

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 633 final

Brussels, 11 October 1982

COMMISSION COMMUNICATION TO THE COUNCIL

concerning the outcome of the negotiations on the Convention for the protection and development of the marine environment of the wider Caribbean area and the Protocol annexed thereto on cooperation in combating oil spills in the wider Caribbean

COM(82) 633 final

CONFIDENTIAL 1

Commission Communication to the Council
concerning the outcome of the negotiations
on the Convention for the protection and
development of the marine environment of
the wider Caribbean area and the Protocol
annexed thereto on cooperation in combating
oil spills in the wider Caribbean.

1. In accordance with the Council Decision of 15 July 1982, the Commission took part in the negotiations on the Convention for the protection and development of the marine environment of the wider Caribbean area. This Convention represents the legal framework for ensuring the protection of the marine and coastal environment, and also the rational management of the environment of that area.
2. The final version of the draft Convention was established at a meeting of legal experts in New York in July. Three Member States, namely France, the Netherlands and the United Kingdom, were represented as riparian States in that area.
3. In accordance with the Council Decision of 15 July 1982, the Commission conducted these negotiations in close consultation with the Member States' representatives. It also ensured that the provisions of the Convention were in conformity with the common rules governing the matters covered by the Convention, namely :
 - Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community;
 - Directive 78/659/EEC of 18 July 1978 on the quality of fresh water needing protection or improvement in order to support fish life;
 - Directive 78/176/EEC of 20 February on waste from the titanium dioxide industry;
 - Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters;
 - Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds;
 - Decision 81/971/EEC of 3 December 1981 establishing a Community information system for the control and reduction of pollution caused by hydrocarbons discharged at sea.

Furthermore, in line with its negotiating directives, the Commission obtained an adjustment to the Convention so that the Community could participate as a Contracting Party; it was agreed during the negotiations that the Community would indicate in its instrument of ratification the extent of its powers in the matters covered by the Convention*.

4. The Commission also ensured that the common rules covered by the Convention were consistent with the Community's commitments under international legal instruments, and in particular the Barcelona Convention approved by the Council Decision of 16 March 1978, and the protocols annexed thereto concerning the pollution caused by dumping from ships and aircraft and cooperation in combating pollution by oil, approved on 16 March 1978 and 19 May 1981 respectively, and the Paris Convention on pollution from land-based sources in the North-East Atlantic, concluded by the Community on 3 March 1975.
5. At their July meeting the legal experts also succeeded in finalizing a draft Protocol to be annexed to the Convention concerning cooperation in combating oil spills in the wider Caribbean area. The aim of this Protocol is the same as that of the Second Protocol to the Barcelona Convention, concluded by the Council Decision of 19 May 1981. The set of measures represented by the Convention and the Protocol annexed to it will establish in the Caribbean area a system for the protection of the marine environment similar to that established for the Mediterranean by the Barcelona Convention and the Protocols annexed to it.
6. The legal experts concluded at their meeting that the draft Convention and the Protocol annexed to it could be presented for signing by the riparian States of the wider Caribbean area during a plenipotentiary conference to be held from 8 to 11 November 1982. They recommended

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* This provision was introduced in the negotiations on this Convention in the light of the conditions governing its participation accepted by the Community at the United Nations Conference on the Law of the Sea.

that, in view of its institutional links with certain States in the area, and the interest it had already shown in protecting the marine environment of the wider Caribbean area, the Community should be invited to take part in this conference. The conference would be preceded by a final meeting of the legal experts to make any last-minute adjustments to the final version of the two drafts to be presented to the conference.

7. In conclusion, to enable the Community to sign the Convention and the Protocol at the same time as the other Contracting Parties at the plenipotentiary conference from 8 to 11 November, the Commission recommends that the Council, bearing in mind the abovementioned timetable, should :

- decide to sign the Convention for the protection and development of the marine environment of the wider Caribbean area and the Protocol annexed thereto on cooperation in combating oil spills in the wider Caribbean area;
- authorize the President of the Council to designate the persons empowered to sign the Convention and the Protocol on behalf of the Community, subject to their adoption by the abovementioned plenipotentiary conference.



United Nations Environment Programme



Meeting of Legal Experts on
draft regional agreements for
the Wider Caribbean Region

United Nations Headquarters, New York
7-11 December 1981

DRAFT REGIONAL AGREEMENT CONCERNING CO-OPERATION IN COMBATING OIL SPILLS IN THE WIDER CARIBBEAN

Prepared by the Inter-Governmental Maritime Consultative Organization

Introduction

1. Beginning in 1979 a series of activities was carried out under the sponsorship of IMCO, OAS and UNEP, directed towards the formulation of a Caribbean Regional Oil Spill Contingency Plan. This activity was funded by the OAS, UNEP and the USAID with technical input from IMCO and OAS. In November 1980, representatives of 21 States and Territories of the Caribbean met in Barbados to discuss the elements of a regional contingency plan. The meeting, inter alia, "agreed that the development and conclusion of an intergovernmental agreement for the implementation of the Regional Oil Spill Contingency Plan and the establishment of a regional coordinating mechanism would require urgent action".^{1/} Bearing in mind activities to be undertaken within the action plan for the Wider Caribbean region, the meeting adopted a resolution requesting UNEP to take the necessary steps to enable further work to be carried out without delay towards the conclusion of such an agreement.
2. The Second Meeting of Government-nominated Experts to Review the draft action plan for the Wider Caribbean Region (Managua, 23-27 February 1981) recognized the achievements of the above mentioned activities and designated the "implementation of a regional oil spill contingency plan" as a priority project for development under the action plan.^{2/} When considering the legal aspects of the draft Caribbean programme, the second meeting of experts recommended that a general preliminary draft of a regional convention should be prepared and, recognizing, inter alia, the urgency attached to regional cooperation in combating oil pollution, recommended that work should be initiated and continued on the preparation of specific intergovernmental agreements.^{3/}
3. The Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme (Montego Bay, 6-8 April 1981) "endorsed the recommendations of the Managua meeting on the steps to be taken in connection with the development of regional agreements".^{4/} In accordance with this recommendation, the UNEP secretariat has prepared a preliminary draft convention for the protection and development of the marine and coastal environment of the Wider Caribbean region which is before the present meeting of legal experts as document UNEP/WG.64/3.

^{1/} See report of the meeting, CEPI/14, page 13, paragraph 9.4.

^{2/} See report of the meeting, UNEP/CEPAL/WG.48/7, page 3 paragraph 14.2.

^{3/} See report of the meeting, UNEP/CEPAL/WG.48/7, page 10, paragraph 30.

^{4/} See report of the meeting, UNEP/CEPAL/IG.27/3, page 4, paragraph 20.

4. The preliminary draft convention has been formulated with a view to a framework convention supplemented by more detailed protocols in which the obligation to control pollution or to manage environmental resources outlined in the convention are elaborated upon. This is the approach taken in the adoption of three regional conventions developed under the regional seas programme; i.e. the Convention for the Protection of the Mediterranean Sea against Pollution (1976); the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (1978); and the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (1981). In each of these conventions the format of an "umbrella" convention elaborated by specific protocols has been adopted. In particular, a protocol concerning co-operation in combating pollution in cases of emergency has been adopted simultaneously with each of those regional conventions.
5. Bearing in mind IMCO's expertise on the subject matter and its involvement in the above mentioned activities, the IMCO secretariat has, at UNEP's request, prepared the attached draft regional agreement concerning cooperation in combating oil spills in the Wider Caribbean region for consideration by the present meeting. The draft agreement is based to a large extent on the framework for regional cooperation in oil spill contingency planning adopted at the aforementioned Barbados meeting.
6. In view of the urgency and importance attached to regional cooperation in oil spill contingency planning and the preparatory work already carried out in the region, the draft agreement has been prepared in the form of a "free standing" agreement which could be adopted independently to the negotiations and conclusions of an overall regional convention for the protection and development of the marine and coastal environment. If this approach is followed, a legal link may possibly be established at some future date between the oil spill agreement and any general framework convention which may be adopted.
7. However, based on the experience of the regional legal agreements mentioned in paragraph 4 above, it is the view of the UNEP secretariat that a direct relationship between the convention and the more specific legal agreements is important and is supportive of the comprehensive objectives of the Caribbean Action Plan. It serves to link and harmonize programmatic and legislative activities concerned with environmental assessment and management, and it facilitates the development of efficient and effective regional organizational and financial supporting measures.

8. On reviewing the attached draft agreement, the experts are invited to consider whether the agreement should be supplementary to or integrated with the general regional convention and negotiated and adopted concurrently with such a convention or whether an agreement on regional cooperation in combating oil spills should be concluded independently to the negotiation and adoption of a general regional convention.

9. The experts are also invited to prepare a revised draft text for consideration by their governments.

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**DRAFT REGIONAL AGREEMENT CONCERNING COOPERATION IN COMBATING OIL
SPILLS IN THE WIDER CARIBBEAN**

Preamble

THE PARTIES TO THIS AGREEMENT,

CONCIOUS of the serious threat to the marine environment of the Wider Caribbean Region posed by oil exploration, production, sea-transport and related activities,

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

RECOGNIZING that in the event of an oil spill or 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 advance planning and mutual cooperation and assistance in responding effectively to oil spills or the threat thereof,

HAVE AGREED as follows:

Article I

For the purpose of this Agreement:

- (1) "National Authority" means the designated authority within the Government of a Contracting Party (hereinafter referred to as Party) with overall responsibility for dealing with an oil spill or threat thereof within its own Government and with liaising with other Parties.**
- (2) "Wider Caribbean Region" means the region comprising the insular and Coastal States and Territories of the Caribbean Sea and the Gulf of Mexico, including the Bahamas, Guyana, Suriname, and the French Department of Guiana, as well as the waters of the Atlantic Ocean adjacent to these States and Territories.**

(3) "Related Interests" means the interests of a Party directly or indirectly affected or threatened by a marine emergency such as:

- (a) maritime, coastal, port or estuarine activities including, inter alia, fisheries activities constituting an essential means of livelihood of the persons concerned;
- (b) historic and touristic attractions of the Wider Caribbean Region;
- (c) the health of the coastal population and the well-being of the Wider Caribbean Region including, inter alia, conservation of living marine resources and wildlife.

Article II

Application

- (1) This Agreement applies to oil spill incidents occurring in the Wider Caribbean Region which have resulted in or which threaten to result in a substantial danger of pollution to the coastlines and related interests of one or more of the Parties to this Agreement.
- (2) This Agreement may apply, where appropriate and to the extent practicable, to incidents involving the release of harmful substances other than oil which have resulted in or which threaten to result in a substantial danger of pollution to the coastlines and related interests of one or more of the Parties.

Article III

General

- (1) The Parties to this Agreement undertake to cooperate in taking all necessary measures for the protection of the marine environment of the Wider Caribbean Region, particularly the coastal areas of the islands of the region, from the threat and effects of oil spills presenting a substantial risk of pollution.

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- (2) The Parties undertake, within their capabilities, to establish and maintain the means of preventing and combating oil spills or the threat thereof, including, inter alia, the preparation of contingency plans, identification and/or development of resources capable of responding to an oil spill incident and the designation of National Authorities.

Article IV

Exchange of Information Concerning National Authorities, Laws and other related matters

Each Party shall periodically provide the other Party with up to date information on their National Authorities including the identification of the officials charged with carrying out the activities covered by this Agreement and its Annex, and information on their laws, regulations, institutions and operational procedures relating to preventing and combating oil spills.

Article V

Communication of Information concerning, and reporting of, oil spill incidents

- (1) Each Party undertakes to establish appropriate obligations and procedures necessary to ensure that information regarding oil spills or threats thereof are reported as rapidly as possible, including inter alia:
- (a) requirements that appropriate officials of their governments, masters of vessels flying their flag, pilots of aircraft registered in their territory and persons in charge of offshore facilities operating under their jurisdiction report to them the existence of any situation involving an oil spill or threat thereof;
 - (b) request that masters of foreign vessels and pilots of foreign aircraft operating in the vicinity of their coasts report to them the existence of any situation involving an oil spill or threat thereof.

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- (2) In the event of receiving a report regarding an oil spill or threat thereof, each Party shall promptly inform all other Parties whose interests are likely to be affected by the oil spill or threat thereof as well as the flag state of any vessel involved in the oil spill or threat thereof in accordance with the Annex to this Agreement.

Article VI

Mutual Assistance

- (1) Each Party undertakes to render assistance, within their capabilities, to another Party or Parties who request assistance in responding to an oil spill or threat thereof on the basis of joint response action agreed between or among the requesting and assisting Party or Parties respectively.
- (2) Each Party undertakes to facilitate the movement of personnel, equipment and material involved in a response to an oil spill or threat thereof, into, out of and through their territories.

Article VII

Regional Oil Spill Contingency Plan

The Parties undertake, within their capabilities, to follow the steps outlined in the Regional Oil Spill Contingency Plan contained in the Annex to this Agreement in responding to an oil spill or threat and in particular:

- (a) to make a preliminary assessment of the nature of the situation including the type and extent of existing or likely pollution effects;
- (b) to promptly communicate information concerning the situation to other Parties pursuant to Article V;
- (c) to consult as appropriate with other affected or concerned Parties in determining the necessary response to an oil spill or threat thereof;

- (d) to promptly determine their ability to take effective measures to respond to the oil spill or threat thereof and of assistance that might be required and to communicate any request for such assistance to the Party or Parties concerned in accordance with Article VI;
- (e) to carry out the necessary measures to prevent, eliminate or mitigate the effects of the oil spill or threat thereof, including, inter alia, surveillance and monitoring of the situation.

Article VIII

Sub-Regional Arrangements

The Parties shall endeavour to develop and maintain such bilateral or multilateral arrangements as may be deemed appropriate by the Parties concerned, to respond to an oil spill or threat thereof within a specified geographic region of particular interest to the Parties involved taking into account the relevant provisions of this Agreement.

Article IX

Institutional Arrangements

Recognizing the important role which regional institutions can play in the implementation of this Agreement, the Contracting Parties shall at their first ordinary meeting consider the designation or establishment of a Regional Oil Spill Combating Unit, or other organizational unit, which would carry out the following functions:

- (a) assisting Contracting Parties in the following areas:
 - (i) the preparation, periodic review, and updating of National Contingency Plans, with a view, inter alia, to promoting the compatibility of the Plans of the Contracting Parties, and
 - (ii) the identification of training courses and programmes;

- (b) assisting the Contracting Parties, on a regional basis, in the following areas:
 - (i) the preparation of Model National Contingency Plans and emergency response programmes,
 - (ii) the coordination of regional emergency response activities, and
 - (iii) the provision of a forum for discussions and planning concerning emergency response and other emergency-related topics;
- (c) establishing and maintaining liaison with:
 - (i) appropriate regional and international organizations, and
 - (ii) appropriate private organizations, including, inter alia, major oil producers, refiners, and oil transporters conducting activities in the Caribbean region;
- (d) maintaining a current inventory of available emergency response equipment, materials and expertise;
- (e) disseminating information related to the prevention, control and removal of oil spills;
- (f) identifying or maintaining an emergency response communications system;
- (g) encouraging research by the Contracting Parties, as well as appropriate international and private organizations, on the environmental effects of oil spills, the environmental effects of oil spill control materials and other oil-spill-related matters;
- (h) preparing reports and carrying out other secretariat duties associated with this Agreement assigned to it by the Contracting Parties; and
- (i) performing other functions assigned to it by the Contracting Parties.

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Article X

Review of Regional Co-operation

- (1) The Parties shall meet together when necessary:
 - (a) to review the operation of the Regional Oil Spill Contingency Plan and to consider measures to improve its effectiveness in the light of experience gained in its implementation;
 - (b) to consider the extent to which the provisions of this Agreement may apply to incidents involving harmful substances other than oil; and
 - (c) to consider any measures to improve co-operation under this Agreement including amendments to this Agreement.
- (2) The Contracting Parties shall hold an ordinary meeting once every year and shall hold an extraordinary meeting upon the request of (X) Contracting Parties, provided that such a request is supported by at least (X) other Contracting Parties.
- (3) The Parties shall adopt the rules of procedure for their meetings.

Article XI

Amendment to this Agreement and Annex

- (1) Amendment to this Agreement and the Annex may be proposed by a Party.
- (2) The text of any amendment so proposed shall be communicated by the Depositary to all Parties for consideration by a meeting of Parties to this Agreement in accordance with paragraph (2) of article X or for acceptance by Parties in accordance with paragraph (4) of the present article.
- (3) An amendment adopted by two-third majority of the Parties present at the meeting shall be communicated by the Depositary to all Parties for acceptance. The amendment shall be deemed to have been accepted on the (X) day following the date it has been communicated unless within that period an objection to the amendment has been communicated to the Depositary by at least (X) of the Parties. On the (X) day following the date of acceptance an amendment shall enter into force for all Parties except those which prior to date of its entry into force, have deposited a declaration of non acceptance with Depositary.

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- (4) An amendment proposed by a Party which is not considered by a meeting of Parties in accordance with paragraph (3) above and is communicated by the Depository in accordance with paragraph (2) above shall be deemed to have been accepted after receipt of notification of acceptance by two-thirds of the Parties by the Depository. Such amendment shall enter force on (X) day following date of acceptance. The amendment shall enter into force for all Parties which have notified its acceptance.

Article XII

Signature, Ratification, Acceptance, Approval, Accession

- (1) This Agreement shall be open for signature by any State or competent territory in the Wider Caribbean Region. The Agreement shall remain open for signature from (date) to (date) and shall be subject to ratification, acceptance, or approval by the States or competent territories which have signed it. It shall be open for accession by any State or competent territory of the Wider Caribbean Region which did not sign the Agreement.
- (2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Depository. Any such instrument deposited after the entry into force of an amendment to this Agreement shall be deemed to apply to the Agreement as amended by the amendment.

Article XIII

Entry into force

- (1) This Agreement shall enter into force on the (X) day following the date which (X) States or competent territories have deposited instruments of ratification, acceptance, approval or accession pursuant to Article XII.
- (2) For any State which ratifies, accepts, approves or accedes to the Agreement after the date on which it enters into force, this Agreement shall enter into force on the (X) day following the date upon which the requisite document is deposited.

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Article XIV

Withdrawal

At any time after three years from the date of entry into force of this Agreement any Party may withdraw from the Agreement by giving written notification to that effect. Withdrawal shall take effect 90 days after the date on which notification of withdrawal is received by the Depositary.

Article XV

Responsibilities of the Depositary

- (1) The Depositary shall inform the Parties, any other State or competent territory referred to in Article XII:
 - (i) of the signature of this Agreement and of the deposit of instruments of ratification, acceptance, approval or accession;
 - (ii) of the date on which the Agreement will enter into force;
 - (iii) of notification of withdrawal made in accordance with Article XIV;
 - (iv) of the amendments adopted with respect to the Agreement and its relevant annexes and the date of their entry into force;
 - (v) of the request of Parties to convene a meeting of Parties in accordance with Article X.
- (2) The original of this Agreement and annexes thereto shall be deposited with the Depositary, the (Government or competent international organization) which shall send certified copies thereof to the Parties and to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

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

Done at (Place) on (date) in a single copy in the English, French and Spanish language, the fair texts being equally authoritative.

ANNEX

This annex would contain a regional oil spill contingency plan based on the "Revised Draft Regional Oil Spill Contingency Plan in the Island States and Territories of the Wider Caribbean Region" agreed upon at the Meeting of Caribbean Islands On Oil Spill Contingency Planning held in Barbados, 24-28 November 1980.

The Regional Oil Spill Contingency Plan could, as well, include guidelines for the report of oil spill incidents pursuant to Article V of the draft Agreement. For example, reference to the Caribbean Oil Spill Alerting Mechanism (CARIBPOLREPS) could be included.

Second Meeting of Experts on Draft
Regional Agreements for the Wider
Caribbean Region
United Nations Headquarters, New York
17 July 1982

DRAFT REPORT ON THE SECOND MEETING OF EXPERTS ON DRAFT REGIONAL
AGREEMENTS FOR THE WIDER CARIBBEAN REGION

Addendum

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

(As prepared by the meeting of experts)

Preamble

The Contracting Parties,

fully aware of the economic and social value of the marine environment and
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 and coastal 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;

Realizing fully the need for co-operation amongst themselves and with competent international organizations in order to ensure a co-ordinated and comprehensive development without environmental damage;

Recognizing the desirability for the wider acceptance and national implementation of international agreements already in existence concerning marine pollution;

Noting, however, that these agreements do not cover, in spite of the progress achieved, all aspects of environmental deterioration and do not entirely meet the special requirements of the Wider Caribbean Region;

Having as a basic purpose the protection of the ecosystems of the marine environment and coastal areas of the Wider Caribbean Region;

Having agreed as follows:

Article 1

Geographical Coverage

This Convention shall apply to the Wider Caribbean Region, hereinafter referred to as "the Convention area" as defined in paragraph (a) of article 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 purpose of this Convention:

(a) "The Convention area" means the marine environment and related coastal areas of the Caribbean Sea and the Gulf of Mexico within a line following the 30° N parallel of latitude from the Atlantic coast of the United States eastward to longitude 75° W; thence approximately east-south-eastward to position 20° N, 55° W; and thence approximately south-south-eastward to position 7° 15' N, 48° 36' W; and thence south-westward to the international boundary at the coast between Brazil and the French Department of Guiana, with the latter line forming the south-eastern seaward limit of the region. The Convention area is illustrated by the map included in the annex to this Convention.

(b) "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities, including fishing, impairment of quality for use of sea water and reduction of amenities.

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(c) "Organization" means the body designated as responsible for carrying out the functions pursuant to paragraph 1 of article 15 of this Convention.

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 and coastal 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 Organization and, through the Organization, to all Contracting Parties.

2. 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 shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations, nor the present or future claims and legal views of any Contracting Party concerning the nature and extent of its maritime jurisdiction. } new (2)

Article 4

General Obligations

1. The Contracting Parties shall, individually or jointly, take all appropriate measures in accordance with the Convention and those protocols in force to which they are party to prevent, reduce and combat pollution in 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 co-operate in the formulation and adoption of protocols or other agreements for the implementation of this Convention.

3. The Contracting Parties shall take appropriate measures for the effective discharge of the obligations prescribed in this Convention and shall endeavour to harmonize their national policies in this regard.

4. The Contracting Parties shall co-operate with the competent international, regional and subregional organizations for the effective implementation of this Convention and its protocols. They shall assist each other in fulfilling their obligations under the present Convention and its protocols.

5. The Contracting Parties shall use their best endeavours to ensure that the implementation of this Convention shall not result in an increase in the pollution of the marine environment outside the Convention area.

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Article 5

Pollution from Ships

The Contracting Parties shall take all appropriate measures in conformity with international law to prevent, reduce and combat pollution in the Convention area caused by discharges from ships, and to ensure the effective application in the Convention area of the internationally recognized rules and standards relating to the control of pollution from ships.

Article 6

Pollution caused by Dumping from Ships and Aircraft

The Contracting Parties shall take all appropriate measures in conformity with international law to prevent, reduce and combat pollution in the Convention area caused by dumping from ships, aircraft, or man-made structures at sea, including the effective application of the relevant internationally recognized rules and procedures relating to the control of dumping of wastes and other matter.

Article 7

Pollution from Land-based Sources

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

Article 9

Pollution from or through the Atmosphere

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

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Article 10

Specially Protected Area

The Contracting Parties shall, in conformity with international law, 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 and other marine life in the Convention area. To this end the Contracting Parties shall endeavour to establish protected areas, such as parks and reserves, and to prohibit or regulate any activity likely to have adverse effects on the species, ecosystems, or biological processes that such areas are designed to protect.

Article 11

Co-operation in Combating Pollution in Cases of Emergency

1. The Contracting Parties shall co-operate in taking all necessary measures to deal with 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 pollution incidents 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 it deems likely to be affected by such pollution, as well as the competent international organizations. Furthermore, it shall inform, as soon as feasible, such other States and competent international organizations of any measures it has itself taken to minimize 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 development projects in such a way as to prevent or minimize their harmful impact on the Convention area.
2. Each Contracting Party shall endeavour to assess the potential environmental effects of major projects, particularly in the coastal areas, which it has reasonable grounds to expect may cause substantial pollution of, or significant and harmful changes to, the Convention area.
3. The Contracting Parties shall, in consultation with the Organization, develop procedures for the dissemination of information and consultations concerning the assessment of the activities referred to in paragraph 2 of this article.

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Article 13

Scientific and Technological Co-operation

1. The Contracting Parties undertake to co-operate, directly, and when appropriate through the competent international and regional organizations, in scientific research, the monitoring of pollution and the exchange of data and other scientific information related to the purposes of the Convention.
2. To this end, the Contracting Parties undertake to develop and co-ordinate national research and monitoring programmes concerning pollution in the Convention area and to ensure, in co-operation with the competent international and regional organizations, the necessary links between national 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 in areas beyond the Convention area.
3. The Contracting Parties undertake to co-operate, directly, and when appropriate through the competent international and regional organizations, in the provision 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 in conformity with international law in the field of liability and compensation for damage resulting from pollution in the Convention area.

Article 15

Institutional Arrangements

1. The Contracting Parties designate the United Nations Environment Programme as the secretariat of the Convention to carry out the following functions:
 - (i) To prepare and convene the meetings of Contracting Parties and conferences provided for in articles 16, 17 and 18;
 - (ii) To transmit to the Contracting Parties notifications, reports and other information received in accordance with articles 3, 11, 12 and 21;
 - (iii) To perform the functions assigned to it by the protocols to this Convention;

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- (iv) To consider enquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention and its protocols and annexes thereto;
- (v) To co-ordinate the implementation of co-operative activities agreed upon by the meetings of Contracting Parties and conferences provided in articles 16, 17 and 18;
- (vi) To ensure the necessary co-ordination with other international bodies which the Contracting Parties consider competent, and in particular, to enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

2. Each Contracting Party shall designate an appropriate authority to serve as the channel of communication between the Contracting Party and the Organization 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 Organization or at the request of any Contracting Party, provided that such requests are supported by at least 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:

- (i) To assess periodically the state of the environment in the Convention area;
- (ii) To consider reports submitted by the Contracting Parties under article 21;
- (iii) To adopt, review and amend as required annexes to this Convention and to its protocols, in accordance with the provisions of article 19;
- (iv) To make recommendations regarding the adoption of any additional protocols or amendments to this Convention or its protocols in accordance with the provisions of articles 17 and 18;
- (v) To establish working groups as required to consider any matters concerning this Convention and its protocols and annexes;
- (vi) To consider and adopt decisions concerning co-operative activities to be undertaken within the framework of this Convention and its protocols, including their financial and institutional implications;

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- (vii) To consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and its protocols;
- [(viii) Extraordinary meetings shall have as their sole objective the study of the issues for which they were convened.]

Article 17

Adoption of Protocols

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

Article 18

Amendment of the Convention or the Protocols

1. Any Contracting Party to this Convention may propose amendments to the Convention. Amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of 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 Organization at the request of of the Contracting Parties to the protocol concerned.
3. Amendments to this Convention shall be adopted by a 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 majority vote of the Contracting Parties to such protocol which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Contracting Parties to such protocol.
4. Acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 of this article shall enter into force between Contracting Parties having accepted such amendments on the thirtieth day following the receipt by the Depositary of notification of their acceptance by at least 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 that Party deposits its notification of acceptance of the amendments.

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5. After the entry into force of an amendment to this Convention or to a protocol, any new Contracting Party to this Convention or such protocol shall become a Contracting Party to the instrument as amended.

Article 19

Annexes and their Amendment

1. Annexes to this Convention or to any protocol shall form an integral part of the Convention or such protocol, as the case may be.

2. Except as may be otherwise provided in any protocol with respect to its annex(es), the following procedure shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to annexes to any protocol:

- (i) any Contracting Party may propose amendments to the annexes to this Convention or to annexes to any protocol at the meetings referred to in article 16;
- (ii) such amendments shall be adopted by a majority vote of the Contracting Parties to the instrument in question;
- (iii) the Depository shall without delay communicate the amendments so adopted to all Contracting Parties;
- (iv) any Contracting Party that is unable to approve an amendment to the annexes to this Convention or to annexes to any protocol shall so notify in writing the Depository within 90 days from the date when the amendment was adopted. 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;
- (v) the Depository shall without delay notify all Contracting Parties of any notification received pursuant to the preceding subparagraph;
- (vi) on expiry of the period referred to in subparagraph (iv) above, 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.

3. The adoption and entry into force of a new annex to this Convention or to any protocol shall be subject to the same procedure as for the adoption and entry into force of an amendment to an annex in accordance with the provisions of paragraph 2 of this article, provided that, if any amendment to the Convention or the protocol concerned is involved, the new annex shall not enter into force until such time as the amendment to the Convention or the protocol concerned enters into force.

4. Amendments to the annex on arbitration shall be considered to be amendments to this Convention and shall be proposed and adopted in accordance with the procedures set out in article 18 above.

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Article 20

Rules of Procedure and Financial Rules

1. The Contracting Parties shall adopt rules of procedure for their meetings.
2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation.

Article 21

Special exercise of the right to vote

In their fields of competence, the regional economic integration groups 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

Reports

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 the 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 be submitted to arbitration under the conditions laid down in the annex to this Convention.
3. Nevertheless, the Contracting Parties may at any time declare that they recognize 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 in conformity with the provisions of the annex. Such declaration shall be notified in writing to the Depository, who shall communicate it to the other Contracting Parties.

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Article 24

Relationship between the Convention and its protocols

1. [No State may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one protocol to this Convention.] No State may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.
2. Any protocol to this Convention shall be binding only on the Contracting Parties to the protocol in question.
3. Decisions concerning any protocol pursuant to articles 16, 18 and 19 of this Convention shall be taken only by the Parties to the protocol concerned.

Article 25

Signature

The present Convention [and the protocol concerning] shall be open in from to for signature by States invited to participate in the Conference of Plenipotentiaries held in It [they] 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 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 any other protocol thereto shall be subject to ratification, acceptance or approval by States. Instruments of ratification, acceptance or approval shall be deposited with the Government of, which will assume the functions of Depositary.
2. This Convention and any protocol shall also be subject to ratification, acceptance, or approval by regional economic integration organizations referred to in article 25 having at least one member State a party to the Convention. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in article 25 or 27 shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

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Article 27 ✓

Accession

1. As from, the present Convention [and the protocol concerning] shall be open for accession by the States and regional economic integration organizations referred to in article 25.
2. After entry into force of the Convention and of any protocol any States not referred to in article 25 or any regional economic integration organization exercising competence in fields covered by the Convention and having at least one member State which belongs to the Wider Caribbean Region, a party to the Convention may accede to this Convention and to any protocol upon the terms set out in paragraph 2 of article 26 subject to prior approval by three fourths of the Contracting Parties to the Convention or protocol concerned.

Article 28

Entry into force

1. This Convention shall enter into force [on the same date as the first of its protocols to enter into force.] [on the thirtieth day following the date of deposit of at least five instruments of ratification, acceptance or approval by the Signatories-referred to in article 25.]
2. Any 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 at least five instruments of ratification, acceptance, or approval of such protocol by the Signatories referred to in article 25.
3. In the calculation of the number of instruments of ratification, acceptance or approval, any instrument deposited by a regional economic integration 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 regional economic integration organization referred to in article 25 or 27 on the thirtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

Article 29

Withdrawal

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 withdraw from this Convention by giving written notification of withdrawal to the Depository.

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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, withdraw from such protocol by giving written notification of withdrawal to the Depositary.

Withdrawal shall take effect ninety days after the date on which notification of withdrawal is received by the Depositary.

Any Contracting Party which withdraws from this Convention shall be considered also having withdrawn from any protocol to which it was a Party.

Any Contracting Party which, upon its withdrawal from a protocol, is no longer a Party to any protocol to this Convention, shall be considered as also having withdrawn from this Convention.

Article 30

Responsibilities of the Depositary

The Depositary shall inform the Signatories and the Contracting Parties, as well as the Organization:

- (i) of the signature of this Convention and of any protocol thereto and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 25, 26 and 27;
- (ii) of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 28;
- (iii) of notification of withdrawal made in accordance with article 29;
- (iv) of the amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting Parties and the date of entry into force of those amendments in accordance with the provisions of article 18;
- (v) of all matters relating to new annexes and of the amendment of any annex in accordance with article 19;
- (vi) of notifications by regional economic integration organizations of the modifications referred to in articles 26 and 27 in the extent of their competence with respect to matters governed by this Convention. ✓

The original of this Convention and of any protocol thereto shall be deposited with the Depositary, the Government of, which shall send certified copies thereof to the Signatories and the Contracting Parties, to the Organization, and to the Secretary-General of the United Nations for registration and publication in accordance with article 102 of the United Nations Charter.

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

in three copies, one in each of the English, French and Spanish languages, the three texts being equally authoritative.
