



Treaty Series No. 38 (1988)

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

Cartagena de Indias, 24 March 1983 and at Bogotá from 25 March 1983 to 23 March 1984

[The United Kingdom instrument of ratification was deposited on 28 February 1986 and the Convention entered into force on 11 October 1986]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
June 1988*

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

The Contracting Parties

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

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

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

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

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

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

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

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

Have agreed as follows:

ARTICLE 1

Convention Area

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

ARTICLE 2

Definitions

For the purposes of this Convention:

1. The "Convention area" means the marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean adjacent thereto, south of 30° north latitude and within 200 nautical miles of the Atlantic coasts of the States referred to in article 25 of the Convention.
2. "Organization" means the institution designated to carry out the functions enumerated in paragraph 1 of article 15.

ARTICLE 3

General Provisions

1. The Contracting Parties shall endeavour to conclude bilateral or multilateral agreements, including regional or subregional agreements, for the protection of the marine environment of the Convention area. Such agreements shall be consistent with this

Convention and in accordance with international law. Copies of such agreements shall be communicated to the Organization and, through the Organization, to all signatories and Contracting Parties to this Convention.

2. This Convention and its protocols shall be construed in accordance with international law relating to their subject-matter. Nothing in this Convention or its protocols shall be deemed to affect obligations assumed by the Contracting Parties under agreements previously concluded.

3. Nothing in this Convention or its protocols shall prejudice the present or future claims or the legal views of any Contracting Party concerning the nature and extent of maritime jurisdiction.

ARTICLE 4

General Obligations

1. The Contracting Parties shall, individually or jointly, take all appropriate measures in conformity with international law and in accordance with this Convention and those of its protocols in force to which they are parties to prevent, reduce and control pollution of the Convention area and to ensure sound environmental management, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.

2. The Contracting Parties shall, in taking the measures referred to in paragraph 1, ensure that the implementation of those measures does not cause pollution of the marine environment outside the Convention area.

3. The Contracting Parties shall co-operate in the formulation and adoption of protocols or other agreements to facilitate the effective implementation of this Convention.

4. The Contracting Parties shall take appropriate measures, in conformity with international law, for the effective discharge of the obligations prescribed in this Convention and its protocols and shall endeavour to harmonize their policies in this regard.

5. 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 this Convention and its protocols.

ARTICLE 5

Pollution from Ships

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

ARTICLE 6

Pollution caused by Dumping

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

ARTICLE 7

Pollution from Land-based Sources

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

ARTICLE 8

Pollution from Sea-bed Activities

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

ARTICLE 9

Airborne Pollution

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

ARTICLE 10

Specially Protected Areas

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

ARTICLE 11

Co-operation in Cases of Emergency

1. The Contracting Parties shall co-operate in taking all necessary measures to respond to pollution emergencies in the Convention area, whatever the cause of such emergencies, and to control, reduce or eliminate pollution or the threat of pollution resulting therefrom. To this end, the Contracting Parties shall, individually and jointly, develop and promote contingency plans for responding to incidents involving pollution or the threat thereof in the Convention area.

2. When a Contracting Party becomes aware of cases in which the Convention area is in imminent danger of being polluted or has been polluted, it shall immediately notify other States likely to be affected by such pollution, as well as the competent international organizations. Furthermore, it shall inform, as soon as feasible, such other States and competent international organizations of measures it has 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 major development projects in such a way as to prevent or minimize harmful impacts on the Convention area.

2. Each Contracting Party shall assess within its capabilities, or ensure the assessment of, the potential effects of such projects on the marine environment, particularly in coastal areas, so that appropriate measures may be taken to prevent any substantial pollution of or significant and harmful changes to, the Convention area.

3. With respect to the assessments referred to in paragraph 2, each Contracting Party shall, with the assistance of the Organization when requested, develop procedures for the dissemination of information and may, where appropriate, invite other Contracting Parties which may be affected to consult with it and to submit comments.

ARTICLE 13

Scientific and Technical Co-operation

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

ARTICLE 14

Liability and Compensation

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

ARTICLE 15

Institutional Arrangements

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

2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and its protocols and, in particular:

- (a) to assess periodically the state of the environment in the Convention area;
- (b) to consider the information submitted by the Contracting Parties under article 22;
- (c) to adopt, review and amend annexes to this Convention and to its protocols, in accordance with article 19;
- (d) to make recommendations regarding the adoption of any additional protocols or any amendments to this Convention or its protocols in accordance with articles 17 and 18;
- (e) to establish working groups as required to consider any matters concerning this Convention and its protocols, and annexes thereto;
- (f) to consider co-operative activities to be undertaken within the framework of this Convention and its protocols, including their financial and institutional implications and to adopt decisions relating thereto;
- (g) to consider and undertake any other action that may be required for the achievement of the purposes of this Convention and its protocols.

ARTICLE 17

Adoption of Protocols

1. The Contracting Parties, at a conference of plenipotentiaries, may adopt additional protocols to this Convention pursuant to paragraph 3 of article 4.

2. If so requested by a majority of the Contracting Parties, the Organization shall convene a conference of plenipotentiaries for the purpose of adopting additional protocols to this Convention.

ARTICLE 18

Amendment of the Convention and its Protocols

1. Any Contracting Party may propose amendments to this Convention. Amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of a majority of the Contracting Parties.

2. Any Contracting Party to this Convention may propose amendments to any protocol. Such amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of a majority of the Contracting Parties to the protocol concerned.

3. The text of any proposed amendment shall be communicated by the Organization to all Contracting Parties at least 90 days before the opening of the conference of plenipotentiaries.

4. Any amendment to this Convention shall be adopted by a three-fourths majority vote of the Contracting Parties to the Convention which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Contracting Parties to the Convention. Amendments to any protocol shall be adopted by a three-fourths majority vote of the Contracting Parties to the protocol which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Contracting Parties to the protocol.

5. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 3 shall enter into force between Contracting Parties having accepted such amendments on the thirtieth day following the date of receipt by the Depositary of the instruments of at least three fourths of the Contracting Parties to this Convention or to the protocol concerned, as the case may be. Thereafter the amendments shall enter into force for any other Contracting Party on the thirtieth day after the date on which that Party deposits its instrument.

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

ARTICLE 19

Annexes and Amendments to Annexes

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

ARTICLE 20

Rules of Procedure and Financial Rules

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

ARTICLE 21

Special Exercise of the Right to Vote

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

ARTICLE 22

Transmission of Information

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

ARTICLE 23

Settlement of Disputes

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

ARTICLE 24

Relationship between the Convention and its Protocols

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

ARTICLE 25

Signature

This Convention and the Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region shall be open for signature at Cartagena de Indias on 24 March 1983 and at Bogotá from 25 March 1983 to 23 March 1984 by States invited to participate in the Conference of Plenipotentiaries on the Protection and Development of the Marine Environment of the Wider Caribbean Region, held at Cartagena de Indias from 21 to 24 March 1983. 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 that Protocol and having at least one member State which belongs to the wider Caribbean region, provided that such regional organization has been invited to participate in the Conference of Plenipotentiaries.

ARTICLE 26

Ratification, Acceptance and Approval

1. This Convention and its protocols shall be subject to ratification, acceptance or approval by States. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Republic of Colombia, which will assume the functions of Depositary.

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

ARTICLE 27

Accession

1. This Convention and its protocols shall be open for accession by the States and organizations referred to in article 25 as from the day following the date on which the Convention or the protocol concerned is closed for signature.

2. After entry into force of this Convention and of any protocol, any State or regional economic integration organization not referred to in article 25 may accede to the Convention and to any protocol subject to prior approval by three fourths of the Contracting Parties to the Convention or the protocol concerned, provided that any such regional economic integration organization exercises competence in fields covered by the Convention and the relevant protocol and has at least one member State, belonging to the wider Caribbean region, that is a party to the Convention and the relevant protocol.

3. In their instruments of accession, the organizations referred to in paragraphs 1 and 2 shall declare the extent of their competence with respect to the matters governed by the Convention and the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

4. Instruments of accession shall be deposited with the Depositary.

ARTICLE 28

Entry into Force

1. This Convention and the Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region shall enter into force on the thirtieth day following the date of deposit of the ninth instrument of ratification, acceptance or approval of, or accession to, those agreements by the States referred to in article 25.

2. Any additional protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of the ninth instrument of ratification, acceptance, or approval of such protocol, or of accession thereto.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by an organization referred to in article 25 shall not be counted as additional to that deposited by any member State of such organization.

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

ARTICLE 29

Denunciation

1. At any time after two years from the date of entry into force of this Convention with respect to a Contracting Party, that Contracting Party may denounce the Convention by giving written notification to the Depositary.

2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after two years from the date of entry into force of such protocol with respect to that Contracting Party, denounce the protocol by giving written notification to the Depositary.

3. Denunciation shall take effect on the ninetieth day after the date on which notification is received by the Depositary.

4. Any Contracting Party which denounces this Convention shall be considered as also having denounced any protocol to which it was a Contracting Party.

5. Any Contracting Party which, upon its denunciation of a protocol, is no longer a Contracting Party to any protocol to this Convention, shall be considered as also having denounced the Convention itself.

ARTICLE 30

Depositary

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

- (a) the signature of this Convention and of its protocols, and the deposit of instruments of ratification, acceptance, approval or accession;
- (b) the date on which the Convention or any protocol will come into force for each Contracting Party;
- (c) notification of any denunciation and the date on which it will take effect;
- (d) the amendments adopted with respect to the Convention or to any protocol, their acceptance by the Contracting Parties and the date of their entry into force ;
- (e) all matters relating to new annexes and to the amendment of any annex;
- (f) notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and the relevant protocols, and of any modifications thereto.

2. The original of this Convention and of any protocol shall be deposited with the Depositary, the Government of the Republic of Colombia, which shall send certified copies thereof to the Signatories, the Contracting Parties, and the Organization.

3. As soon as the Convention and its protocols enter into force, the Depositary shall transmit a certified copy of the instrument concerned to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned, being duly authorized by their respective Governments, have signed this Convention.

Done at Cartagena de Indias this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

**SIGNATURES, RATIFICATIONS, APPROVALS (Ap) ACCEPTANCES (Acc) AND
ACCESSIONS TO THE CONVENTION AND PROTOCOL**

<i>State</i>	<i>Date of Signature</i>	<i>Date of deposit of instrument of Ratification, Approval (Ap) or Acceptance (Acc)</i>
Antigua and Barbuda		11 Sept. 1986 (Acc)
Barbados	5 Mar. 1984	28 May 1985
Colombia	24 Mar. 1983	
European Economic Community ...	24 Mar. 1983*	
France ²	24 Mar. 1983	13 Nov. 1985(Ap)
Grenada	24 Mar. 1983	30 May 1985† 17 Aug. 1987†
Guatemala	5 July 1983	
Honduras	24 Mar. 1983	
Jamaica	24 Mar. 1983	1 Apr. 1987
Mexico ²	24 Mar. 1983	11 Apr. 1985
Nicaragua	24 Mar. 1983	
Netherlands†	24 Mar. 1983	16 Apr. 1984(Acc)
Panama	24 Mar. 1983	7 Oct. 1987
United Kingdom ²	24 Mar. 1983	28 Feb. 1986§
Saint Lucia	24 Mar. 1983	30 Nov. 1984
United States of America	24 Mar. 1983	31 Oct. 1984
Venezuela	24 Mar. 1983	18 Dec. 1986

ACCESSIONS

Trinidad and Tobago 24 Jan. 1986

* the EEC signed the Convention only.

† Grenada ratified the Convention on 30 May 1985 and the Protocol on 17 August 1987.

‡ the Netherlands instrument of acceptance included the Netherlands, the Netherlands Antilles and from 1 January 1986, Aruba.

§ the United Kingdom instrument of ratification of the Convention and Protocol included the Cayman Islands and the Turks and Caicos Islands and was extended on 22 October 1987 to the British Virgin Islands.

² Declaration or Reservation.

DECLARATIONS AND RESERVATION

FRANCE

On depositing its instrument of approval the Government of the Republic of France declared:

[*Translation*]

“in the event that the provisions of this Convention and of its additional Protocol were to be interpreted as an obstruction to activities which it considers necessary for its national defence, the French Government would not apply the said measures to these activities. However, it will endeavour to adopt the appropriate measures to be taken into account above all in the carrying out of the said activities, in the objectives of the Convention and its additional Protocol”.

UNITED KINGDOM

The instrument of ratification deposited by the Government of the United Kingdom of Great Britain and Northern Ireland reserved the right to extend the Convention and Protocol at a later date to any other territory for whose international relations the Government of the United Kingdom is responsible.

MEXICO

“Al depositar su instrumento de ratificación del Convenio Para la Protección y el Desarrollo del Medio Marino en la Región del Gran Caribe y Protocolo de Cooperación para Combatir los Derrames de Hidrocarburos en la Región del Gran Caribe, el Gobierno de México declara lo siguiente: Las reglas y estándares internacionales aplicables establecidos por la Organización Internacional competente, a que aluden los artículos 5 y 6 del citado Convenio serán válidos para el Gobierno de México solo en la medida en que hayan sido aceptados por éste, sea por una votación, o por la adopción de algún instrumento internacional en la materia”.

[*Unofficial translation*]

On depositing its instrument of ratification of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region, the Government of Mexico declares the following:

The applicable international rules and standards established by the competent International Organization, to which Articles 5 and 6 of the said Convention refer, will be valid for the Government of Mexico only in so far as they have been accepted by it, either by voting, or by adoption of an international instrument on the subject.

ANNEX

Arbitration

ARTICLE 1

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

ARTICLE 2

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

ARTICLE 3

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

ARTICLE 4

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

ARTICLE 5

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

ARTICLE 6

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

ARTICLE 7

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

ARTICLE 8

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

ARTICLE 9

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

ARTICLE 10

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

**PROTOCOL
CONCERNING CO-OPERATION IN COMBATING OIL SPILLS
IN THE WIDER CARIBBEAN REGION**

The Contracting Parties to this Protocol,

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

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

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

Recognizing that, in the event of an oil spill or the threat thereof, prompt and effective action should be taken, initially at the national level, to organize and co-ordinate prevention, mitigation and clean-up activities,

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

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

Have agreed as follows:

ARTICLE I

Definitions

For the purposes of this Protocol:

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

ARTICLE 2

Application

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

ARTICLE 3

General Provisions

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

ARTICLE 4

Exchange of Information

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

ARTICLE 5

Communication of information concerning, and Reporting of, Oil Spill Incidents

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

ARTICLE 6

Mutual Assistance

1. Each Contracting Party shall render assistance, within its capabilities, to other Contracting Parties which request assistance in responding to an oil spill incident within the framework of joint response action agreed between or among the requesting and assisting Contracting Parties.

2. Each Contracting Party shall, subject to its laws and regulations, facilitate the movement into, through and out of its territory of technical personnel, equipment and material necessary for responding to an oil spill incident.

ARTICLE 7

Operational Measures

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

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

ARTICLE 8

Subregional Arrangements

1. With a view to facilitating the implementation of the provisions of this Protocol, and in particular articles 6 and 7, the Contracting Parties should conclude appropriate bilateral or multilateral subregional arrangements.

2. Contracting Parties to this Protocol which enter into such subregional arrangements shall notify the other Contracting Parties, as well as the Organization, of the conclusion and the content of such arrangements.

ARTICLE 9

Institutional Arrangements

The Contracting Parties designate the Organization to carry out, through the Regional Co-ordinating Unit when established and in close co-operation with the International Maritime Organization, the following functions:

- (a) assisting Contracting Parties, upon request, in the following areas:
 - (i) the preparation, periodic review and updating of the contingency plans referred to in paragraph 2 of article 3, with a view, *inter alia*, to promoting the compatibility of the plans of the Contracting Parties, and
 - (ii) publicizing training courses and programmes;
- (b) assisting the Contracting Parties upon request, on a regional basis, in the following areas:
 - (i) the co-ordination of regional emergency response activities, and
 - (ii) the provision of a forum for discussion of such activities and related topics;
- (c) establishing and maintaining liaison with:
 - (i) competent regional and international organizations, and
 - (ii) appropriate private entities conducting activities in the wider Caribbean region, including major oil producers, refiners, oil spill clean-up contractors and co-operatives, and oil transporters;
- (d) maintaining a current inventory of emergency response equipment, materials and expertise available in the wider Caribbean region;
- (e) disseminating information on the prevention and combating of oil spills;

- (f) identifying or maintaining means for emergency response communications;
- (g) encouraging research by the Contracting Parties, competent international organizations and appropriate private entities on oil spill-related matters, including the environmental impacts of oil spills and of oil spill control materials and techniques;
- (h) assisting the Contracting Parties in the exchange of information pursuant to article 4; and
- (i) preparing reports and carrying out other duties assigned to it by the Contracting Parties.

ARTICLE 10

Meetings of the Contracting Parties

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

ARTICLE 11

Relationship between this Protocol and the Convention

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

In witness whereof the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

Done at Cartagena de Indias this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

[Here follow the signatures as listed on page 12]

ANNEX TO THE PROTOCOL

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

INTERPRETATIVE STATEMENT BY THE DELEGATIONS OF THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

This Convention in no way alters international law relating to the sovereign immunity of any warship, naval auxiliary or other ship or aircraft owned or operated by a State and used for the time being only on government non-commercial service. However, each Contracting Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships or aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable with the present Convention.



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