each of the Contracting Parties, including wetlands, shall also be included.

ARTICLE 4: GENERAL OBLIGATIONS

Contracting Parties shall take all appropriate measures to:

1. Protect, conserve and manage their natural biological diversity with particular emphasis on threatened species;
 2. Protect, preserve and manage in an environmentally sound and sustainable manner areas that are unique, highly sensitive or regionally representative, notably by the establishment of protected areas;
 3. Adopt strategies, plans and programmes for the conservation of biodiversity and the sustainable use and management of marine and coastal biological resources;
 4. Adopt appropriate planning, management and supervision including legislation and monitoring measures for the protected areas, including contingency plans for environmental emergencies;
 5. Adopt comprehensive Environmental Impact Assessment (EIAs) to evaluate the suitability of proposed mariculture operations, assess their consequences for coastal and marine biological diversity and promote techniques which minimize adverse impacts;
 6. Control land-based and sea-based sources of pollution that pose a significant impact on habitats and species;
 7. Ensure that systems of coastal and/or land-use and tenure provide for inter-generational equity and are consistent with the principles for conservation and sustainable resource use and management; and
 8. Designate Competent Authorities responsible for the fulfillment of the obligations and duties specified in the Protocol.
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PART 2. PROTECTION AND CONSERVATION OF SPECIES

ARTICLE 5: LIST OF THREATENED SPECIES

1. Contracting Parties shall provide inventories of threatened species, if applicable, , adopting internationally recognized criteria to define these species. These inventories shall constitute Annex 1 to this Protocol.
2. Contracting Parties shall consider developing and applying common, preferably quantitative criteria to determine species which are threatened at the regional level, as appropriate.
3. Contracting Parties shall periodically provide an account of measures being undertaken to conserve populations of threatened species, if applicable. , The effectiveness of such measures will be assessed using common criteria, and plans for additional action may be established as necessary;
4. The status of internationally recognized threatened species, as well as the nature and magnitude of impacts threatening their survival, should be monitored periodically by Contracting Parties according to common criteria such as population size, extent of occurrence, number of mature individuals and estimated immediacy of extinction. Adopt comprehensive Environmental Impact Assessments (EIAs) to assess the suitability of proposed mariculture operations and to minimize harmful environmental consequences;

ARTICLE 6: LIST OF SPECIES WHOSE EXPLOITATION IS REGULATED

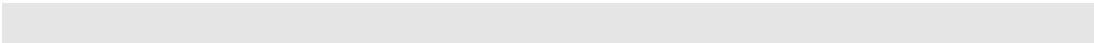
Contracting Parties shall provide periodically lists of aquatic commercial and/or cultural, species such as shells used for local trade, species of local importance and/or other harvested species whose exploitation is regulated by this Protocol. The lists shall include their population status and measures for restoration of population decline, if applicable. These lists shall constitute Annex 2 to this Protocol.

ARTICLE 7: MAINTENANCE OF THREATENED SPECIES AND SPECIES OF ECONOMIC/CULTURAL IMPORTANCE

1. Contracting Parties shall endeavor to maintain sustainable fisheries and sustainable populations of other harvested species, *inter alia* by adopting as appropriate regional and national fisheries policies and plans, and by protecting critical life cycle stages of key fishery species including shrimps. These stages include nursery, development, and spawning in feeding areas, as well as known shelter areas;
2. Contracting Parties shall make every effort to safeguard the habitats of threatened species and species of economic/cultural importance, and to limit impacts to these species and associated habitats caused directly or indirectly by human activities;
3. Contracting Parties shall pursue conservation actions for these species at regional level, as appropriate, because a number of them are migratory. Contracting Parties shall regulate recreational activities, such as hunting, and provide conservation measures for threatened Species and species of economic/cultural importance.

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ARTICLE 8: ALIEN SPECIES AND GENOTYPES

1. Contracting Parties shall prevent the introduction to the wild of non-indigenous or genetically modified species and prohibit those that may have harmful impacts on the ecosystems, habitats or species, and regulate those already introduced which are causing damage;
 2. Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species.)
 3. Contracting Parties shall periodically provide a report for each alien species or genotype, in accordance with a common regional format.
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PART 3. PROTECTION OF SELECTED REGIONALY REPRESENTATIVE MARINE AND COASTAL AREAS

ARTICLE 9: ESTABLISHMENT OF THE LIST OF PROTECTED AREAS OF IMPORTANCE TO THE PERSGA REGION

1. In order to promote cooperation in the management and conservation of natural areas, as well as in the protection of threatened species and their habitats, the Contracting Parties shall draw up a 'List of Protected Areas of Importance to the PERSGA region', hereinafter referred to as the 'PERSGA PA List';
2. The PERSGA PA List shall include sites which:
 - (a) are of importance for conserving the components of biological diversity in the PERSGA region;
 - (b) contain ecosystems specific to the PERSGA region or the habitats of threatened species;
 - (c) are of special interest at the scientific, aesthetic, cultural or education levels, such as coral reefs and mangroves, or lakes, marshes and khors that connect to the sea directly, as well as nursery grounds for shrimp and migratory fish;
 - (d) include zones that help in the promotion of sustainable fisheries, the conservation of biodiversity and/or the maintenance of ecosystem functioning;
 - (e) contribute to a regional network or system of protected areas.
3. The Contracting Parties agree:
 - (a) to recognize the importance of the protected areas for the PERSGA region;
 - (b) to comply with the measures applicable to the PERSGA PA List and not to authorize nor undertake any activities which might be contrary to the objectives for which the PERSGA PA List was established or contrary to the objectives of this Protocol.

ARTICLE 10: PROCEDURE FOR THE ESTABLISHMENT AND LISTING OF PERSGA PAS

1. PERSGA PAs may be established, following the procedure provided for in paragraph 2 to 4 of this Article and Annex 3, in the marine and coastal zones subject to the sovereignty or jurisdiction of the Contracting Parties;
2. Proposals for inclusion in the List may be submitted by the Contracting Party concerned, if the area is situated in zone already delimited, over which it exercises sovereignty or jurisdiction; by one nearby country or more of the contracting parties concerned in areas are partly or wholly in high seas.

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3. Contracting Parties making proposals for inclusion in the PERSGA PA List shall provide the Organization with an introductory report containing information on the area's geographical location, its physical and ecological characteristics, its legal status, its management plans and the means for their implementation, as well as a statement justifying its importance to the PERSGA region:

Proposals made under paragraph 2 of this Article shall indicate the protection and management measures applicable to the area as well as the means of their implementation.

4. The procedure for including the proposed area in the PERSGA PA List is the following:
- (a) for each area, the proposal shall be submitted to the National Competent Authority of contracting party concerned, which shall examine its conformity with the common guidelines and criteria adopted pursuant to Article 18 of this Protocol;
 - (b) if a proposal made in accordance with paragraph 2 of the Article is consistent with the guidelines and common criteria, after assessment, the Organization shall inform the meeting of the Contracting Parties, which shall decide to include the area in the PERSGA PA List;
5. The Contracting Parties which proposed the inclusion of the area in the List shall implement the conservation and sustainable use measures specified in their proposals in accordance with paragraph 3 of this Article. The Contracting Parties undertake to observe the rules thus laid down. The Organization shall inform the competent international organizations of the List and of the measures taken in the PERSGA PAs as appropriate.
6. The Contracting Parties may revise the PERSGA PA List. To this end, the Organization shall submit and updated annual report to contracting party;

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ARTICLE 11: MANAGEMENT OF SPECIALLY PROTECTED AREAS

1. Contracting Parties shall make every reasonable and practical effort to safeguard protected areas from the environmental and other impacts which threaten their persistence. All measures and requirements for this Protocol are applicable to the management of protected areas, with special consideration to the following:
 - (a) maintenance of threatened species, or species of economic/cultural importance;
 - (b) management of special habitats;
 - (c) restoration of ecosystems and populations of species.

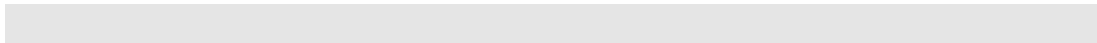
2. Contracting Parties shall develop and implement management plans for marine and coastal protected areas according to internationally recognized criteria according to criteria specified in Article 18 of this Protocol.

ARTICLE 12: INVENTORIES OF AREAS OF SPECIAL IMPORTANCE

Contracting Parties are encouraged to provide inventories for areas of special importance, such as areas containing fragile ecosystems, reservoirs of biological diversity and important habitats for threatened species as well as fishery and other species of socio-economic importance and cultural heritage endangered. The characteristics shall be monitored within areas of special importance as appropriate. Identification of such areas might facilitate the selection of sites for possible inclusion in PERSGA PA List.

ARTICLE 13: MANAGEMENT OF SPECIAL HABITATS

Contracting Parties shall adopt and comply with special conservation measures for special habitats as detailed in Annex 4, in order to minimize possible adverse ecological effects from human activities.



PART 4 PROVISIONS COMMON TO PROTECTED AREAS, HABITATS AND SPECIES

ARTICLE 14: INTEGRATED COASTAL AREA MANAGEMENT

The Contracting Parties shall consider adopting and applying principles of integrated coastal area management, to provide an umbrella mechanism for biodiversity conservation, marine protected area management and sustainable resource use as appropriate. Requirements for the application of these principles include but are not limited to the following:

1. Integration of biodiversity conservation and environmental considerations at an early stage in national and regional economic planning as appropriate.
2. Recognition of the fact that sustainability requires the need to maintain the integrity of coastal systems and that this implies limits to the use of resources generated by these systems. Water management projects, including management of wetlands connected to the sea and inland water, must also be taken into consideration;
3. An understanding that the carrying capacity of marine and coastal systems to support tourism, recreation and other human activities is variable but not infinite, and strongly influences the degree of sustainability of these systems;
4. Development of integrated management criteria that allow the use of natural resources by different users and avoid conflict of activities.
5. A balanced broadscale zoning of the PERSGA region targeting, in particular the establishment and management of protected areas.

ARTICLE 15: ENVIRONMENTAL IMPACT ASSESSMENT

1. The Contracting Parties shall endeavor to broaden the scope and strengthen the role of EIA as a mechanism for minimizing biodiversity and habitat loss, as follows:

1. shall be a requirement for any new project or activity likely to have significant impact on coastal and marine biodiversity and habitat in the area, or wider area defined by this Protocol;
 2. shall extend to all major components of biodiversity and their bioeconomic value, integrated with social, cultural and economic value, and assessments made over the long-term as well as the short-term;
2. Contracting Parties are encouraged to exchange information and undertake consultation with other concerned Parties where proposed national projects/activities are likely to have transboundary impacts on biological diversity in other Parties;

ARTICLE 16: RESTORATION OF ECOSYSTEMS AND POPULATIONS OF SPECIES

Contracting Parties shall consider, when appropriate, restoring ecosystems and species, taking in account the following:

1. Internationally or regionally recognized guidelines for re-introductions, action plans for the conservation of species and/or other conservation protocols;

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2. the costs and benefits of environmental restoration should extend to consideration of artificial habitats.
3. Periodical monitoring of the effectiveness of restoration programmes according to national priorities and capability.

ARTICLE 17: GUIDELINES AND COMMON CRITERIA

The Contracting Parties shall adopt:

- (a) Common criteria for the inclusion of additional species, covered by in Annexes 1 and 2;
- (b) Common criteria for the choice of protected marine and coastal areas that could be included in the PERSGA PA List as detailed in Annex 3;
- (c) Common criteria for assessment of other species, habitats and ecosystems included in this Protocol;
- (d) Common criteria shall be developed and adopted to determine when an ecosystem or population of a species is sufficiently degraded to merit restoration;
- (e) Guidelines for the establishment and management of specially protected areas, as detailed in Annex 3;
- (f) Guidelines for the management of special habitats, as detailed in Annex 4;

The common criteria and guidelines referred to in paragraphs (a) and (c) to (e) may be amended by the meeting of the Contracting Parties on the basis of a proposal made by one or more of the Contracting Parties. The Organization shall communicate the text of any amendment to the Contracting States at least 6 months before the meeting.



PART 5. OTHER PROVISIONS

ARTICLE 18: ACCESS TO GENETIC RESOURCES

Contracting Parties shall adopt the following to help ensure appropriate and equitable access to genetic resources:

- (a) Recognizing the sovereign rights of Parties over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation;
- (b) Each Contracting Party shall endeavor to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties, if applicable and not to impose restrictions that run counter to the objectives of this Protocol;
- (c) For the purpose of this Protocol, the genetic resources being provided by a Contracting State, as referred to in this Article, are only those that are provided by Contracting Parties that are countries of origin of such resources or by the Parties or States that have acquired the genetic resources in accordance with this Provision;
- (d) Access, where granted, shall be on mutually agreed terms and subject to the provisions of this Article;
- (e) Access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party;
- (f) Each Contracting Party shall endeavor to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with the full participation of, and where possible in, such Contracting Parties;

ARTICLE 19: ACCESS TO, TRANSFER AND HANDLING OF TECHNOLOGY

1. Access to, and transfer of, technology

Contracting Parties shall adopt the following, to ensure appropriate and reasonable access to and transfer of technology:

- (a) Each Contracting Party, recognizing that technology includes biotechnology, and that both access to and transfer of technology among Contracting Parties are essential elements for the attainment of the objectives of this Protocol, undertakes subject to the provisions of this Article to provide and/or facilitate access for and transfer to other Contracting Parties of technologies that are relevant to the conservation and sustainable use of biological diversity or make use of genetic resources and do not cause significant damage to the environment;
- (b) Access to and transfer of technology referred to in paragraph 1 above to developing countries shall be provided and/or facilitated under fair and most favorable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with financial mechanisms associated with this Protocol. In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with paragraphs (c), (d) and (e) below;
- (c) Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that Contracting Parties, which provide genetic resources are provided access to and transfer of technology which makes use of those resources,

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on mutually agreed terms, including technology protected by patents and other intellectual property rights, where necessary, and in accordance with international law and consistent with paragraphs (d) and (e) below;

- (d) Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that the private sector facilitates access to, joint development and transfer of technology referred to in paragraph 1 above for the benefit of both governmental institutions and the private sector of developing countries and in this regard shall abide by the obligations included in paragraphs (a), (b) and (c) above;
- (e) The Contracting Parties, recognizing that patents and other intellectual property rights may have an influence on the implementation of this Protocol, shall co-operate in this regard subject to national legislation and international law in order to ensure that such rights are supportive of and do not run counter to its objectives.

2. Handling of Biotechnology and Distribution of its Benefits

Contracting Parties shall adopt the following measures concerning the handling of biotechnology and distribution of its benefits:

- (a) Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, to provide for the effective participation in biotechnological research activities by those Contracting Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties;
- (b) Each Contracting Party shall take all practicable measures to promote and advance priority access on a fair and equitable basis by Contracting Parties, to the results and benefits arising from biotechnologies based upon genetic resources provided by those Contracting Parties. Such access shall be on mutually agreed terms;
- (c) Contracting Parties shall consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biodiversity; and
- (d) Each Contracting Party shall, directly or by requiring any natural or legal person under its jurisdiction providing the organisms referred to in paragraph 3 above, provide any available information about the use and safety regulations required by that Contracting Party in handling such organisms, as well as any available information on the potential adverse impact of the specific organisms concerned to the Contracting Party into which those organisms are to be introduced.

**ARTICLE 20: SCIENTIFIC AND TECHNICAL CO-OPERATION AND
ASSISTANCE**

1. The Contracting Parties shall promote regional technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through PERSGA, and if applicable, international cooperation;
2. The regional technical and scientific cooperation in implementing this Protocol, *inter alia*, through the development and implementation of national policies. In promoting such cooperation, special attention should be given to the development and strengthening of national capabilities, by means of human resources development and institution building;
3. The Organization shall be used as a mechanism to promote and facilitate technical and scientific cooperation;

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4. The Contracting Parties, if applicable, in accordance with national legislation and policies, encourage and develop, where appropriate, methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Protocol. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts;
5. The Contracting Parties shall, subject to mutual agreement, promote the establishment of joint research programs for the development of technologies relevant to the objectives of this Protocol.

ARTICLE 21: RESEARCH AND INFORMATION EXCHANGE

The Contracting Parties shall facilitate the exchange of information within the region, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity;

ARTICLE 22: ENVIRONMENTAL AWARENESS

1. Contracting Parties shall give appropriate publicity to the establishment of protected areas, their boundaries, applicable regulations, and to the designation of protected species, their habitats and applicable regulations;
2. Contracting Parties shall endeavor to inform the public of the interest, value and vulnerability of protected areas and species. . Such information may be included in education programs. Contracting Parties shall also endeavor to promote the participation of their public and their conservation organizations in measures that are necessary for the protection of the areas and species concerned as appropriate.
3. In this contest contracting Parties shall also give attention to species that congregate in the PERSGA region at particular times of the year, which include certain threatened species.

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ARTICLE 23: REPORTS TO PARTIES

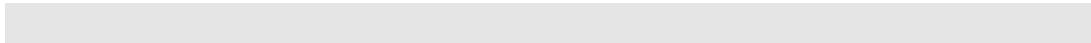
Contracting Parties shall submit to ordinary meetings of the Parties a report on implementation of this Protocol, in particular on:

- (a) Threatened Species;
- (b) harvested species whose exploitation is regulated, including species of economic/cultural importance;
- (c) alien species and genotypes;
- (d) the status and state of areas included in the PERSGA SPA List;
- (e) any changes in the delimitation or legal status of the PERSGA SPAs and protected species;
- (f) areas of special importance which are not (currently) included in the PERSGA SPA List.

ARTICLE 24: ANNEXES

Annexes are integral part of this protocol;

The procedures for amendments to Annexes to this Protocol shall be those set forth in Article XXI of the Convention;



PART 6. INSTITUTIONAL PROVISIONS

ARTICLE 25: RESPONSIBILITIES OF THE ORGANIZATION

The Organization shall, *inter-alia*:

- (a) communicate with Competent Authorities “Focal Points” in the Contracting Parties on the application of the Protocol;
- (b) provide training of national specialists, particularly for monitoring and implementation of the provisions of the Protocol;
- (c) arrange upon request, for the provision of legal and technical assistance and advice to the Contracting Parties for the effective implementation of the Protocol;
- (d) enhance the regional capabilities and networks for the exchange of data and information of relevance to the Protocol;
- (e) establish a common monitoring system for the Protected Areas and species;
- (f) Develop a regional awareness programme in cooperation with the contracting parties;
- (g) prepare periodical reports on the implementation of the Protocol and present them to the Council and the Focal Point;
- (h) establish and maintain liaison and co-ordination with relevant regional and international organizations and conventions including but not limited to CBD, Ramsar, and UNEP
- (i) perform such other functions as may be assigned to it by the Council for the implementation of the Protocol;
- (j) co-ordinate with the United Nations Environment Program – Regional Office for West Asia (UNEP/ROWA), which assists with the provision and exchange of technical information, in particular countries that are part of UNEP/ROWA;
- (k) implement deliberations of the Jeddah MoU signed between UNEP, the Council of Arab Ministers Responsible for the Environment (CAMRE), PERSGA and ROPME (May 1999).

ARTICLE 26: COMPETENT AUTHORITIES “FOCAL POINTS”

Each contracting Party shall designate a competent Authorities “Focal Point” to serve as a liaison with the Organization for technical and scientific aspects of the implementation of this Protocol. The Competent Authorities “Focal Points” shall meet periodically to coordinate all issues activities related to this Protocol

PART 7. FINAL PROVISIONS

**ARTICLE 27: EFFECT OF THE PROTOCOL ON NATIONAL
LEGISLATION**

The provisions of this Protocol shall not affect the rights of Contracting Parties to adopt relevant stricter national measures for its implementation, provided they are compatible with its terms. (to be provided by Mootaz Ahmadin)

ARTICLE 28: SIGNATURE

This Protocol shall be open for signature in XXXXXXXX ON XXX XXX 20XX and in XXXXXXXX from XXX XXX 20XX to XXX XXX 20XX by any Contracting Party to the Convention.

ARTICLE 29: RATIFICATION, ACCEPTANCE OR APPROVAL

This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of XXXXXX, which will assume the functions of Depository.

ARTICLE 30: ENTRY INTO FORCE

1. The present Protocol, shall enter into force on the thirtieth day following the day of deposit of at least four instruments of ratification, acceptance or approval of, or accession to the Protocol.
2. This Protocol shall enter into force with respect to any party on the thirtieth day following the date of deposit by that party of the instrument of ratification, acceptance, approval or accession.

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PART 8. ANNEXES

ANNEX 1: LIST OF THREATENED SPECIES

(list to be provided by each Contracting Party)

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ANNEX 2: LIST OF SPECIES WHOSE EXPLOITATION IS REGULATED

(list to be provided by each Contracting Party)

**ANNEX 3: COMMON CRITERIA FOR THE CHOICE OF MARINE AND COASTAL
AREAS THAT COULD BE INCLUDED IN THE PERSGA PA LIST**

A. GENERAL PRINCIPLES

The Contracting Parties agree that the following general principles will guide their work in establishing the PERSGA PA List:

- a) The conservation and sustainable use of natural heritage is the basic aim that must characterize a PERSGA PA List.
- b) No limit is imposed on the total number of areas included in the PERSGA PA List or on the number of areas any individual Party can propose for inscription.
Nevertheless, the Contracting Parties agree that sites will be identified and selected on a scientific basis and included in the List according to their qualities; they will have therefore to fulfil the requirements set out by the Protocol and the present criteria;
- c) The listed PERSGA PAs and their geographical distribution will have to be representative of the PERSGA region and its biodiversity. To this end the PERSGA PA List will have to represent the highest number of habitats and ecosystems;
- d) The PERSGA PAs will have to constitute the core of a network aiming at the effective conservation of the natural heritage of the PERSGA region. To attain this objective, the Contracting Parties will develop their cooperation on bilateral and multilateral bases in the field of conservation and management of natural sites and notably through the establishment of transboundary PERSGA PAs;
- e) The sites included in the PERSGA PA List are intended to have value as examples and models for the protection of natural heritage of the region. To this end, the Contracting Parties ensure that sites included in the List are provided with adequate legal status, protection measures and management methods and resources.

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B. GENERAL FEATURES OF THE AREAS THAT COULD BE INCLUDED IN THE PERSGA SPA LIST

1. To be eligible for inclusion in the PERSGA PA List, an area must fulfill at least one of the general criteria set in Article 10 paragraph 2 of the Protocol
2. The importance to the region is a basic requirement of an area for being included in the PERSGA PA List. The following criteria should be used in evaluating the PERSGA region interest of an area:
 - (a) Uniqueness
The area contains unique or rare ecosystems, or rare or endemic species;
 - (b) Natural representativeness
The area contains highly representative ecological processes, or community or habitat types or other natural characteristics. Representativeness is the degree to which an area represents a habitat type, ecological process, biological community, physiographic feature of other natural characteristic;
 - (c) Diversity
The area has a high diversity of species, communities, habitats or ecosystems;
 - (d) Naturalness
The area has a high degree of naturalness as a result of the lack of low level of human-induced disturbance and degradation;
 - (e) Presence of habitats that are critical to threatened or endemic species;
 - (f) Cultural representativeness
The area has high representative value with respect to cultural heritage.
3. To be included in the PERSGA PA List, an area having landscapes or seascapes, scientific, educational or aesthetic interest must, respectively, present a particular value for research in the field of natural sciences or for activities of environmental education or awareness or contain outstanding natural features..
4. Besides the fundamental criteria specified in Article 10, paragraph 2 of the Protocol, a certain number of other characteristics and factors may be considered as favorable for the inclusion of the site in the List. These include:
 - (a) the existence of present or potential threats likely to impair the ecological, biological, aesthetic or cultural value of the area;
 - (b) the involvement and active participation of the stakeholders in the process of planning and management of the area;
 - (c) the existence of an integrated coastal management plan and/or the principles of integrated coastal area management as set forth in Article 15 of the Protocol.

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C. LEGAL STATUS

1. All areas eligible for inclusion in the PERSGA SPA List must be awarded a national legal status guaranteeing their effective long-term protection.
2. To be included in the PERSGA SPA List, an area previously delimited over which a Contracting Party exercises sovereignty or jurisdiction must have a protected status recognized by the State concerned, for example in instances when the area was delimited by the State during an earlier period, or by a different SovereignParty.

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D. PROTECTION, PLANNING AND MANAGEMENT MEASURES

1. Conservation and management objectives must be clearly defined (in the texts) relating to each site, and will constitute the basis for assessment of the adequacy of the adopted measures and the effectiveness of the implementation when revisions of the PERSGA PA List are being considered. (PERSGA Sec.: redraft with consistence to article 11)
2. Planning, protection and management measures applicable to each area must be adequate for the achievement of the conservation and management objectives set for the site in the short and long term, and take in particular account the threats upon it.
3. Planning, protection and management measures applicable to each area must be based on an adequate knowledge of the elements of the natural environment and of socio-economic and cultural factors that characterize each area. In case of shortcomings in basic knowledge, an area proposed for inclusion in the PERSGA SPA List must have a program for the collection of the unavailable data and information.
4. The competence and responsibility with regard to administration and implementation of conservation measures for areas proposed for inclusion in the PERSGA PA List must be clearly defined.
5. To be included in the PERSGA PA List, a protected area is excepted to have a management body with sufficient powers to prevent and/or control activities which are likely to be contrary to the aims of the protected area.
6. To be included in the PERSGA PA List, an area will require a management plan. The rules of this management plan are to be laid down as from the date of inclusion on the PERSGA PA List and implemented immediately. A detailed management plan must be presented within five years of said date of inclusion. Failure to respect this obligation will entail considering removal of the site from the List.
7. To be included in the PERSGA PA List, an area will require a monitoring plan. This program should include the identification and monitoring of a certain number of parameters for the area in question, in order to allow the assessment of the state and evolution of the area, as well as the effectiveness of protection and management measures implemented, so that they may be adapted if need be. To this end further necessary studies are to be commissioned.

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**ANNEX 4: CONSERVATION MEASURES REQUIRED BY CONTRACTING PARTIES IN
SPECIAL HABITATS**

1. Special conservation measures should be instituted by Contracting Parties in mangroves, saltmarshes and seagrasses:
 - (a) All regulations dealing with coastal/land use practices and human activities, such as dredging and landfilling, need to be strictly adhered to in areas containing mangroves, saltmarshes and seagrasses. In particular, construction of harbours, roads, piers wharves and bridge abutments need to be carefully designed to avoid creating changes in the natural water circulation patterns in these habitats. Engineering designs need to ensure that not only seawater exchange but also that freshwater inflow to these areas is unaffected. This is particularly critical for mangrove areas.
 - (b) Land use regulations need to be established and enforced that limit any development of mangrove areas in view of their importance to conservation and fisheries.
 - (c) Fishing activities in seagrass beds, especially trawling practices, may need to be modified or prohibited, to prevent damage to this habitat. Because some seagrass beds of the PERSGA region are used by the dugong, special restrictions may need to be placed on fishing in these dugong feeding areas to avoid disturbing this vulnerable marine mammal.
 - (d) The longstanding use of mangroves for fuel or fodder for livestock in the region needs to be carefully managed so that mangroves can sustain this use.
 - (e) These measures should complement requirements of contracting parties as set out in existing international environmental agreements on wetlands.
2. Special conservation measures should be followed by Contracting Parties in areas of intertidal mud and sand (flats) and oyster banks:
 - (a) The importance of these habitats to birds and other organisms makes it critical to minimize destruction of these areas. Land filling is particularly destructive to these areas and needs to be prohibited or very strictly regulated by Contracting Parties.
 - (b) To avoid contamination of the food sources attracting large numbers of wintering and migrating birds to these habitats, efforts need to be taken by Contracting Parties to minimize the chance of oil spills and other water pollutants in areas containing these habitats.
3. The following special conservation measures should be followed by Contracting Parties in coral reef areas:
 - (a) It is particularly important that sewage disposal plants place their marine outfalls away from reefs, since a heavy nutrient load can kill the corals and associated species. Notwithstanding the need to stop all release of sewage to the sea and to adopt a policy of total recycling of treated effluents, emergency sewage outfalls should be built away from coral reef and oyster bank areas. In addition, disposal of freshwater runoff from storm drain systems which can adversely affect corals because of their sensitivity to changes in salinity should be prohibited or restricted.
 - (b) Measures using latest technologies need to be adopted during dredging and landfilling, to limit sedimentation, which is highly damaging to coral reefs and other photosynthetic marine ecosystems in the region.
 - (c) The discharge of heated effluents into the sea needs to be strongly discouraged in coral reef areas due to their sensitivity to water temperature changes. Existing

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facilities may also need to introduce some cooling of their effluents if they are released in coral reef areas.

- (d) Limits need to be placed on the harvesting of corals and on fishing activities in reef areas so that coral reefs in the region can sustain yields of valuable species. Boating practices also need to be managed so that boats do not anchor on reefs and cause damage.
- (e) Recreational use of coral reefs needs to be carefully managed so that reef environments are not damaged by practices such as spear-fishing, coral and shell collecting or boat anchoring.
- (f) Special attention is needed in the establishment and management of mariculture farms in the vicinity of coral reefs and other sensitive environments, to minimize nutrient loading and other adverse ecological effects.