

## ANNEX A

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

## Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region



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

## Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region

UNITED NATIONS

New York, 1983

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region  
Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region.

### INTRODUCTION

1. In accordance with resolution 2997 (XXVII) of the United Nations General Assembly, UNEP was established "as a focal point for environmental action and co-ordination within the United Nations system". The Governing Council of UNEP has defined this environmental action as encompassing a comprehensive, transsectorial approach to environmental problems which should deal not only with the consequences but also with the causes of environmental degradation.
2. The UNEP Governing Council has designated "Oceans" among the priority areas in which activities are to be developed, and the early meetings of the Governing Council endorsed a regional approach to the control of marine pollution and management of marine and coastal resources. Consequently, in 1974 the Regional Seas Programme of UNEP was initiated. The objective and strategy of the Regional Seas Programme were adopted at the sixth session of the UNEP Governing Council, see UNEP/GC.6/7, para. 397, approved by ac decision 6/2 of 24 May 1978.
3. At present, in accordance with the decisions of the Governing Council, the Regional Seas Programme covers ten areas where regional action plans are operative or are under development: the Mediterranean Region (adopted in 1975); the Kuwait Action Plan Region (adopted in 1978); the West and Central African Region (adopted in 1981); the Wider Caribbean Region (adopted in 1981); the East Asian Seas Region (adopted in 1981); the South East Pacific Region (adopted in 1981); the Red Sea and Gulf of Aden Region (adopted in 1982); the South Pacific Region (adopted in 1982); the East African Region (under development, adoption expected in 1984); and the Southwest Atlantic Region (under development, adoption expected in 1984).
4. The substantive aspect of any regional programme is outlined in an "action plan" which is formally adopted by an intergovernmental meeting of the Governments of a particular region before the programme enters an operational phase. In the preparatory phase leading to the adoption of the action plan, Governments are consulted through a series of meetings and missions about the scope and substance of an action plan suitable for their region. In addition, with the co-operation of appropriate global and regional Organizations, reviews on the specific environmental problems of the region are prepared in order to assist the Governments in identifying the most urgent problems in the region and the corresponding priorities to be assigned to the various activities outlined in the action plan. UNEP co-ordinates directly, or in some regions indirectly through existing regional organisations, the preparations leading to the adoption of the action plan.
5. All action plans are structured in a similar way, although the specific activities for any region are dependent upon the needs and priorities of that region. An action plan usually includes the following components:

- (a) Environmental assessment. This concerns assessing and evaluating the causes of environmental problems as well as their magnitude and impact on the region. Emphasis is given to such activities as: baseline studies; research and monitoring of the sources, levels and effects of marine pollutants; ecosystem studies; studies of coastal and marine activities and social and economic factors that may influence, or may be influenced by, environmental degradation. Environmental assessment is undertaken to assist national policy makers to manage their natural resources in a more effective and sustainable manner and to provide information on the effectiveness of legal/administrative measures taken to improve the quality of the environment.
  - (b) Environmental management. Each regional programme includes a wide range of activities in the field of environmental management. Examples of such activities are: co-operative regional projects on training in environmental impact assessment; management of coastal lagoons, estuaries and mangrove ecosystems; control of industrial, agricultural and domestic wastes; and formulation of contingency plans for dealing with pollution emergencies. As both environmental assessment and environmental management activities are to be actually carried out by designated national institutions, assistance and training are provided, where necessary, to allow national institutions to participate fully in the programme.
  - (c) Environmental legislation. An umbrella regional convention, elaborated by specific technical protocols, often provides a legal framework for co-operative regional and national actions. The legal commitment of Governments clearly expresses their political will to manage individually and jointly their common environmental problems.
  - (d) Institutional arrangement. When adopting an action plan, Governments agree upon an organisation to act as the permanent or interim secretariat of the action plan. Governments are also expected to decide upon the periodicity of intergovernmental meetings which are to be responsible for reviewing the progress of the agreed workplan and for approving new activities and the necessary budgetary support.
  - (e) Financial arrangements. UNEP, together with selected United Nations and other organisations, provides "seed money" or catalytic financing in the early stages of regional programmes. However, as a programme develops, it is expected that the Governments of the region will progressively assume full financial responsibility. Government financing is usually channelled through special regional trust funds to which Governments make annual contributions. These funds are administered by the organisation responsible for the secretariat functions of the action plan. In addition, Governments may contribute directly to the national institutions participating in the programme or to specific project activities.
6. It is essential to bear in mind that all components of a regional programme are interdependent. Assessment activities identify the problems that need priority attention in the region. Legal agreements are negotiated to strengthen co-operation among States in managing the identified problems. They also provide an important tool for national policy makers to implement national control activities. Management activities, aimed at controlling existing environmental problems and preventing the development of new ones, are one of the means by which States fulfil their treaty obligations. co-ordinated assessment activities then continue to assist Governments by providing scientific information by which to judge whether the legal agreements and management policies are effective.
  7. This publication contains the texts of the two legal agreements that have been adopted for the protection and development of the marine environment of the wider Caribbean region. In considering the agreements, the comprehensive scope of environmental assessment and management activities that are carried out to support and make effective the contracting parties' legal commitments should be borne in mind.
  8. The Conference of Plenipotentiaries on the Protection and Development of the Marine Environment of the Wider Caribbean Region was convened by the Executive Director of the United Nations Environment Programme in pursuance of a recommendation adopted by the Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme (Montego Bay, 6 to 8 April 1981). The Conference met at Cartagena de Indias, from 21 to 24 March 1983, at the invitation of the Government of the Republic of Colombia.
  9. As a result of its deliberations, the following instruments were adopted by the Conference:

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region;  
Protocol concerning co-operation in Combating Oil Spills in the Wider Caribbean Region.

10. The Government of the Republic of Colombia has been designated as the Depositary for the Convention and Protocol (Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, article 30). UNEP has been designated as responsible for carrying out the secretariat functions for the Convention and Protocol. (Ibid., article 15.) A list of Contracting Parties and Signatories is presented in the appendix at the end of this document.
11. The Convention is a comprehensive, umbrella agreement for the protection and development of the marine environment. It lists the sources of pollution which require control: pollution from ships, dumping, landbased sources and seabed activities together with airborne pollution. It also identifies environmental management issues for which co-operative efforts are to be made: specially protected areas, co-operation in cases of emergency, environmental impact assessment and scientific and technical co-operation. There is also an article on liability and compensation.
12. By ratifying a protocol, a Party accepts more specific obligations to control pollution from a discrete source, or to co-operate in a specific aspect of environmental management. Under the Convention no State or regional economic integration organisation may become a contracting party to the Convention without also becoming a contracting party to at least one protocol. It is foreseen that additional protocols will be developed in the future.(Ibid., article 4.)
13. It should be noted that the adoption of the Protocol concerning co-operation in Combating Oil Spills in the Wider Caribbean Region was facilitated by the preparatory work undertaken and the assistance provided by the International Maritime Organisation.

## **CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION**

The Contracting Parties,

**Fully aware** of the economic and social value of the marine environment, including coastal areas, of the wider Caribbean region,

**Conscious** of their responsibility to protect the marine environment of the wider Caribbean region for the benefit and enjoyment of present and future generations,

**Recognizing** the special hydrographic and ecological characteristics of the region and its vulnerability to pollution,

**Recognizing** further the threat to the marine environment, its ecological equilibrium, resources and legitimate uses posed by pollution and by the absence of sufficient integration of an environmental dimension into the development process,

**Considering** the protection of the ecosystems of the marine environment of the wider Caribbean region to be one of their principal objectives,

**Releasing** fully the need for co-operation amongst themselves and with competent international Organizations in order to ensure co-ordinated and comprehensive development without environmental damage,

**Recognising** the desirability of securing the wider acceptance of international marine pollution agreements already in existence,

**Noting however**, that, in spite of the progress already achieved, these agreements do not cover all aspects of environmental deterioration and do not entirely meet the special requirements of the wider Caribbean region,

**Have agreed as follows:**

### **Article I** Convention AREA

1. This Convention shall apply to the wider Caribbean region, hereinafter referred to as "the Convention area" as defined in paragraph I of article 2.
2. Except as may be otherwise provided in any protocol to this Convention, the Convention area shall not include internal waters of the Contracting Parties.

### **Article 2** DEFINITIONS

For the purposes of this Convention:

1. The "Convention area" means 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 States referred to in article 25 of the Convention.
2. "Organisation" means the institution designated to carry out the functions enumerated in paragraph 1 of article 15.

### **Article 3** GENERAL PROVISIONS

1. The Contracting Parties shall endeavour to conclude bilateral or multilateral agreements, including regional or subregional agreements, for the protection of the marine environment of the Convention area. Such agreements shall be consistent with this Convention and in accordance with international law. Copies of such agreements shall be communicated to the Organisation and, through the Organisation, to all signatories and Contracting Parties to this Convention.
2. This Convention and its protocols shall be construed in accordance with international law relating to their subject matter. Nothing in this Convention or its protocols shall be deemed to affect obligations assumed by the Contracting Parties under agreements previously concluded.
3. Nothing in this Convention or its protocols shall prejudice the present or future claims or the legal views of any Contracting Party concerning the nature and extent of maritime jurisdiction.

### **Article 4** GENERAL OBLIGATIONS

1. The Contracting Parties shall, individually or jointly, take all appropriate measures in conformity with international law and in accordance with this Convention and those of its protocols in force to which they are parties to prevent, reduce and control pollution of the Convention area and to ensure sound environmental management, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.
2. The Contracting Parties shall, in taking the measures referred to in paragraph 1, ensure that the implementation of those measures does not cause pollution of the marine environment outside the Convention area.
3. The Contracting Parties shall co-operate in the formulation and adoption of protocols or other agreements to facilitate the effective implementation of this Convention.

4. The Contracting Parties shall take appropriate measures, in conformity with international law, for the effective discharge of the obligations prescribed in this Convention and its protocols and shall endeavour to harmonise their policies in this regard.
5. The Contracting Parties shall co-operate with the competent international, regional and subregional organisations for the effective implementation of this Convention and its protocols. They shall assist each other in fulfilling their obligations under this Convention and its protocols.

**Article 5**  
POLLUTION FROM SHIPS

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by discharges from ships and, for this purpose, to ensure the effective implementation of the applicable international rules and standards established by the competent international organisation.

**Article 6**  
POLLUTION CAUSED BY DUMPING

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by dumping of wastes and other matter at sea from ships, aircraft or man-made structures at sea, and to ensure the effective implementation of the applicable international rules and standards

**Article 7**  
POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by coastal disposal or by discharges emanating from rivers, estuaries, coastal establishments, outfall structures, or any other sources on their territories.

**Article 8**  
POLLUTION FROM SEA-BED ACTIVITIES

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area resulting directly or indirectly from exploration and exploitation of the sea-bed and its subsoil

**Article 9**  
AIRBORNE POLLUTION

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area resulting from discharges into the atmosphere from activities under their jurisdiction.

**Article 10**  
SPECIALLY PROTECTED AREAS

The Contracting Parties shall, individually or jointly, take all appropriate measures to protect and preserve rare or fragile ecosystems, as well as the habitat of depleted, threatened or endangered species, in the Convention area. To this end, the Contracting Parties shall endeavour to establish protected areas. The establishment of such areas shall not affect the rights of other Contracting Parties and third States. In

addition, the Contracting Parties shall exchange information concerning the administration and management of such areas.

#### **Article 11**

#### **CO-OPERATION IN CASES OF EMERGENCY**

1. The Contracting Parties shall co-operate in taking all necessary measures to respond to pollution emergencies in the Convention area, whatever the cause of such emergencies, and to control, reduce or eliminate pollution or the threat of pollution resulting therefrom. To this end, the Contracting Parties shall, individually and jointly, develop and promote contingency plans for responding to incidents involving pollution or the threat thereof in the Convention area.
2. When a Contracting Party becomes aware of cases in which the Convention area is in imminent danger of being polluted or has been polluted, it shall immediately notify other States likely to be affected by such pollution, as well as the competent international organisations. Furthermore, it shall inform, as soon as feasible, such other States and competent international Organizations of measures it has taken to minimise or reduce pollution or the threat thereof.

#### **Article 12**

#### **Environmental IMPACT ASSESSMENT**

1. As part of their environmental management policies the Contracting Parties undertake to develop technical and other guidelines to assist the planning of their major development projects in such a way as to prevent or minimise harmful impacts on the Convention area.
2. Each Contracting Party shall assess within its capabilities, or ensure the assessment of, the potential effects of such projects on the marine environment, particularly in coastal areas, so that appropriate measures may be taken to prevent any substantial pollution of, or significant and harmful changes to, the Convention area.
3. With respect to the assessments referred to in paragraph 2, each Contracting Party shall, with the assistance of the Organisation when requested, develop procedures for the dissemination of information and may, where appropriate, invite other Contracting Parties which may be affected to consult with it and to submit comments.

#### **Article 13**

#### **SCIENTIFIC AND TECHNICAL OPERATION**

1. The Contracting Parties undertake to co-operate, directly and, when appropriate, through the competent international and regional organisations, in scientific research, monitoring and the exchange of data and other scientific information relating to the purposes of this Convention.
2. To this end, the Contracting Parties undertake to develop and co-ordinate their research and monitoring programmes relating to the Convention area and to ensure, in co-operation with the competent international and regional organisations, the necessary links between their research centres and institutes with a view to producing compatible results. With the aim of further protecting the Convention area, the Contracting Parties shall endeavour to participate in international arrangements for pollution research and monitoring.
3. The Contracting Parties undertake to co-operate, directly and, when appropriate, through the competent international and regional organisations, in the provision to other Contracting Parties of technical and other assistance in fields relating to pollution and sound environmental management of the Convention area, taking into account the special needs of the smaller island developing countries and territories.

#### **Article 14**

#### **LIABILITY AND COMPENSATION**

The Contracting Parties shall co-operate with a view to adopting appropriate rules and procedures, which are in conformity with international law, in the field of liability and compensation for damage resulting from pollution of the Convention area.

#### **Article 15** INSTITUTIONAL ARRANGEMENTS

1. The Contracting Parties designate the United Nations Environment Programme to carry out the following secretariat functions:
  - (a) To prepare and convene the meetings of Contracting Parties and conferences provide for in articles 16, 17 and 18;
  - (b) To transmit the information received in accordance with articles 3, 11 and 22;
  - (c) To perform the functions assigned to it by protocols to this Convention;
  - (d) To consider enquiries by, and information from the Contracting Parties and to consult with them on questions relating to this Convention, its protocols and annexes thereto;
  - (e) To co-ordinate the implementation of co-operative activities agreed upon by the meetings of Contracting Parties and conferences provided for in articles 16, 17 and 18;
  - (f) To ensure the necessary co-ordination with other international bodies which the Contracting Parties consider competent.
2. Each Contracting Party shall designate an appropriate authority to serve as the channel of communication with the Organisation for the purposes of this Convention and its protocols.

#### **Article 16** MEETINGS OF THE CONTRACTING PARTIES

1. The Contracting parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary, upon the request of the Organisation or at the request of any Contracting Party, provided that such requests are supported by the majority of the Contracting Parties.
2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and its protocols and, in particular:
  - (a) To assess periodically the state of the environment in the Convention area; |
  - (b) To consider the information submitted by the Contracting Parties under article 22;
  - (c) To adopt, review and amend annexes to this Convention and to its protocols, in accordance with article 19;
  - (d) To make recommendations regarding the adoption of any additional protocols or any amendments to this Convention or its protocols in accordance with articles 17 and 18;
  - (e) To establish working groups as required to consider any matters concerning this Convention and its protocols, and annexes thereto;
  - (f) To consider co-operative activities to be undertaken within the framework of this Convention and its protocols, including their financial and institutional implications and to adopt decisions relating thereto;
  - (g) To consider and undertake any other action that may be required for the achievement of the purposes of this Convention and its protocols.

#### **Article 17** ADOPTION OF PROTOCOLS

1. The Contracting Parties, at a conference of plenipotentiaries, may adopt additional protocols to this Convention pursuant to paragraph 3 of article 4.
2. If so requested by a majority of the Contracting Parties, the Organisation shall convene a conference of plenipotentiaries for the purpose of adopting additional protocols to this Convention.

#### **Article 18**

## AMENDMENT OF THE CONVENTION AND ITS PROTOCOLS

1. Any Contracting Party may propose amendments to this Convention. Amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organisation at the request of a majority of the Contracting Parties.
2. Any Contracting Party to this Convention may propose amendments to any protocol. Such amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organisation at the request of a majority of the Contracting Parties to the protocol concerned.
3. The text of any proposed amendment shall be communicated by the Organisation to all Contracting parties at least 90 days before the opening of the conference of plenipotentiaries.
4. Any amendment to this Convention shall be adopted by a three fourths majority vote of the Contracting Parties to the Convention which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Contracting Parties to the Convention. Amendments to any protocol shall be adopted by a three-fourths majority vote of the Contracting Parties to the protocol which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Contracting Parties to the protocol.
5. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 3 shall enter into force between Contracting Parties having accepted such amendments on the thirtieth day following the date of receipt by the Depositary of the instruments of at least three fourths of the Contracting Parties to this Convention or to the protocol concerned, as the case may be. Thereafter the amendments shall enter into force for any other Contracting Party on the thirtieth day after the date on which that Party deposits its instrument.
6. After entry into force of an amendment to this Convention or to a protocol, any new Contracting Party to the Convention or such protocols shall become a Contracting Party to the Convention or protocol as amended.

### Article 19

#### ANNEXES AND AMENDMENTS TO ANNEXES

1. Annexes to this Convention or to a protocol shall form an integral part of the Convention or, as the case may be, such protocol.
2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the adoption and entry into force of amendments to annexes to this Convention or to annexes to a protocol
  - (a) Any Contracting Party may propose amendments to annexes to this Convention or to annexes to any protocol at a meeting convened pursuant to article 16;
  - (b) Such amendments shall be adopted by a three-fourth majority vote of the Contracting Parties to the instrument in question present at the meeting referred to in article 16;
  - (c) The Depositary shall without delay communicate the amendments so adopted to all Contracting Parties to the Convention;
  - (d) Any Contracting Party that is unable to accept an amendment to annexes to this Convention or to annexes to any protocol shall so notify the Depositary in writing within 90 days from the date on which the amendment was adopted;
  - (e) The Depositary shall without delay notify all Contracting Parties of notifications received pursuant to the preceding subparagraph;
  - (f) On expiry of the period referred to in subparagraph (d), the amendment to the annex shall become effective for all Contracting Parties to this Convention or to the protocol concerned which have not submitted a notification in accordance with the provisions of that subparagraph;
  - (g) A Contracting Party may at any time substitute an acceptance for a previous declaration of objection, and the amendment shall thereupon enter into force for that Party.
3. The adoption and entry into force of a new annex shall be subject to the same procedure as that for the adoption and entry into force of an amendment to an annex, provided that, if it entails an amendment to the Convention or to one of its protocols, the new annex shall not enter into force until such time as that amendment enters into force.
4. Any amendment to the Annex on Arbitration shall be proposed and adopted, and shall enter into force, in accordance with the procedures set out in article 18.

**Article 20**  
RULES OF PROCEDURE AND FINANCIAL RULES

1. The Contracting Parties shall unanimously adopt rules of procedure for their meetings.
2. The Contracting Parties shall unanimously adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation under this Convention and under protocols to which they are parties.

**Article 21**  
SPECIAL EXERCISE OF THE RIGHT TO VOTE

In their fields of competence, the regional economic integration organizations referred to in article 25 shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention and to one or more protocols. Such organizations shall not exercise their right to vote if the member States concerned exercise theirs, and vice versa.

**Article 22**  
TRANSMISSION OF INFORMATION

The Contracting Parties shall transmit to the Organization information on the measures adopted by them in the implementation of this Convention and of protocols to which they are parties, in such form and at such intervals as the meetings of Contracting Parties may determine.

**Article 23**  
SETTLEMENT OF DISPUTES

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or its protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.
2. If the Contracting Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall upon common agreement, except as may be otherwise provided in any protocol to this Convention, be submitted to arbitration under the conditions set out in the Annex on Arbitration. However, failure to reach common agreement on submission of the dispute to arbitration shall not absolve the Contracting Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.
3. A Contracting Party may at any time declare that it recognizes as compulsory ipso Facto and without special agreement, in relation to any other Contracting Party accepting the same obligation, the application of the arbitration procedure set out in the Annex on Arbitration. Such declaration shall be notified in writing to the Depository, who shall communicate it to the other Contracting Parties.

**Article 24**  
RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOLS

1. No State or regional economic integration organization may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one protocol to the Convention. No State or regional economic integration organization may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to the Convention.
2. Decisions concerning any protocol shall be taken only by the Contracting Parties to the protocol concerned.

**Article 25**

## SIGNATURE

This Convention and the Protocol concerning cooperation in Combating Oil Spills in the Wider Caribbean Region shall be open for signature at Cartagena de Indias on 24 March 1983 and at Bogota from 25 March 1983 to 23 March 1984 by States invited to participate in the Conference of Plenipotentiaries on the Protection and Development of the Marine Environment of the Wider Caribbean Region, held at Cartagena de Indias from 21 to 24 March 1983. The shall also be open for signature between the same dates by any regional economic integration organization exercising competence in fields covered by the Convention and that Protocol and having at least one member State which belongs to the wider Caribbean region, provided that such regional organization has been invited to participate in the Conference of Plenipotentiaries.

### **Article 26**

#### RATIFICATION, ACCEPTANCE AND APPROVAL

1. This Convention and its protocols shall be subject to ratification, acceptance or approval by States. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Republic of Colombia, which will assume the functions of Depositary.
2. This Convention and its protocols shall also be subject to ratification, acceptance or approval by the organizations referred to in article 25 having at least one member State a party to the Convention. In their instruments of ratification, acceptance or approval, such organizations shall declare the extent of their competence with respect to the matters governed by the Convention and the relevant protocol. Subsequently these organizations shall inform the Depositary of any substantial modification in the extent of their competence.

### **Article 27**

#### ACCESSION

1. This Convention and its protocols shall be open for accession by the States and organizations referred to in article 25 as from the day following the date on which the Convention or the protocol concerned is closed for signature.
2. After entry into force of this Convention and of any protocol, any State or regional economic integration organization not referred to in article 25 may accede to the Convention and to any protocol subject to prior approval by three fourths of the Contracting Parties to the Convention or the protocol concerned, provided that any such regional economic integration organization exercises competence in fields covered by the Convention and the relevant protocol and has at least one member State, belonging to the wider Caribbean region, that is a party to the Convention and the relevant protocol.
3. In their instruments of accession, the organizations referred to in paragraphs 1 and 2 shall declare the extent of their competence with respect to the matters governed by the Convention and the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.
4. Instruments of accession shall be deposited with the Depositary.

### **Article 28**

#### ENTRY INTO FORCE

1. This Convention and the Protocol concerning cooperation in Combating Oil Spills in the Wider Caribbean Region shall enter into force on the thirtieth day following the date of deposit of the ninth instrument of ratification, acceptance or approval of, or accession to, those agreements by the States referred to in article 25.
2. Any additional protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of the ninth instrument of ratification, acceptance, or approval of such protocol, or of accession thereto.
3. For the purposes of paragraphs 1 and 2, any instrument deposited by an organization referred to in article 25 shall not be counted as additional to that deposited by any member State of such organization.

4. Thereafter, this Convention and any protocol shall enter into force with respect to any State or organization referred to in article 25 or article 27 on the thirtieth day following the date of deposit of its instruments of ratification, acceptance, approval or accession.

#### **Article 29** DENUNCIATION

1. At any time after two years from the date of entry into force of this Convention with respect to a Contracting Party, that Contracting Party may denounce the Convention by giving written notification to the Depositary.
2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after two years from the date of entry into force of such protocol with respect to that Contracting Party, denounce the protocol by giving written notification to the Depositary.
3. Denunciation shall take effect on the ninetieth day after the date on which notification is received by the Depositary.
4. Any Contracting Party which denounces this Convention shall be considered as also having denounced any protocol to which it was a Contracting Party.
5. Any Contracting Party which, upon its denunciation of a protocol, is no longer a Contracting Party to any protocol to this Convention, shall be considered as also having denounced the Convention itself.

#### **Article 30** DEPOSITARY

1. The Depositary shall inform the Signatories and the Contracting Parties, as well as the Organization, of:
  - (a) The signature of this Convention and of its protocols, and the deposit of instruments of ratification, acceptance, approval or accession;
  - (b) The date on which the Convention or any protocol will come into force for each Contracting Party;
  - (c) Notification of any denunciation and the date on which it will take effect;
  - (d) The amendments adopted with respect to the Convention or to any protocol, their acceptance by the Contracting Parties and the date of their entry into force;
  - (e) All matters relating to new annexes and to the amendment of any annex;
  - (f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and the relevant protocols, and of any modifications thereto.
2. The original of this Convention and of any protocol shall be deposited with the Depositary, the Government of the Republic of Colombia, which shall send certified copies thereof to the Signatories, the Contracting Parties, and the Organization.
3. As soon as the Convention and its protocols enter into force, the Depositary shall transmit a certified copy of the instrument concerned 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 respective Governments, have signed this Convention.

DONE AT CARTAGENA DE INDIAS this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

**ANNEX**  
Arbitration

**Article I**

Unless the agreement referred to in article 23 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with articles 2 to 10 below.

**Article 2**

The claimant party shall notify the Organization that the parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of article 23 of the Convention. The notification shall state the subject-matter of arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which are at issue. The Organization shall forward the information thus received to all Contracting Parties to the Convention or to the protocol concerned.

**Article 3**

The arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

**Article 4**

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the secretary-general of the United Nations shall, at the request of either party, designate him within a further two months' period.
2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the secretary-general of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the secretary-general of the United Nations, who shall make this appointment within a further two months' period.

**Article 5**

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention and the protocol or protocols concerned.
2. Any arbitral tribunal constituted under the provisions of this annex shall draw up its own rules of procedure.

**Article 6**

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.
2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.
3. The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
4. The absence or default of a party to the dispute shall not constitute an impediment to the proceedings.

### **Article 7**

The tribunal may hear and determine counterclaims arising directly out of the subject matter of the dispute.

### **Article 8**

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

### **Article 9**

Any Contracting Party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

### **Article 10**

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.
2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.
3. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

## **PROTOCOL CONCERNING COÖPERATION IN COMBATING OIL SPILLS IN THE WIDER CARIBBEAN REGION**

### **The Contracting Parties to this Protocol,**

**Being** Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, done at Cartagena de Indias on 24 March 1983,

**Conscious** that oil exploration, production and refining activities, as well as related marine transport, pose a threat of significant oil spills in the wider Caribbean region,

**Aware** that the islands of the region are particularly vulnerable, owing to the fragility of their ecosystems and the economic reliance of certain of them on the continuous utilization of their coastal areas, to damage resulting from significant oil pollution,

**Recognizing** that, in the event of an oil spill or the threat thereof, prompt and effective action should be taken initially at the national level, to organize and coordinate prevention, mitigation and cleanup activities,

**Recognizing** further the importance of sound preparation, cooperation and mutual assistance in responding effectively to oil spills or the threat thereof,

**Determined** to avert, through the adoption of measures to prevent and combat pollution resulting from oil spills, damage to the marine environment, including coastal areas, of the wider Caribbean region,

**Have agreed as follows:**

**Article I**  
DEFINITIONS

For the purposes of this Protocol:

1. "Wider Caribbean region" means the Convention area as defined in article 2 of the Convention and adjacent coastal areas.
2. "Convention" means the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.
3. "Related interests" means the interests of a Contracting Party directly affected or threatened and concerning, among others:
  - (a) Maritime, coastal, port or estuarine activities;
  - (b) The historical and tourist appeal of the area in question, including water sports and recreation;
  - (c) The health of the coastal population; and
  - (d) Fishing activities and the conservation of natural resources.
4. "Oil spill incident" means a discharge, or a significant threat of a discharge, of oil, however caused, of a magnitude that requires emergency action or other immediate response for the purpose of minimizing its effects or eliminating the threat.
5. "Organization" means the institution referred to in paragraph 2 of article 2 of the Convention.
6. "Regional coordinating Unit" means the unit referred to in the Action Plan for the Caribbean Environment Programme.

**Article 2**  
APPLICATION

This Protocol applies to oil spill incidents which have resulted in, or which pose a significant threat of, pollution to the marine and coastal environment of the wider Caribbean region or which adversely affect the related interests of one or more of the Contracting Parties.

**Article 3**  
GENERAL Provisions

1. The Contracting Parties shall, within their capabilities, cooperate in taking all necessary measures, both preventive and remedial, for the protection of the marine and coastal environment of the wider Caribbean region, particularly the coastal areas of the islands of the region, from oil spill incidents.
2. The Contracting Parties shall, within their capabilities, establish and maintain, or ensure the establishment and maintenance of, the means of responding to oil spill incidents and shall endeavor to reduce the risk thereof. Such means shall include the enactment, as necessary, or relevant legislation, the preparation of contingency plans, the identification and development of the capability to respond to an oil spill incident and the designation of an authority responsible for the implementation of this Protocol.

**Article 4**  
EXCHANGE OF Information

Each Contracting Party shall periodically exchange with the other Contracting Parties up-to-date information relating to its implementation of this Protocol, including the identity of the authorities responsible for such implementation, and information on their laws, regulations, institutions and operational procedures relating to the prevention of oil spill incidents and to the means of reducing and combating the harmful effects of oil spills.

**Article 5**  
COMMUNICATION OF INFORMATION CONCERNING, AND

## REPORTING OF, OIL SPILL INCIDENTS

1. Each Contracting Party shall establish appropriate procedures to ensure that information regarding oil spill incidents is reported as rapidly as possible, and shall, *inter alia*:
  - (a) Require its appropriate officials, masters of ships flying its flag and persons in charge of offshore facilities operating under its jurisdiction to report to it any oil spill incident involving their ships or facilities;
  - (b) Request masters of all ships and pilots of all aircraft operating in the vicinity of its coast to report to it any oil spill incident of which they are aware.
2. In the event of receiving a report regarding an oil spill incident, a Contracting Party shall immediately notify all other Contracting Parties whose interests are likely to be affected by such incident, as well as the flag State of any ship involved in it. The Contracting Parties shall also inform the competent international organizations. Furthermore, as soon as feasible, it shall inform such Contracting Parties and competent organizations of measures it has taken to minimize or reduce pollution or the threat thereof.

### **Article 6** MUTUAL ASSISTANCE

1. Each Contracting Party shall render assistance, within its capabilities, to other Contracting Parties which request assistance in responding to an oil spill incident within the framework of joint response action agreed between or among the requesting and assisting Contracting Parties.
2. Each Contracting Party shall, subject to its laws and regulations, facilitate the movement into, through and out of its territory of technical personnel, equipment and material necessary for responding to an oil spill incident.

### **Article 7** OPERATIONAL MEASURES

Each Contracting Party shall, within its capabilities, take steps including those outlined below in responding to an oil spill incident:

- (a) Make a preliminary assessment of the incident, including the type and extent of existing or likely pollution effects;
- (b) Promptly communicate information concerning the incident pursuant to article 5;
- (c) Promptly determine its ability to take effective measures to respond to the incident and the assistance that might be required;
- (d) Consult as appropriate with other Contracting Parties concerned in the process of determining the necessary response to the incident;
- (e) Take the measures necessary to prevent, reduce or eliminate the effects of the incident, including monitoring of the situation.

### **Article 8** SUBREGIONAL ARRANGEMENTS

1. With a view to facilitating the implementation of the provisions of this Protocol, and in particular articles 6 and 7, the Contracting Parties should conclude appropriate bilateral or multilateral subregional arrangements.
2. Contracting Parties to this Protocol which enter into such subregional arrangements shall notify the other Contracting Parties, as well as the Organization, of the conclusion and the content of such arrangements.

### **Article 9** INSTITUTIONAL ARRANGEMENTS

The Contracting Parties designate the Organization to carry out, through the Regional coordinating Unit when established and in close cooperation with the International Maritime Organization, the following functions:

- (a) Assisting Contracting Parties, upon request, in the following areas:
  - (i) The preparation, periodic review and updating of the contingency plans referred to in paragraph 2 of article 3, with a view, inter alia, to promoting the compatibility of the plans of the Contracting Parties, and
  - (ii) Publicizing training courses and programmes;
- (b) Assisting the Contracting Parties upon request, on a regional basis, in the following areas:
  - (i) The coordination of regional emergency response activities, and
  - (ii) The provision of a forum for discussion of such activities and related topics;
- (c) Establishing and maintaining liaison with:
  - (i) Competent regional and international organizations, and
  - (ii) Appropriate private entities conducting activities in the wider Caribbean region, including major oil producers, refiners, oil spill cleanup contractors and cooperatives, and oil transporters;
- (d) Maintaining a current inventory of emergency response equipment, materials and expertise available in the wider Caribbean region;
- (e) Disseminating information on the prevention and combating of oil spills;
- (f) Identifying or maintaining means for emergency response communications;
- (g) Encouraging research by the Contracting Parties, competent international organizations and appropriate private entities on oil spill-related matters, including the environmental impacts of oil spills and of oil spill control materials and techniques;
- (h) Assisting the Contracting Parties in the exchange of information pursuant to article 4; and
- (i) Preparing reports and carrying out other duties assigned to it by the Contracting Parties.

#### **Article 10**

##### **MEETINGS OF THE CONTRACTING PARTIES**

1. Ordinary meetings of the Contracting Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 16 of the Convention. The Contracting Parties to this Protocol may also hold extraordinary meetings as provided for in article 16 of the Convention.
2. It shall be the function of the meetings of the Contracting Parties:
  - (a) To review the operation of this Protocol and to consider special technical arrangements and other measures to improve its effectiveness;
  - (b) To consider means whereby regional cooperation could be extended to incidents involving hazardous substances other than oil; and
  - (c) To consider measures to improve cooperation under this Protocol including, in accordance with paragraph 2 (d) of article 16 of the Convention, possible amendments to this Protocol.

#### **Article 11**

##### **RELATIONSHIP BETWEEN THIS PROTOCOL AND THE CONVENTION**

1. The provisions of the Convention relating to its protocols shall apply to this Protocol.
2. The rules of procedure and the financial rules adopted pursuant to article 20 of the Convention shall apply to this Protocol, unless the Contracting Parties to this Protocol agree otherwise.

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

DONE AT CARTAGENA DE INDIAS this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

## ANNEX TO THE PROTOCOL

On the basis of paragraph 2 (b) of Article 10 of this Protocol, the Contracting Parties at their first meeting are committed to preparing, through an annex, the changes necessary to extend this Protocol to regional cooperation to combat spills of hazardous substances other than oil. Pending the preparation and entry into force of such annex, the Protocol shall be provisionally applied upon its entry into force to hazardous substances other than oil.

### APPENDIX

Status as of 25 August 2005 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and the Protocol concerning co-operation in Combating Oil Spills in the Wider Caribbean Region; done March 1983; entered into force 11 October 1986.

Parties	Convention		Protocol	
	Signature	Ratification Accession	Signature	Ratification Accession
Antigua and Barbuda		11 Sep 1986		11 Sep 1986
Bahamas				
Barbados	05 May 1984	28 May 1985	05 May 1984	28 May 1985
Belize		22 Sep 1999		22 Sep 1999
Colombia	24 Mar 1983	03 Mar 1988	24 Mar 1983	03 Mar 1988
Costa Rica		01 Aug 1991		01 Aug 1991
Cuba		15 Sep 1988		15 Sep 1988
Dominica		05 Oct 1990		05 Oct 1990
Dominican Republic		24 Nov 1998		24 Nov 1998
European Economic Community	24 Mar 1983		24 Mar 1983	
France	24 Mar 1983	13 Nov 1985	24 Mar 1983	13 Nov 1985
Grenada	24 Mar 1983	17 Aug 1987	24 Mar 1983	17 Aug 1987
Guatemala	05 Jul 1983	18 Dec 1989	05 Jul 1983	18 Dec 1989
Guyana				
Haiti				
Honduras	24 Mar 1983		24 Mar 1983	
Jamaica	24 Mar 1983	01 Apr 1987	24 Mar 1982	01 Apr 1987
Mexico	24 Mar 1983	11 Apr 1985	24 Mar 1983	11 Apr 1985
Netherlands	24 Mar 1983	16 Apr 1984	24 Mar 1983	16 Apr 1984
Nicaragua	24 Mar 1983	25 Aug 2005	24 Mar 1983	25 Aug 2005
Panama	24 Mar 1983	29 Oct 1987	24 Mar 1983	29 Oct 1987
Saint Kitts and Nevis		15 Jun 1999		15 Jun 1999
Saint Lucia	24 Mar 1983	30 Nov 1984	24 Mar 1983	30 Nov 1984
Saint Vincent and the Grenadines		11 Jul 1990		11 Jul 1990
Suriname				
Trinidad and Tobago		24 Jan 1986		24 Jan 1986
United Kingdom	24 Mar 1983	28 Feb 1986	24 Mar 1983	28 Feb 1986
United States of America	24 Mar 1983	31 Oct 1984	24 Mar 1983	31 Oct 1984
Venezuela	24 Mar 1983	18 Dec 1986	24 Mar 1983	18 Dec 1986