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Wider Caribbean Region

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**CARIBBEAN ENVIRONMENT PROGRAMME
ACTION PLAN**

**Principles and guidelines which may
be used for a regional legal agreement**

**UNEP / CEPAL
1979**

This study was prepared by a UNEP consultant, Dr. Alberto Szekely, acting in his personal capacity. The views and recommendations contained in the study do not necessarily reflect the views of UNEP.

INTRODUCTION

1. The contents of the literature available for the preparation of the attached draft, very clearly and persistently insisted that a convention for the Caribbean would have to be a sui generis instrument, responding to the particular characteristics of the Region.
2. The need for an international legal instrument linking "development" and "environment", moreover, required the preparation of a convention without precedent.
3. Therefore, very little in similar conventions has been useful in the drafting of this work. Not being a "pollution" convention, as in the Mediterranean, Kuwait or Baltic instances, the Caribbean one required, in many cases, a radically different content. However, the instruments of the said regions were followed as far as was proper and feasible, taking into special account that all of them are in more than one way environmental conventions applying to regional seas.
4. For the preparation of this work, a set of principles and guidelines, with explanatory notes, was requested. It has been necessary to go beyond the scope of the request. It soon became essential to resort to the drafting of specific treaty language.
5. The manner in which certain principles are drafted, and not merely enunciated, seems to be the key to the solution of the most delicate aspects of the future convention, in particular those of admittedly paramount importance, namely, those of participation and geographical definition.
6. The formulas finally arrived at could best be appreciated not only in treaty language but also in the context of a comprehensive draft convention, as these would show how exactly they would operate within the entire mechanism.
7. Thus, instead of a mere series of isolated principles and guidelines, preference was given to proceeding to the preparation of the entire draft.
8. It will be noticed that the formulas chosen to deal with participatory and geographical delimitation and definition problems (i.e. who can participate in the convention, how to define marine areas in legal language and how to describe the limits of the Region itself) can only be fully understood and appreciated within the context of a complete document, where its various provisions are necessarily inter-related.
9. Once the two outstanding and complicated problems were solved, a matter which was of much concern in the literature made available, it became a matter of trying to draft the substantive contents of that literature (which deals with the work of UNEP-CEPAL towards a Draft Action Plan in the Wider Caribbean), into treaty language. This also involved, obviously, organizing the structure of the draft of the convention.

10. It must be said that the draft attempts to correspond directly to the content of the work already undertaken by UNEP-CEPAL on the matter, especially as this is represented in three most valuable documents which express the result of the most advanced stage of that work: 1) Report of the Second Advisory Panel Meeting of the Joint UNEP/CEPAL Project for Environmental Management in the Wider Caribbean Area, dated September 1979 (hereinafter referred to as the GUIDE DOCUMENT); 2) Draft Action Plan for the Caribbean Environment Programme, dated 23 October 1979 (hereinafter referred to as the MAIN DOCUMENT; and 3) Options for Institutional and Financial Arrangements, dated 24 October 1979. The second and third of these documents merely receive, in this draft Convention, a legal framework for their implementation, but most of their contents are supposed to be implemented by the Organization and the Parties once the legal framework, that is, the Convention, is in force. This applies especially to the institutional aspects. In certain areas, however, it became necessary to introduce some innovative elements, particularly regarding the main operational component of the scheme, the Meeting of Consultation of the Parties (Article 18). This matter, together with the two above-mentioned paramount problems, required a great deal of imagination, a risk that was taken with the support of the request made calling for innovative ideas in the preparation of this work.

11. The institutional framework of the Convention had to respond primarily to the appeal made by those who proposed the scheme in the first place. In fact, the Caribbean Development and Cooperation Committee rightly made a statement, reproduced on page 2 of document CEP Adv P 1/1, Add. 1-2, to the effect that "... the solutions should come basically from the Caribbean itself if such strategies are to have any chance of success". This appeal was taken into full consideration in the MAIN DOCUMENT.

12. However, this approach had also to be considered together with another widely expressed view, in the sense that the Caribbean community would not be in the same position to proceed to the creation of a formal and well structured regional organization of the Kuwait type.

13. Therefore, although the recommendation of the Advisory Panel to make UNEP the main body responsible for the implementation of the scheme was indeed entirely embodied in the draft, it was necessary to suggest the creation of a native institutional mechanism that would allow for real and direct participation by the Caribbean community itself (Art. 18).

14. It must also be said that, throughout the draft, the drafting policy was one of abiding, as far as possible, by the terminology found in the literature made available, especially in the GUIDE and MAIN DOCUMENTS.

15. The outstanding matters dealt with in the draft need certain explanations. Others, thanks to the fact that the document is presented as a whole and integrated unit, are hopefully self-explanatory.

16. Finally, some of the provisions in the draft, as was said earlier, are open enough to allow their implementation through the Regional Action Plan as represented in the MAIN DOCUMENT.

TITLE:

17. The title should convey, from the outset, that this is not an exclusively environmental instrument, much less a "pollution"-limited instrument. Rather, it should clearly indicate that it is one aimed at linking the two recognized factors: developmental and ecological considerations, of which the common denominator is "environmentally sound development".

18. On the other hand, it will be noticed that the instrument is not a "marine" one only, but is extended to the adjacent coastal areas, a perspective which should need no further elaboration.

PREAMBLE:

19. Adopts some of the considerations embodied in the preambles of the Mediterranean and Kuwait instruments (hereinafter referred to as MED and KUW, respectively). However, from the start, the peculiar guiding concern of the Parties to this instrument is expressed and elaborated on through its initial six paragraphs, that is, the relationship between development and environment.

20. There has been an attempt to make this preamble a synthesis of the causes and purposes of the draft (which are subsequently spelled out in the text), as well as of its guiding philosophy, without raising controversial issues but attempting to take into account the sort of regional negotiators who would participate in producing a final draft.

21. The seventh paragraph was taken directly from page 5 of annex I of the said Report of the Second Advisory Panel Meeting (hereinafter referred to as the GUIDE DOCUMENT).

22. Full awareness exists that what is embodied in the preamble could conceivably be said or drafted in more than several ways, a truth which probably applies to each of the provisions in the rest of the draft.

23. The language hereby proposed, then, merely indicates the sort of substantial points which should be covered.

CHAPTER I:

24. In the same way as MED and KUW start their definitions with "pollution", simply because that was their main concern, it is thought necessary to start here by defining the main concern of this draft, namely, the concept of "sound environmental management". This concept was carefully structured from the way it was repeatedly expressed throughout the literature. It was very hesitantly drafted, but it tried to convey the development-environment relationship. However, some appropriate language, clearly conveying the idea, is highly recommended.

25. Paragraphs 7 and 8 are quite delicate and important. The definition of "Parties" has hopefully avoided terminology that may prejudice the participation of entities other than sovereign States.

26. Thus, the term "those" proved to be quite useful, as it seems to leave the door open to participation through the Convention or through its Protocol I.

27. As will be seen, the Convention itself is only open to States in the Region, but Protocol I is open either to non-independent entities or to the metropolitan State in regard to its non-independent entities in the Region. This solution is not created out of fantasy. It has been taken from the region itself. The formula is embodied in Additional Protocol I to the Tlatelolco Treaty on the Prohibition of Nuclear Weapons in Latin America, to deal essentially with the same problem. It remains to be seen whether or not the grave concern of the Caribbean and Central American countries in trying to ban nuclear weapons from their sub-region, is equivalent and comparable to their concern for what in a way amounts to another form of protecting their environment from gradual instead of sudden destruction. In any case, the formula has real chances of success, given the precedent just outlined.

28. It should be added that participation through the Convention and participation through Protocol I have the same value.

29. Protocol II, which is open to extra-regional States, is also found in the Tlatelolco Treaty. In that case, as in this one, many of its goals would be rendered useless or more difficult to attain without collaboration from entities outside the Region. This Protocol would also allow participation by nearby States not bordering the Region, which maintain close economic and political links with the Region. It would also apply to a variety of countries outside the Region which undertake activities, sometimes on a day-to-day basis, in the Wider Caribbean (see paragraph 5 of the draft Action Plan for Sound Environmental Management in the Wider Caribbean, as revised at the First Meeting of the Advisory Panel, document CEP/1 Revision 1 - April, 1978).

30. The term "this Convention", as distinct from "the Convention", is useful only in so far as it allows distinction between the Parties being addressed, that is, those of the Protocols as well.

CHAPTER II:

31. Despite its complicated structure, it should hopefully be self-explanatory.

32. The terminology used in this chapter does not, after a careful review of the national legislation in force in the Region, prejudice the position of any of the States, non-independent States or metropolitan powers in the Region, regarding their views as to the present status of the international law of the sea, or their claims over "national jurisdiction zones". This

neutral term has been used in a variety of bilateral treaties that have been concluded, as the Third United Nations Conference on the Law of the Sea has continued to meet without producing a final general convention. Those treaties include all sorts of States, holding different positions and views. The neutral term resorted to has been the element allowing for the conclusion of those international legal instruments in different parts of the world.

33. Paragraphs 1 and 3 of article 2 deal with the "marine", "submarine" and coastal areas of States (Parties to "the" Convention) in the Region. It has been possible to completely ignore the legal names of these zones, thus avoiding controversial reactions. Paragraphs 4 and 6 deal with the marine, submarine and coastal areas of non-independent entities, for which either themselves, if allowed or in a position to, or their metropolitan States, would participate through Protocol I.

34. Reference to who ratified what was deemed a better solution to the problem of having to distinguish States from non-States.

35. The disintegration of the Region into areas under the limits of national jurisdiction, on the one hand, and areas beyond the limits of national jurisdiction on the other, was in itself a proper solution to the problem of delimiting the Wider Caribbean by reference to lines closing its entrance points. Thus, the sum of the two types of areas constitutes the Region.

36. The definition of a "coastal zone" was taken in part from the GUIDE DOCUMENT (annex II, page 1). It is regarded as necessary that each Party shall be able to delimit its coastal zone. Given the limited size of territories in the Region, both continental and insular, the option still exists of regarding the entire territory as the "coastal zone", with few obvious exceptions (i.e. Mexico, Venezuela and Colombia).

37. Also, because of the limited size of some continental (i.e. Central American States) or insular (Caribbean islands) territories, a doubt remains as to the wisdom of excluding any internal waters at all.

38. Finally, the door was left open for Parties to withdraw their marine, submarine or coastal zones not bordering the Region (i.e. the Atlantic or the Pacific). This privilege may be wished to be denied to the Caribbean islands, because of the unity of their fragile environmental systems.

39. In any case, such a right of "exclusion" did not seem proper for Protocol I Parties, as all of them, except British Honduras, are very small islands which shall be regarded as one single coastal zone in their entirety.

CHAPTER III:

40. This Chapter has been drafted basically from the language found in the GUIDE DOCUMENT (annex II, page 2), but its contents are intimately linked

with the main objectives embodied in the most important United Nations instruments and resolutions dealing with the behaviour of states regarding the protection of the human environment. These resolutions include: G.A. 2849 (XXVI) of 20 December 1971 "Development and Environment" (paragraph 4); G.A. 2995 (XXVII) of 15 December 1972 "Co-operation Between States in the Field of the Environment" (paragraphs 1 and 2); G.A. 2997 (XXVII) of 15 December 1972 "Institutional and Financial Arrangements for International Environmental Co-operation" (Section IV, paragraph 4); G.A. 3002 (XXVII) of 15 December 1972 "Development and Environment" (paragraph 1); G.A. 3129 (XXVIII) of 13 December 1973 "Co-operation in the Field of the Environment Concerning Natural Resources Shared by Two or More States" (paragraphs 1 and 2); G.A. 3133 (XXVIII) of 13 December 1973 "Protection of the Marine Environment" (paragraphs 1, 2 and 5); G.A. 3281 (XXIX) of 12 December 1974 "Charter of Economic Rights and Duties of States" (Articles 3 and 30); G.A. 31/112 (XXXIII) of 16 December 1976 "Institutional Arrangements for International Environmental Co-operation" (paragraph 2).

41. These resolutions are intended to implement and further the objectives of the Declaration of the 1972 United Nations Conference on the Human Environment and its corresponding Action Plan. Paragraph 4 of the Declaration's Preamble clearly links development with the environmental dimension as do most of its Principles, in particular Principles 8, 9, 11 to 13, 23 and 24. Equally, Recommendations 102 to 109 of the Action Plan elaborate on the development-environment relationship. The guiding spirit of the Declaration on Permanent Sovereignty over Natural Resources (G.A. 1803 (XVII) of 14 December 1962) is present in these resolutions.

42. Precisely in order to round up the main philosophy continually expressed in the above-mentioned resolutions, it is essential to include a provision such as the one suggested for paragraph 2(h) of article 4 of the draft Convention.

43. Article 4 of the draft equally implements the main ideas behind the provisions which, so far, have been emerging from the Third United Nations Conference on the Law of the Sea, especially through Articles 197 to 201 (Part XII, Section II, "Global and Regional Co-operation") of the Informal Composite Negotiating Text (document A/CONF.62/WP.10/Rev.1 of 28 April 1979). It is clear that the draft Convention is in fact an implementation of Article 197 of the Text.

CHAPTER IV:

44. Some of these articles come from MED and KUW, but have been rephrased to accommodate the particular goals and objectives of this instrument.

45. The disclaimer is found in many bilateral treaties dealing with marine affairs, especially since the Law of the Sea Conference has been at work. Perhaps the best illustration of an instrument between two parties with varying views is the 1976 Mexico-United States bilateral Treaty on Fisheries.

46. Article 10 embodies the pollution provisions of MED and KUW, although it is designed here to englobe the coastal zone as well. No justification seems necessary for drafting provisions in detail on this matter, given the role of pollution in environmental protection and despite the fact that this admittedly is not a pollution convention.

CHAPTER V:

47. Drafting this chapter was merely a matter of making the best efforts to arrange and organize the recommendations of the Advisory Panel, as expressed in annexes I and II of the GUIDE DOCUMENT.

CHAPTER VI:

48. It will be necessary for the Parties to entrust an organization with the secretariat responsibilities for the Convention. Entrusting an existing organization with such responsibility avoids, as was said, the need to create a new formal organization in the Region.

49. However, it should be stressed that the Organization will be subject to the guidance of the Parties, which will participate directly in the management of the regional programme through their Meeting of Consultation.

50. The Meeting of Consultation is not an alien institutional device in the Region. A similar body was resorted to by the countries of the Western Hemisphere in order to escape the disadvantages of the Panamerican Union, a greatly formalized institution. The Meeting of Consultation of the Foreign Ministers in the inter-American system, played a significant role in the Region.

51. The Caribbean community is thus very much involved in the responsibility for seeking and implementing solutions.

52. This chapter embodies the sort of open provisions which will make it possible, both for the Organization and for the Meeting of Consultation of the Parties, to establish the institutional mechanisms, units and arrangements envisaged in the draft Action Plan and in the document entitled "Options for Institutional and Financial Arrangements" (E/CEPAL/PROY.3/L.4)

CHAPTER VII:

53. Article 20 is a simple constitutional provision. The GUIDE and MAIN DOCUMENTS, as well as the document OPTIONS FOR INSTITUTIONAL AND FINANCIAL ARRANGEMENTS, do not require more. All that is apparently needed is a

legal framework allowing the Meeting of Consultation of the Parties and the Organization to provide for any means deemed necessary for the financial support of the whole scheme. This framework is given by article 20.

CHAPTER VIII:

54. It seems unlikely that the Caribbean community will be willing, at this time, to enter into a compulsory system of the KUW type.

55. Thus, the traditional settlement of disputes formula was adopted.

CHAPTER IX:

56. This chapter should be self-explanatory. A number of alternatives were contemplated, but the MED and KUW models seem sufficient. A doubt remains as to whether or not the Parties will want the Meeting of Consultation to amend the annexes or to adopt new ones. However, precisely because they are annexes there should be greater flexibility about them than about the Convention.

PRINCIPLES AND GUIDELINES FOR THE PREPARATION OF A
DRAFT REGIONAL CONVENTION FOR ENVIRONMENTALLY SOUND
DEVELOPMENT IN THE MARINE AND COASTAL AREAS OF THE
WIDER CARIBBEAN

T E X T

PREAMBLE

THE CONTRACTING PARTIES,

CONVINCED that policies for sustained social and economic development can and must be reconciled with sound environmental management of the marine and coastal areas of the Region, and the resources thereof;

RECOGNIZING that the unwillingness to integrate the environmental dimension into the development process leads in some cases to irreversible damage to the environment, and that the cost of corrective action in the medium to long term has proved to be many times greater than the initial cost of prevention;

CONSCIOUS of the need for individual and joint co-operation among the Parties and international organizations concerned, in order to ensure sustainable, environmentally sound development, through a co-ordinated and comprehensive regional approach;

FULLY AWARE that such co-operation is indispensable in order for us to meet our responsibility to preserve our common heritage in the Region, for the benefit and enjoyment of present and future generations;

SATISFIED that the said co-operation and responsibility are facilitated by our recognition that the marine waters of the Region constitute an integrating rather than a divisive factor among us, despite differences in our social, economic and political systems;

MINDFUL of our common endeavor to attain sustainable social and economic development, as well as of the special hydrographic and ecological characteristics, especially those of islands, whose fragile environmental systems require special treatment;

RECOGNIZING the need to ensure that the processes to further sustainable development should not, in any way, cause damage or deterioration to the marine and coastal environment of the Region, so as to jeopardize its resources and amenities or create hazards to human health;

BEARING in mind the existing international law relevant to this Convention;

HAVE AGREED as follows:

CHAPTER I

Definitions

ARTICLE I

For the purpose of this Convention:

1. "Sound environmental management" means the general policy hereby adopted by the Parties to ensure that activities in the Region, especially those aimed at furthering sustainable social and economic development through the utilization of natural resources and other related activities, do not, in any way, cause damage or deterioration to the marine and coastal environment, so as to jeopardize its resources and amenities to the detriment of present and future generations, or create hazards to human health.
2. The "Region" means the area of application of this Convention, as defined in article 2.
3. "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine and coastal environment resulting or likely to result in such deleterious effects as to harm living resources, hazards to human health, hindrance to marine and coastal activities including fishing, impairment of quality for use of sea and coast and reduction of amenities.
4. The "Organization" means the body designated as responsible for carrying out secretariat functions pursuant to article 17.
5. The "Meeting of Consultation of the Parties" means the forum established pursuant to article 18.
6. The "National Authority" means the authority designated by each Party pursuant to article 19.
7. The "Parties" means, unless otherwise specified, those having ratified, accepted, approved or acceded to the Convention or its Protocols in conformity with articles 25 to 27.
8. "This Convention" means, unless otherwise specified, the present Convention, together with its protocols, annexes and appendices.
9. The "Regional Action Plan" means the Action Plan for Environmentally Sound Development in the Marine and Coastal Areas of the Wider Caribbean, adopted at the.....Conference, convened in
.....from.....to.....of 198...

CHAPTER II

Geographical Coverage

ARTICLE 2

The area of application of this Convention is the Wider Caribbean Region, understood as the sum of the following:

1. The marine zones under national jurisdiction of those which areParties to the Convention, up to their external limit, including the air-space superjacent to those zones but excluding the internal waters when these are not located within or are unrelated to their coastal zones.
2. The submarine soil and sub-soil under national jurisdiction of those which areParties to the Convention, up to their external limit.
3. The coastal zones of those which are.....Parties to the Convention, which include the belt of their territory adjacent to the base-line from which the territorial sea is measured, landward and to a distance to be determined by each Party. Such determination shall be made taking into account the need to include the zone of immediate interaction between terrestrial and marine ecosystems, as well as those areas of watersheds draining into the sea, where activities have direct impact on the marine environment. The determination shall be communicated to the Organization in writing including the necessary geographical and other information for the identification of the limits of the coastal zone, and appended to this Convention by the Depositary.
4. The marine zones under national jurisdiction for which Parties have ratified, accepted, approved or acceded to Protocol I of the Convention, up to their external limit but excluding the internal waters when these are not located within or are unrelated to their coastal zones.
5. The submarine soil and sub-soil zones under national jurisdiction for which Parties have ratified, accepted, approved or acceded to Protocol I of the Convention, up to their external limit.
6. The coastal zones for which Parties have ratified, accepted, approved or acceded to Protocol I of the Convention, in the same terms as provided in paragraph 3 of this article.
7. The portions of High Seas within the Region and beyond the limits of the marine zones under national jurisdiction referred to in paragraphs 1 and 4 of this article, without prejudice and in full observance of the régime established by international law for such portions.

8. The portions of sea-bed and its sub-soil within the Region and beyond the limits of the submarine zones under national jurisdiction referred to in paragraphs 2 and 5 of this article, without prejudice and in full observance of the international régime applicable to such portions in accordance with international law.

ARTICLE 3

1. Any continental Party to the Convention or to its Protocol I may declare that any part or parts of the marine or submarine zones under its national jurisdiction or of its coastal zone, as these are defined in article 2, which are not located in or not bordering the Caribbean Sea or the Gulf of Mexico, shall be excluded from the application of this Convention.

2. A similar declaration may be made by any insular Party but only in regard to part or parts of marine or submarine zones under its national jurisdiction, which are not located in or are not bordering the Caribbean Sea or the Gulf of Mexico. The marine or submarine parts thus excluded shall be located beyond and seaward from the delimitation lines applicable in accordance with international law to adjacent or opposite coasts at entrance points to the Caribbean Sea or to the Gulf of Mexico.

3. The declaration provided by this article shall be made in writing when ratifying, accepting, approving or acceding to the Convention or to its Protocol I.

CHAPTER III

Goals and Objectives

ARTICLE 4

The goals and objectives of this Convention are:

1. To ensure the sound environmental management of the marine and coastal areas of the Region, and of the resources thereof, in order to further sustainable social and economic development, with special attention to the need to improve the quality of life of the poorer majority of the population, by promoting increased popular participation, improving the distribution of benefits and access to resources, and ensuring the sustainability of the development process over the long term.

2. To provide a framework for regional co-operation in order to strengthen the capability of each Party to implement sound environmental management policies, specifically by increasing:

- (a) assistance to the smaller Parties;
- (b) the full use of the Region's human, financial and natural resources through technical co-operation between developing countries.
- (c) regional self-reliance through the sharing of experiences on common problems;
- (d) co-operation on transnational and international concerns and activities, including natural and man-induced disasters;
- (e) co-ordination of international assistance activities;
- (f) the strengthening of national, sub-regional and regional institutions;
- (g) the Region's appreciation, including the public interest in, and awareness of, the importance of the environment as it relates to the development process on a sustainable basis;
- (h) the search for alternative patterns of development, consistent with the resources, social and cultural values, needs and hopes of the peoples of the Region, so that environmental degradation, with its attendant costs, may be minimized.

3. To ensure that regional action in application of this Convention, while recognizing that certain Parties have distinctive needs which require special attention, particularly islands because of their fragile environmental system, lead to policies that take into account rational utilization of available natural resources and the natural capacity of a given ecosystem to support the utilization of those resources.

4. To apply and implement the Regional Action Plan.

CHAPTER IV

General Provisions and Obligations

ARTICLE 5

The Parties may enter into bilateral or multilateral agreements, including regional or sub-regional agreements, for the attainment and implementation of the goals and objectives of this Convention in accordance with Chapter III, provided that such agreements are consistent with this Convention and conform to international law. Copies of those agreements shall be circulated among all Parties to this Convention through the Organization.

ARTICLE 6

Nothing in this Convention shall prejudice the position of the Parties at the Third United Nations Conference on the Law of the Sea, nor their present or future claims and legal views concerning the law of the sea or the nature or extent of their marine jurisdiction which may be established in accordance with international law.

ARTICLE 7

The Parties shall, individually or jointly, take all appropriate measures in order to ensure sound environmental management in the Region, and in order to attain and implement the goals and objectives set out in Chapter III.

ARTICLE 8

The Parties shall adopt national standards, laws and regulations as required for the effective discharge of their obligations under this Convention, and shall endeavor to harmonize their national policies and legislation in that regard.

ARTICLE 9

The Parties shall co-operate with the competent international, regional and sub-regional organizations to establish and adopt within the Region standards, recommended practices and procedures at the regional level in order to ensure sound environmental management as defined in article 1, as well as to attain and implement the goals and objectives set out in Chapter III. For this purpose, the Parties shall co-operate with the Organization.

ARTICLE 10

In order to protect the environment of the Region from all types and sources of pollution, the Parties shall:

1. Take all measures to prevent, abate and combat pollution of the environment in the Region.
2. Directly, or as appropriate with the assistance of the Organization and other competent international, regional and sub-regional organizations, co-operate in the formulation and adoption of annexes to this Convention prescribing agreed measures, procedures and standards to prevent, abate, and combat pollution of the environment in the Region and, in particular, to implement this article.
3. Ensure that the implementation of this Convention shall not result in the transfer of pollution from one place to another or cause transformation of one type of pollution to another which would be detrimental to the environment.
4. Take all appropriate measures in conformity with this Convention and the applicable rules of international law to prevent, abate and combat marine pollution caused by intentional or accidental discharges from ships, and shall ensure effective compliance with applicable international rules relating to the control of this type of pollution.
5. Take all appropriate measures to prevent, abate and combat marine pollution caused by dumping of wastes and other matter from ships and aircraft, and shall ensure effective compliance with applicable international rules relating to this type of pollution as provided for in relevant international conventions.
6. Take all appropriate measures to prevent, abate and combat marine pollution caused by discharges from land whether waterborne, air-borne, or directly from the coast including outfalls and pipelines.

7. Take all appropriate measures to prevent, abate and combat marine pollution resulting from exploration and exploitation of the submarine soil and sub-soil under national jurisdiction, including the prevention of accidents.

8. Take all appropriate measures to prevent, abate and combat marine pollution resulting from land reclamation and associated suction dredging and coastal dredging.

9. Take all necessary measures, individually or jointly, including those to ensure that adequate equipment and qualified personnel are readily available, to deal with marine pollution emergencies, and to reduce or eliminate damage resulting therefrom, whatever the cause of such emergencies. Any Party which becomes aware of any marine pollution emergency shall, without delay, notify the Organization and any Party likely to be affected by such emergency.

10. Co-operate directly, or, where appropriate, through competent international and regional organizations in the field of scientific research, monitoring and assessment concerning marine pollution, and shall exchange data as well as other scientific information relevant to this article.

11. Co-operate further to develop and co-ordinate national research and monitoring programmes relating to all types of marine pollution, and to establish in co-operation with competent regional or international organizations, as well as through the Organization, a network of such programmes at the regional level to ensure compatible results. For this purpose, the Parties shall participate in international arrangements for pollution research and monitoring in areas beyond their national jurisdiction.

ARTICLE 11

1. The Parties undertake to co-operate in the formulation and adoption of appropriate rules and procedures for the determination of:

- (a) civil liability and compensation for damage resulting from pollution of the marine environment, bearing in mind applicable international rules and procedures relating to those matters; and
- (b) liability and compensation for damage resulting from violations of obligations under this article.

ARTICLE 12

The Parties shall co-operate in the development of procedures for the effective application of articles 10 and 11, including detection of violations, using all appropriate measures of detection and environmental monitoring, including adequate procedures for reporting and accumulation of evidence.

ARTICLE 13

The Parties shall exempt warships and other ships owned by a Party, and used only on Government non-commercial service, from the application of the provisions of articles 10 and 11. Each Party shall, as far as possible, ensure that its warships and other ships owned or operated by that Party and used only on Government non-commercial service, shall comply with articles 10 and 11 in the prevention of pollution to the marine environment.

ARTICLE 14

The Parties shall assist each other in fulfilling their obligations under this Convention.

CHAPTER V

Regional Programmes

ARTICLE 15

1. In order to achieve the goals and objectives of this Convention, the Parties agree to co-operate in implementing the Regional Action Plan.
2. The Parties may create other Regional Programmes, through their Meeting of Consultation or by the Diplomatic Conference referred to in article 22.

ARTICLE 16

The Regional Action Plan may be revised by the Meeting of Consultation of the Parties or by the diplomatic conference referred to in Article 22, through the amendment or adoption of annexes in accordance with article 23.

CHAPTER VI

Operational Arrangements

ARTICLE 17

1. The Parties designate.....as the Organization responsible for the implementation of the Regional Action Plan, as well as of the Regional Programmes established pursuant to the provisions of Chapter V, within the framework of the goals and objectives set out in Chapter III.
2. The Organization is also responsible for carrying out the secretariat functions necessary for the implementation of this Convention.
3. The Organization is subject to the directives and recommendations of the Meeting of Consultation of the Parties established pursuant to article 18.
4. The Organization shall:
 - (a) ensure the timely and harmonious implementation of this Convention;
 - (b) develop and co-ordinate networks of national, sub-regional and regional institutions, including those chosen to carry out the research required by the Regional Action Plan, ensuring that such research is oriented toward the solution of specific problems;
 - (c) establish links between the centres chosen as having expertise or facilities qualifying them to address a specific subject area, and each of the activities undertaken in implementation of this Convention;

- (d) co-ordinate and assist the Parties in carrying out their obligations under this Convention;
- (e) perform such other functions as may be assigned to it by the Meeting of Consultation of the Parties.

5. The Organization shall ensure that the implementation of this Convention is oriented toward the solution of specific and priority environmental needs of the Region.

6. The Organization shall assist the Parties in convening, preparing and holding their Meetings of Consultation.

7. The Organization shall receive and disseminate among the Parties the written determinations made in accordance with paragraphs 3 and 6 of article 2.

8. The Organization shall receive and disseminate among the Parties the written declarations made in accordance with article 3.

9. The Organization shall receive and disseminate among the Parties all notifications relevant to this Convention.

10. The Organization shall consider enquiries by, and information from, the Parties and shall consult with them on matters related to this Convention.

11. The Organization shall prepare and distribute reports to the Parties on matters relating to this Convention.

12. The Organization shall arrange, upon request by the Parties, for the provision of technical programmes in areas related to the implementation of this Convention.

13. In the performance of its duties, the Organization shall co-operate with the National Authorities referred to in article 19.

14. The Organization shall promote the strengthening or developing of national, sub-regional and regional institutions related to the implementation of this Convention.

15. The Organization shall ensure the necessary co-ordination with other international organizations considered competent in matters related to this Convention, and shall enter into such administrative arrangements as may be required for the effective discharge of its secretariat functions.

ARTICLE 18

1. The Meeting of Consultation of the Parties is the forum through which directives and recommendations may be adopted to implement this Convention and to guide the work of the Organization.
2. The Meeting of Consultation shall keep under review the implementation of this Convention and, to that end, is empowered to:
 - (a) review the work and reports of the Organization;
 - (b) decide upon the adoption of additional annexes or the amendments of annexes in accordance with article 23;
 - (c) consider and undertake any additional action required for the attainment of the goals and objectives of this Convention.
3. The Meeting of Consultation shall ordinarily meet annually. Extraordinary meetings may be held at the request of any Party or of the Organization.
4. The Meeting of Consultation shall adopt its own rules of procedure, which shall be appended to this Convention.
5. The Meeting of Consultation is empowered to amend the Convention in accordance with article 22.

ARTICLE 19

Each Party shall designate a National Authority responsible for co-operating directly with the Organization in the co-ordination of national efforts aimed at implementing this Convention.

CHAPTER VII

Financial Rules

ARTICLE 20

The Meeting of Consultation of the Parties shall adopt financial rules for the implementation of this Convention, in particular for the financial participation of the Parties, of other States and of international organizations.

CHAPTER VIII

Settlement of Disputes

ARTICLE 21

In case of a dispute arising as to the interpretation or application of this Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any of the other peaceful means provided by the Charter of the United Nations.

CHAPTER IX

Final Clauses

ARTICLE 22

1. The Convention may be amended by unanimous decision of a diplomatic conference convened by the Organization at the request of at least five Parties.
2. Amendments to the Convention shall be submitted to all the Parties by the Depositary for acceptance.
3. Acceptance of amendments shall be ratified in writing to the Depositary, and they shall enter into force for all accepting Parties on the thirtieth day following the receipt by the Depositary of notification of their acceptance by at least three fourths of the Parties.

ARTICLE 23

Adoption of new annexes and amendments to annexes may be adopted by the Meeting of Consultation of the Parties or by the diplomatic conference referred to in article 25, and in the terms provided by that article.

ARTICLE 24

This Convention and its Protocols shall be open for signature in.....
.....from.....to.....

ARTICLE 25

1. The Convention shall be subject to ratification, acceptance, approval or accession by the States of the Region.
2. Instruments of ratification, acceptance, approval or accession shall be deposited with the Government of.....which will assume the functions of Depositary.

ARTICLE 26

1. Protocol I to this Convention shall be subject to ratification, acceptance, approval or accession by those referred in its article 1.
2. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

ARTICLE 27

1. Protocol II to this Convention shall be subject to ratification, acceptance, approval or accession by extra-regional States.
2. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

ARTICLE 28

1. This Convention and its annexes shall enter into force on the ninetieth day following the deposit of at least.....instruments of ratification, acceptance, approval or accession of the Convention.

2. Protocols I and II shall enter into force, once the Convention is in force, on the day when one instrument of ratification, acceptance, approval or accession has been deposited for each Protocol.

ARTICLE 29

1. At any time after five years from the date of entry into force of the Convention or its Protocols, any Party may withdraw from the Convention or the Protocols by giving written notification of withdrawal to the Depositary.

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

ARTICLE 30

Besides those functions assigned to the Depositary in the provisions of this Convention, the Depositary shall inform the Parties and the Organization of:

1. The signature and deposit of instruments of ratification, acceptance, approval or accession to the Convention or to its Protocols.
2. The date of entry into force of the Convention or its Protocols.
3. The notifications of withdrawal from the Convention or from its Protocols.
4. The adoption of amendments to the Convention or its annexes.
5. The adoption of new annexes to the Convention.

ARTICLE 31

The Organization shall call the first Meeting of Consultation of the Parties within nine months of the date of entry into force of the Convention.

PROTOCOL I

THE CONTRACTING PARTIES,

CONVINCED that the Regional Convention for Environmentally Sound Development in the Marine and Coastal Areas of the Wider Caribbean constitutes an important contribution to the preservation of our common heritage in the Region;

CONSCIOUS that our participation is necessary in order to implement the said Convention through a truly comprehensive regional approach;

WILLING to contribute to the goals and objectives of the Convention through our best efforts;

HAVE AGREED AS FOLLOWS:

Art. 1. The Parties to this Protocol commit themselves to fully apply and implement the Regional Convention for Environmentally Sound Development in the Marine and Coastal Areas of the Wider Caribbean, in the same terms as if they were Parties to the Convention itself, and in the territories, marine, submarine and coastal areas under their de jure or de facto jurisdiction.

Art. 2. The areas referred to in the above paragraph are defined in accordance with article 2 of the Convention.

Art. 3. The Parties bind themselves to the provisions of the Convention applying to this Protocol, including those of its Final Clauses.

PROTOCOL II

THE CONTRACTING PARTIES,

CONVINCED that the Regional Convention for Environmentally Sound Development in the Marine and Coastal Areas of the Wider Caribbean constitutes an important contribution to the preservation of that Region;

AWARE of the importance of the said Region as a part of the human environment;

WILLING to contribute to the goals and objectives of the Convention through our best efforts, especially in whatever activities we may undertake within that Region;

HAVE AGREED AS FOLLOWS:

Art. 1. The Parties to this Protocol commit themselves to respect the provisions of the Regional Convention for Environmentally Sound Development in the Marine and Coastal Areas of the Wider Caribbean, whenever undertaking activities, directly or indirectly, within that Region.

Art. 2. The Parties commit themselves to avoid any activities contrary to the goals and objectives of the said Convention.

Art. 3. The Parties shall endeavor to co-operate with the Region in the implementation of the Convention.

Art. 4. The Parties bind themselves to the provisions of the Convention applying to this Protocol, including those of its Final Clauses.

