

# CONVENTION ON CONSERVATION OF NATURE IN THE SOUTH PACIFIC

Adopted at Apia on 12 June 1976

Entered into force 26 June 1990

The Contracting Parties,

*Having* in mind the Principles set out in the Declaration adopted by the United Nations Conference on the Human Environment at Stockholm in June 1972;

*Convinced* of the urgency for action inspired by these Principles, especially in relation to the maintenance of the capacity of the earth to produce essential renewable natural resources, the safeguarding of representative samples of natural ecosystems, and the safeguarding of the heritage of wildlife and its habitat;

*Conscious* of the importance of natural resources from a nutritional, scientific, educational, cultural and aesthetic point of view;

*Conscious* also of the dangers threatening these irreplaceable resources;

*Recognizing* the special importance in the South Pacific of indigenous customs and traditional cultural practices and the need to give due consideration to such matters;

*Desirous* of taking action for the conservation, utilization and development of these resources through careful planning and management for the benefit of present and future generations;

Have agreed as follows:

## *Article I*

For the purpose of this Convention:

- a) "Protected area" means national park or national reserve;
- b) "National park" means an area established for the protection and conservation of ecosystems containing animal and plant species, geomorphological sites and habitats of special scientific, educative and recreational interest or a natural landscape of great beauty, which is under the control of the appropriate public authority and open to visits by the public;
- c) "National reserve" means an area recognized and controlled by the appropriate public authority and established for protection and conservation of nature, and includes strict nature reserve, managed nature reserve, wilderness reserve, fauna or flora reserve, game reserve, bird sanctuary, geological or forest reserve, archaeological reserve and historical reserve, these being reserves affording various degrees of protection to the natural and cultural heritage according to the purposes for which they are established.

## *Article II*

1. Each Contracting Party shall, to the extent that it is itself involved, encourage the creation of protected areas which together with existing protected areas will safeguard representative samples of the natural ecosystems occurring therein (particular attention being given to endangered species), as well as superlative scenery, striking geological formations, and regions and objects of aesthetic interest or historic, cultural or scientific value.

2. Each Contracting Party shall notify the body charged with the continuing bureau duties under this Convention of the establishment of any protected area and of the legislation and the methods of administrative control adopted in connection therewith.

### *Article III*

1. The boundaries of national parks shall not be altered so as to reduce their areas, nor shall any portions of such parks be capable of alienation, except after the fullest examination.
2. The resources of national parks shall not be subject to exploitation for commercial profit, except after the fullest examination.
3. The hunting, killing, capture or collection of specimens (including eggs and shells) of the fauna and destruction or collection of specimens of the flora in national parks shall be prohibited, except when carried out by or under the direction or control of the appropriate authorities or for duly authorized scientific investigations.
4. Provision shall be made for visitors to enter and use national parks, under appropriate conditions, for inspirational, educative, cultural and recreative purposes.

### *Article IV*

National reserves shall be maintained inviolate, as far as practicable, it being understood that in addition to such uses as are consistent with the purposes for which a national reserve was established, permission may be given to carry out scientific investigations.

### *Article V*

1. The Contracting Parties shall, in addition to the protection given to indigenous fauna and flora in protected areas, use their best endeavours to protect such fauna and flora (special attention being given to migratory species) so as to safeguard them from unwise exploitation and other threats that may lead to their extinction.
2. Each Contracting Party shall establish and maintain a list of species of its indigenous fauna and flora that are threatened with extinction. Such lists shall be prepared as soon as possible after this Convention has come into force and shall be communicated to the body charged with the continuing bureau duties under this Convention.
3. Each Contracting Party shall protect as completely as possible as a matter of special urgency and importance the species included in the list it has established in accordance with the provisions of the last preceding paragraph. The hunting, killing, capture or collection of specimens (including eggs and shells) of such species shall be allowed only with the permission of the appropriate authority. Such permission shall be granted only under special circumstances, in order to further scientific purposes or when essential for the maintenance of the equilibrium of the ecosystem or for the administration of the area in which the animal or plant is found.
4. Each Contracting Party shall carefully consider the consequences of the deliberate introduction into ecosystems of species which have not previously occurred therein.

### *Article VI*

Notwithstanding the provisions of Articles III, IV and V, a Contracting Party may make appropriate provision for customary use of areas and species in accordance with traditional cultural practices.

### *Article VII*

1. The Contracting Parties shall co-operate amongst themselves in promoting the objectives of this Convention, especially within the framework of the South Pacific Regional Environment Programme .
2. The Contracting Parties shall wherever practicable conduct research relating to the conservation of nature. They shall as appropriate co-ordinate such research with research carried out by other Parties. They shall

co-operate in the exchange of information on the results of such research and on the management of protected areas and of protected species.

3. The Contracting Parties shall co-operate in the interchange and training of personnel for the conservation of nature.

4. The Contracting Parties shall work towards harmonization of objectives relating to the conservation of nature.

5. With a view to attaining the objectives of this Convention the Contracting Parties shall examine the possibility of developing programmes of education and public awareness relating to conservation of nature.

#### *Article VIII*

1. The Contracting Parties shall maintain consultations with one another with the object of giving effect to the provisions of this Convention.

2. The South Pacific Regional Environment Programme shall provide for the continuing bureau duties under this Convention, including the circulation to the Contracting Parties of information and documents to be provided by the Parties under the provisions of the Convention.

#### *Article IX*

No provision in this Convention should preclude a Party at the time of deposit of its instrument of ratification, acceptance, approval or accession from making a declaration consistent with the objectives of this Convention and the principles of international law.

#### *Article X*

1. Amendments to this Convention may be proposed by any Contracting Party. The text of any proposed amendment to this Convention shall be communicated to the Contracting Parties by the body charged with the continuing bureau duties under the Convention at least 90 days before the meeting at which it is proposed for adoption

2. The amendments shall be adopted by a three-fourths majority vote of the Contracting Parties present and voting at the meeting and shall be submitted by the Depositary to all Contracting Parties for ratification, acceptance or approval.

3. Ratification, acceptance or approval of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 2 above, shall enter into force between Contracting Parties having accepted them on the thirtieth day after the deposit of instruments of ratification, acceptance or approval by at least three-fourths of the Contracting Parties to this Convention. Thereafter the amendments shall enter into force for any other Contracting Party on the thirtieth day after that Party deposits its instrument of ratification, acceptance, or approval of the amendments.

#### *Article XI*

This Convention shall be open for signature at Apia until 31 December 1977 by all States members of the South Pacific Commission or eligible to be invited to become members of that Commission.

#### *Article XII*

This Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Independent State of Samoa [Western before Samoa is deleted] which shall be the Depositary.

*Article XIII*

This Convention shall be open indefinitely for accession by States members of the South Pacific Regional Environment Programme and by other States which are unanimously invited by the Contracting Parties to accede to it. Instruments of accession shall be deposited with the Depositary.

*Article XIV*

1. This Convention shall enter into force ninety days after the date of deposit of the fourth instrument of ratification, acceptance, approval or accession with the Depositary.
2. For each State which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fourth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force ninety days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

*Article XV*

Any Contracting Party may denounce this Convention by written notification to the Depositary at any time after five years from the date of entry into force of the Convention. The denunciation shall take effect twelve months after the Depositary has received the notification.

*Article XVI*

1. The original of this Convention in the English and French languages, each version being equally authentic, shall be deposited with the Depositary, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.
2. The Depositary shall inform all signatory and acceding States of signatures, deposits of instruments of ratification, acceptance, approval or accession, entry into force of this Convention, and notifications of denunciation.
3. The Depositary shall transmit certified copies of this Convention to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this Convention.

DONE at Apia this twelfth day of June One Thousand Nine Hundred and Seventy-Six.

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