

Annex 9

EXCLUSIVE ECONOMIC ZONE CO-OPERATION TREATY BETWEEN THE REPUBLIC OF GUYANA AND THE STATE OF BARBADOS (2003)

2. Barbados and Guyana

Exclusive Economic Zone Co-Operation Treaty between the Republic of Guyana and the State of Barbados concerning the Exercise of Jurisdiction in their Exclusive Economic Zones in the Area of Bilateral Overlap within Each of their Outer Limits and beyond the Outer Limits of the Exclusive Economic Zones of Other States, 2 December 2003¹⁷

The Republic of Guyana and the State of Barbados (hereinafter referred to as the Parties);

Reaffirming the friendly relations between them;

Mindful of their long-standing spirit of bilateral co-operation and good-neighbourliness;

Emphasizing the universal and unified character of the United Nations Convention on the Law of the Sea (hereinafter referred to as the Convention) and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable development of the oceans and seas;

Recognizing that the delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution;

Recognizing the relevance and applicability of paragraph 3 of Article 74 of the Convention, which establishes that, pending such delimitation, States, in a spirit of understanding and co-operation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement;

Recognizing that such provisional arrangements shall be without prejudice to the final delimitation;

Confirming their intention to act in accordance with generally accepted principles of international law and the Convention;

Mindful of the legitimate interests of other States and the need to respect the rights and duties of other States in conformity with generally accepted principles of international law and the Convention;

Acknowledging the existence of an area of bilateral overlap within the outer limits of their exclusive economic zones and beyond the outer limits of the exclusive economic zones of other States;

Desirous of establishing a precise and equitable regime for the orderly and co-operative exercise of jurisdiction in the area of bilateral overlap of their exclusive economic zones, whilst taking into account the legitimate interests of other States;

Conscious of the need to agree upon the environmentally responsible management and the sustainable development of living and non-living natural resources in this area; and

Acting in accordance with the spirit of friendship and solidarity in the Caribbean Community and the Organization of American States;

Have agreed as follows:

Article 1. Co-operation Zone

1. This Treaty establishes and regulates, in accordance with generally accepted principles of international law and the Convention, a co-operation zone (hereinafter referred to as the Co-operation Zone) for the exercise of joint jurisdiction, control, management, development, and exploration and exploitation of living and non-living natural resources, as well as all other rights and duties established in the Convention, within the area over which a bilateral overlap occurs between their exclusive economic zones and beyond the outer limits of the exclusive economic zones of other States.

2. This Treaty and the Co-operation Zone established thereunder are without prejudice to the eventual delimitation of the Parties' respective maritime zones in accordance with generally accepted principles of international law and the Convention.

3. The Parties agree that nothing contained in the Treaty nor any act done by either Party under the provisions of the Treaty will represent a derogation from or diminution or renunciation of the rights of either Party within the Co-operation Zone or throughout the full breadth of their respective exclusive economic zones.

¹⁷ Original: English.

Article 2. The Geographical Extent of the Co-operation Zone

1. The Parties agree that the Co-operation Zone is the area of bilateral overlap between the exclusive economic zones encompassed within each of their outer limits measured to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, and beyond the outer limits of the exclusive economic zones of other States at a distance of 200 nautical miles measured from the baselines from which their territorial sea is measured. For the purposes of this Treaty, the term "exclusive economic zone" and its legal regime shall have the meaning ascribed to them in Part V of the Convention.

2. The precise geographical extent of the Co-operation Zone is defined in Annex 1 to this Treaty.

3. The Parties contemplate that they may, by agreement at a later date, delimit an international maritime boundary between them.

Article 3. Exercise of Civil and Administrative Jurisdiction in the Co-operation Zone

1. The Parties shall exercise joint civil and administrative jurisdiction within and in relation to the Co-operation Zone. In exercising their jurisdiction the Parties shall act at all times in accordance with generally accepted principles of international law and the Convention.

2. The exercise of joint jurisdiction by the Parties in any particular instance shall be evidenced by their agreement in writing, including by way of an exchange of diplomatic notes.

3. For further clarity, the failure of the Parties to reach agreement in writing in relation to the exercise of their joint jurisdiction in the Co-operation Zone in any particular instance means that neither Party can exercise its jurisdiction in that instance.

Article 4. Rights and Duties of Other States in the Co-operation Zone

1. The Parties shall have due regard to the rights and duties of other States in the Co-operation Zone in accordance with generally accepted principles of international law and the Convention, and in particular the provisions of Article 58 of the Convention.

Article 5. Jurisdiction over Living Natural Resources

1. The Parties shall exercise joint jurisdiction over living natural resources within the Co-operation Zone. In exercising their joint jurisdiction, the Parties shall act at all times in accordance with generally accepted principles of international law and the Convention, including the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks.

2. In order to exercise environmentally responsible management and to ensure sustainable development in the Co-operation Zone, the exercise of joint jurisdiction over living resources by the Parties in any particular instance shall be governed by a Joint Fisheries Licensing Agreement and evidenced by their agreement in writing, including by way of an exchange of diplomatic notes as provided in Article 3.

3. Within three months of the date on which this Treaty enters into force, the Parties shall in good faith commence the negotiation of a Joint Fisheries Licensing Agreement within the Co-operation Zone.

4. Either Party shall be entitled to enforce the provisions of the Joint Fisheries Licensing Agreement against any persons through the application of its relevant national law. Each Party undertakes to inform the other in writing of such enforcement.

5. For further clarity, the failure of the Parties to reach agreement in writing in relation to the exercise of their joint jurisdiction over living resources in the Co-operation Zone in any particular instance means that neither Party can exercise its jurisdiction in that instance.

6. The Parties shall take steps to co-ordinate between them the management of the living natural resources within the Co-operation Zone subject to their obligations under any relevant agreement to which they are both parties.

Article 6. Jurisdiction over Non-Living Natural Resources

1. The Parties shall exercise joint jurisdiction over non-living natural resources within the Co-operation Zone. In exercising their joint jurisdiction, the Parties shall act at all times in accordance with generally accepted principles of international law and the Convention.

2. The exercise of joint jurisdiction over non-living resources by the Parties in any particular instance shall be managed by a Joint Non-Living Resources Commission and evidenced by their agreement in writing, including by way of an exchange of diplomatic notes as provided in Article

3. The Joint Non-Living Resources Commission shall be established at such time as agreed by the Parties.

4. For further clarity, the failure of the Parties to reach agreement in writing in relation to the exercise of their joint jurisdiction over non-living resources in the Co-operation Zone in any particular instance means that neither Party can exercise its jurisdiction in that instance.

5. Any single geological structure or field of non-living natural resources that lies wholly within the Co-operation Zone shall be shared equally between the Parties.

6. For the purpose of this Article 6, any single geological structure or field of non-living natural resources that lies in whole or in part across the outer limit of the Co-operation Zone shall be considered to straddle the Co-operation Zone.

7. Any single geological structure or field of non-living natural resources that straddles the outer limit of the Co-operation Zone from the exclusive economic zone of either Party shall be apportioned between them based on unitisation arrangements, as specifically provided by the Joint Non-Living Resources Commission.

8. Marine scientific research, exploration and exploitation or development of non-living natural resources that lie wholly within the Co-operation Zone shall only take place with the agreement of both Parties as provided in Article 3. If no such agreement is reached, no scientific research, exploration, exploitation or development can take place.

9. Each Party shall provide the other with the results of any scientific research or exploration as soon as possible after the conclusion of any survey.

Article 7. Jurisdiction over Security Matters

1. The Parties acting in good faith shall establish the procedures for the conduct of activities to police the Co-operation Zone.

2. Within three months of the date on which this Treaty enters into force, the Parties shall in good faith commence the negotiation of a security agreement in relation to activities to be undertaken within the Co-operation Zone, which may address among others:

- (a) Enforcement of regulations over natural resources;
- (b) Terrorism;
- (c) Prevention of illicit narcotics trafficking;
- (d) Trafficking in firearms, ammunition, explosives and other related materials;
- (e) Smuggling;
- (f) Piracy;
- (g) Trafficking in persons; and
- (h) Maritime policing and search and rescue.

3. Until a security agreement as contemplated in Article 7 (2) is in force, and unless otherwise provided for in this Treaty, each Party shall unilaterally exercise defence and criminal jurisdiction within and in relation to the Co-operation Zone to the same extent that it may do so within and in relation to that part of its exclusive economic zone that lies outside the Co-operation Zone.

Article 8. Protection of the Marine Environment of the Co-operation Zone

1. The Parties shall, consistent with their international obligations, endeavour to co-ordinate their activities so as to adopt all measures necessary for the preservation and protection of the marine environment in the Co-operation Zone.

2. The Parties shall provide each other as soon as possible with information about actual or potential threats to the marine environment in the Co-operation Zone.

Article 9. Consultation and Communications

1. Either Party may request consultations with the other Party in relation to any matter arising out of this Treaty or otherwise concerning the Co-operation Zone.
2. The Parties shall designate their respective Ministers of Foreign Affairs to be responsible for all communications required under this Treaty, including under this Article 9, and Articles 3, 5, 6 and 10. Either Party can change its designation upon written notice to the other Party.

Article 10. Dispute Resolution

1. Any dispute concerning the interpretation or application of the provisions of this Treaty shall be resolved by direct diplomatic negotiations between the two Parties.
2. If no agreement can be reached within a reasonable period of time, either Party may have recourse to the dispute resolution provisions contemplated under the Convention.
3. Any decision or interim order of any court or tribunal constituted pursuant to Article 10 (2) shall be final and binding on the Parties. The Parties shall carry out in good faith all such orders and decisions.

Article 11. Registration

Upon entry into force, this Treaty shall be registered with the Secretary-General of the United Nations in accordance with article 102 of the Charter of the United Nations and the Secretary-General of the Caribbean Community.

Article 12. Entry into Force and Duration

1. This Treaty shall enter into force 30 days after the date on which the Parties have notified each other in writing that their respective requirements for the entry into force of this Treaty have been met.
2. This Treaty shall remain in force until an international maritime boundary delimitation agreement is concluded between the Parties.
3. This Treaty shall be subject to review at the request of either Party.
4. Any amendment to this Treaty shall be by mutual agreement through the exchange of diplomatic notes.

DONE at London on 2nd December, 2003, in two duplicate copies.

For the Republic of Guyana His Excellency Bharrat Jagdeo President

For the State of Barbados The Rt. Honourable Owen S. Arthur Prime Minister

Annex 10

**CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE
ENVIRONMENT OF THE WIDER CARIBBEAN REGION (CARTAGENA 1983)**

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

The Final Act of the Conference of the Plenipotentiaries on the Protection and Development of the Marine Environment of the Wider Caribbean Region

Cartagena de Indias, 24 March 1983

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 deg 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 manmade 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 cooperate, 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 cooperate, 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 cooperative 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 protocols shall become a Contracting Party to the Convention or protocol as amended.

Article 19 ANNEXES AND AMENDMENTS TO ANNEXES

1. Annexes to this Convention or to a protocol shall form an integral part of the Convention or, as the case may be, such protocol.
2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the adoption and entry into force of amendments to annexes to this Convention or to annexes to a protocol:
 - a. Any Contracting Party may propose amendments to annexes to this Convention or to annexes to any protocol at a meeting convened pursuant to article 16;
 - b. Such amendments shall be adopted by a three-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 expiration 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 Cooperation in Combating Oil Spills in the Wider Caribbean Region shall be open for signature at Cartagena de Indias on 24 March 1983 and at Bogota from 25 March 1983 to 23 March 1984 by States invited to participate in the Conference of Plenipotentiaries on the Protection and Development of the Marine Environment of the Wider Caribbean Region, held at Cartagena de Indias from 21 to 24 March 1983. 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 of this Convention, shall be considered as also having denounced the Convention itself.

Article 30 DEPOSITARY

1. The Depositary shall inform the Signatories and the Contracting Parties, as well as the Organization, of:
 - a. The signature of this Convention and of its protocols, and the deposit of instruments of ratification, acceptance, approval or accession;
 - b. The date on which the Convention or any protocol will come into force for each Contracting Party;
 - c. Notification of any denunciation and the date on which it will take effect;
 - d. The amendments adopted with respect to the Convention or to any protocol, their acceptance by the Contracting Parties and the date of their entry into force;
 - e. All matters relating to new annexes and to the amendment of any annex;
 - f. Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and the relevant protocols, and of any modifications thereto.
2. The original of this Convention and of any protocol shall be deposited with the Depositary, the Government of the Republic of Colombia, which shall send certified copies thereof to the Signatories, the Contracting Parties, and the Organization.
3. As soon as the Convention and its protocols enter into force, the Depositary shall transmit a certified copy of the instrument concerned to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned, being duly authorized by their respective Governments, have signed this Convention. Done at Cartagena de Indias this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

Annex

ARBITRATION

Article 1

Unless the agreement referred to in article 23 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 Secretariat 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 Secretariat shall forward the information thus received to all Contracting Parties to the Convention or to the protocol concerned.

Article 3

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

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either party, designate him within a further two months period.
2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two

months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.
2. The award of the arbitral tribunal shall be accompanied by a statement of reasons on which it is based. 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.

Annex 11

**PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND WILDLIFE TO
THE CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE
ENVIRONMENT OF THE WIDER CARIBBEAN REGION (1990)**

**PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND WILDLIFE TO
THE CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE
MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION**

Adopted at Kingston on 18 January 1990

**The Final Act of the Conference of Plenipotentiaries Concerning Specially Protected Areas
and Wildlife in the Wider Caribbean Region**

The Contracting Parties to this Protocol,

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

Taking into account Article 10 of the Convention which requires the establishment of specially protected areas,

Having regard to the special hydrographic, biotic and ecological characteristics of the Wider Caribbean Region,

Conscious of the grave threat posed by ill-conceived development options to the integrity of the marine and coastal environment of the Wider Caribbean Region,

Recognizing that protection and maintenance of the environment of the Wider Caribbean Region are essential to sustainable development within the region,

Conscious of the overwhelming ecological, economic, aesthetic, scientific, cultural, nutritional and recreational value of rare or fragile ecosystems and native flora and fauna to the Wider Caribbean Region,

Recognizing that the Wider Caribbean Region constitutes an interconnected group of ecosystems in which an environmental threat in one part represents a potential threat in other parts,

Stressing the importance of establishing regional co-operation to protect and, as appropriate, to restore and improve the state of ecosystems, as well as threatened and endangered species and their habitats in the Wider Caribbean Region by, among other means, the establishment of protected areas in the marine areas and their associated ecosystems,

Recognizing that the establishment and management of such protected areas, and the protection of threatened and endangered species will enhance the cultural heritage and values of the countries and territories in the Wider Caribbean Region, and bring

increased economic and ecological benefits to them,

Have agreed as follows:

Article 1 Definitions

For the purpose of this Protocol:

- a) "Convention" means the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, Colombia, March 1983);
- b) "Action Plan" means the Action Plan for the Caribbean Environment Programme (Montego Bay, April 1981);
- c) "Wider Caribbean Region" has the meaning given to the term "the Convention area" in Article 2 (1) of the Convention, and in addition, includes for the purposes of this Protocol:
 - i) waters on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of water courses, up to the fresh water limit; and
 - ii) such related terrestrial areas (including watersheds) as may be designated by the Party having sovereignty and jurisdiction over such areas;
- d) "Organization" means the body referred to in Article 2 (2) of the Convention;
- e) "Protected area" means the areas accorded protection pursuant to article 4 of this Protocol;
- f) "Endangered species" are species or sub-species of fauna and flora, or their populations, that are in danger of extinction throughout all or part of their range and whose survival is unlikely if the factors jeopardizing them continue to operate;
- g) "Threatened species" are species or sub-species of fauna and flora , or their populations:
 - i) that are likely to become endangered within the foreseeable future throughout all or part of their range if the factors causing numerical decline or habitat degradation continue to operate; or
 - ii) that are rare because they are usually localized within restricted geographical areas or habitats or are thinly scattered over a more extensive range and which are potentially or actually subject to decline and possible endangerment or extinction.
- h) "Protected species" are species or sub-species of fauna and flora, or their populations, accorded protection pursuant to Article 10 of this Protocol;

- i) "Endemic species" are species or sub-species of fauna and flora, or their populations, whose distribution is restricted to a limited geographical area;
- j) "Annex I" means the annex to the Protocol containing the agreed list of species of marine and coastal flora that fall within the categories defined in Article 1 and that require the protection measures indicated in Article 11(1)(a). The annex may include terrestrial species as provided for in Article 1(c)(ii);
- k) "Annex II" means the annex to the Protocol containing the agreed list of species of marine and coastal fauna that fall within the category defined in Article 1 and that require the protection measures indicated in Article 11(1)(b). The annex may include terrestrial species as provided for in Article 1(c)(ii); and
- l) "Annex III" means the annex to the Protocol containing the agreed list of species of marine and coastal flora and fauna that may be utilized on a rational and sustainable basis and that require the protection measures indicated in Article 11(1)(c). The Annex may include terrestrial species as provided for in Article 1(c)(ii).

Article 2 General Provisions

- 1. This Protocol shall apply to the Wider Caribbean Region as defined in Article 1(c).
- 2. The provisions of the Convention relating to its Protocols shall apply to this Protocol, including in particular, paragraphs 2 and 3 of Article 3 of the Convention.
- 3. The present Protocol shall not apply to warships or other ships owned or operated by a State while engaged in government non-commercial service. Nevertheless, each Party shall ensure through the adoption of appropriate measures that do not hinder the operation or operational capacities of vessels they own or operate, that they adhere to the terms of the present Protocol in so far as is reasonable and feasible.

Article 3 General Obligations

- 1. Each Party to this Protocol shall, in accordance with its laws and regulations and the terms of the Protocol, take the necessary measures to protect, preserve and manage in a sustainable way, within areas of the Wider Caribbean Region in which it exercises sovereignty, or sovereign rights or jurisdiction:
 - a) areas that require protection to safeguard their special value; and
 - b) threatened or endangered species of flora and fauna.

Each Party shall regulate and, where necessary, prohibit activities having adverse effects on these areas and species. Each Party shall endeavour to co-operate in the enforcement of these measures, without prejudice to the sovereignty, or sovereign rights or jurisdiction of other Parties. Any measures taken by such Party to enforce or to attempt to enforce the measures agreed pursuant to this Protocol shall be limited to those within the competence of such Party and shall be in accordance with international law.

Each Party, to the extent possible, consistent with each Party's legal system, shall manage species of fauna and flora with the objective of preventing species from becoming endangered or threatened.

Article 4 Establishment of Protected Areas

1. Each Party shall, when necessary, establish protected areas in areas over which it exercises sovereignty, or sovereign rights or jurisdiction, with a view to sustaining the natural resources of the Wider Caribbean Region, and encouraging ecologically sound and appropriate use, understanding and enjoyment of these areas, in accordance with the objectives and characteristics of each of them.
2. Such areas shall be established in order to conserve, maintain and restore, in particular:
 - a) representative types of coastal and marine ecosystems of adequate size to ensure their long-term viability and to maintain biological and genetic diversity;
 - b) habitats and their associated ecosystems critical to the survival and recovery of endangered, threatened or endemic species of flora or fauna;
 - c) the productivity of ecosystems and natural resources that provide economic or social benefits and upon which the welfare of local inhabitants is dependent; and
 - d) areas of special biological, ecological, educational, scientific, historic, cultural, recreational, archaeological, aesthetic, or economic value, including in particular, areas whose ecological and biological processes are essential to the functioning of the Wider Caribbean ecosystems.

Article 5 PROTECTION MEASURES

1. Each Party taking into account the characteristics of each protected area over which it exercises sovereignty, or sovereign rights or jurisdiction, shall, in conformity with its national laws and regulations and with international law, progressively take such measures as are necessary and practicable to achieve the objectives for which the protected area was established.
2. Such measures should include, as appropriate:

- a) the regulation or prohibition of the dumping or discharge of wastes and other substances that may endanger protected areas;
- b) the regulation or prohibition of coastal disposal or discharges causing pollution, emanating from coastal establishments and developments, outfall structures or any other sources within their territories;
- c) the regulation of the passage of ships, of any stopping or anchoring, and of other ship activities, that would have significant adverse environmental effects on the protected area, without prejudice to the rights of innocent passage, transit passage, archipelagic sea lanes passage and freedom of navigation, in accordance with international law;
- d) the regulation or prohibition of fishing, hunting, taking or harvesting of endangered or threatened species of fauna and flora and their parts or products;
- e) the prohibition of activities that result in the destruction of endangered or threatened species of fauna or flora and their parts and products, and the regulation of any other activity likely to harm or disturb such species, their habitats or associated ecosystems;
- f) the regulation or prohibition of the introduction of non-indigenous species;
- g) the regulation or prohibition of any activity involving the exploration or exploitation of the sea-bed or its subsoil or a modification of the sea-bed profile;
- h) the regulation or prohibition of any activity involving a modification of the profile of the soil that could affect watersheds, denudation and other forms of degradation of watersheds, or the exploration or exploitation of the subsoil of the land part of a marine protected area;
- i) the regulation of any archaeological activity and of the removal or damage of any object which may be considered as an archaeological object;
- j) the regulation or prohibition of trade in, and import and export of threatened or endangered species of fauna or their parts, products, or eggs, and of threatened or endangered species of flora or their parts or products, and archaeological objects that originate in protected areas;
- k) the regulation or prohibition of industrial activities and of other activities which are not compatible with the uses that have been envisaged for the area by national measures and/or environmental impact assessments pursuant to Article 13;
- l) the regulation of tourist and recreational activities that might endanger the ecosystems of protected areas or the survival of threatened or endangered species of flora and fauna; and
- m) any other measure aimed at conserving, protecting or restoring natural processes, ecosystems or populations for which the protected areas were established.

Article 6 PLANNING AND MANAGEMENT REGIME FOR PROTECTED AREAS

1. In order to maximize the benefits from protected areas and to ensure the effective implementation of the measures set out in Article 5, each Party shall adopt and implement planning, management and enforcement measures for protected areas over which it exercises sovereignty, or sovereign rights or jurisdiction. In this regard, each Party shall take into account the guidelines and criteria formulated by the Scientific and Technical Advisory Committee as provided for in Article 21 and which have been adopted by meetings of the Parties.
2. Such measures should include:
 - a) the formulation and adoption of appropriate management guidelines for protected areas;
 - b) the development and adoption of a management plan that specifies the legal and institutional framework and the management and protection measures applicable to an area or areas;
 - c) the conduct of scientific research on, and monitoring of, user impacts, ecological processes, habitats, species and populations; and the undertaking of activities aimed at improved management;
 - d) the development of public awareness and education programmes for users, decision-makers and the public to enhance their appreciation and understanding of protected areas and the objectives for which they were established;
 - e) the active involvement of local communities, as appropriate, in the planning and management of protected areas, including assistance to, and training of local inhabitants who may be affected by the establishment of protected areas;
 - f) the adoption of mechanisms for financing the development and effective management of protected areas and facilitating programmes of mutual assistance;
 - g) contingency plans for responding to incidents that could cause or threaten to cause damage to protected areas including their resources;
 - h) procedures to permit, regulate or otherwise authorize activities compatible with the objectives for which the protected areas were established; and
 - i) the development of qualified managers, and technical personnel, as well as appropriate infrastructure.

Article 7 Cooperation Programme for, and Listing of, Protected Areas

1. The Parties shall establish co-operation programmes within the framework of the Convention and the Action Plan and in accordance with their sovereignty, or sovereign rights or jurisdiction to further the objectives of the Protocol.
2. A co-operation programme will be established to support the listing of protected areas. It will assist with the selection, establishment, planning, management and conservation of protected areas, and shall create a network of protected areas. To this end, the Parties shall establish a list of protected areas. The Parties shall:

- a) recognize the particular importance of listed areas to the Wider Caribbean Region;
- b) accord priority to listed areas for scientific and technical research pursuant to Article 17;
- c) accord priority to listed areas for mutual assistance pursuant to Article 18; and
- d) not authorize or undertake activities that would undermine the purposes for which a listed area was created.

3. The procedures for the establishment of the list of protected areas are as follows:

- a) The Party that exercises sovereignty, or sovereign rights or jurisdiction over a protected area shall nominate it to be included in the list of protected areas. Such nominations will be made in accordance with the guideline and criteria concerning the identification, selection, establishment, management, protection and any other matter adopted by the Parties pursuant to Article 21. Each Party making a nomination shall provide the Scientific and Technical Advisory Committee through the Organization with the necessary supporting documentation, including in particular, the information noted in Article 19 (2); and
- b) After the Scientific and Technical Advisory Committee evaluates the nomination and supporting documentation, it will advise the Organization as to whether the nomination fulfills the common guidelines and criteria established pursuant to Article 21. If these guidelines and criteria have been met, the Organization will advise the Meeting of Contracting Parties who will include the nomination in the List of Protected Areas.

Article 8 Establishment of Buffer Zones

Each Party to this Protocol may, as necessary, strengthen the protection of a protected area by establishing, within areas in which it exercises sovereignty, or sovereign rights or jurisdiction, one or more buffer zones in which activities are less restricted than in the protected area while remaining compatible with achieving the purposes of the protected area.

Article 9 Protected Areas and Buffer Zones Contiguous to International Boundaries

- 1. If a Party intends to establish a protected area or a buffer zone contiguous to the frontier or to the limits of the zone of national jurisdiction of another Party, the two Parties shall consult each other with a view to reaching agreement on the measures to be taken and shall, inter alia, examine the possibility of the establishment by the other Party of a corresponding contiguous protected area or buffer zone or the adoption by it of any other appropriate measures including co-operative management programmes.
- 2. If a Party intends to establish a protected area or a buffer zone contiguous to the frontier or to the limits of the zone of national jurisdiction of a State that is not a Party to this Protocol, the

Party shall endeavour to work together with the competent authorities of that State with a view to holding the consultations referred to in paragraph 1.

3. Whenever it becomes known to a Party that a non-Party intends to establish a protected area or a buffer zone contiguous to the frontier or to the limits of the zone of national jurisdiction of a Party to this Protocol the latter shall endeavour to work together with that State with a view to holding the consultations referred to in paragraph 1.
4. If contiguous protected areas and/or buffer zones are established by one Party and by a State that is not a Party to this Protocol, the former should attempt, where possible, to achieve conformity with the provisions of the Convention and its Protocols.

Article 10 National Measures for the Protection of Wild Flora and Fauna

1. Each Party shall identify endangered or threatened species of flora and fauna within areas over which it exercises sovereignty, or sovereign rights or jurisdiction, and accord protected status to such species. Each Party shall regulate and prohibit according to its laws and regulations, where appropriate, activities having adverse effects on such species or their habitats and ecosystems, and carry out species recovery, management, planning and other measures to effect the survival of such species. Each Party, in keeping with its legal system, shall also take appropriate actions to prevent species from becoming endangered or threatened.
2. With respect to protected species of flora and their parts and products, each Party, in conformity with its laws and regulations, shall regulate, and where appropriate, prohibit all forms of destruction and disturbance, including the picking, collecting, cutting, uprooting or possession of, or commercial trade in, such species.
3. With respect to protected species of fauna, each Party, in conformity with its laws and regulations, shall regulate, and where appropriate, prohibit:
 - a) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing) or commercial trade in such species or their parts or products; and
 - b) to the extent possible, the disturbance of wild fauna, particularly during the period of breeding, incubation, estivation or migration, as well as other periods of biological stress.

Each Party shall formulate and adopt policies and plans for the management of captive breeding of protected fauna and propagation of protected flora.

The Parties shall, in addition to the measures specified in paragraph 3, co-ordinate their efforts, through bilateral or multilateral actions, including if necessary, any treaties for the protection and recovery of migratory species whose range extends into areas under their sovereignty, or sovereign rights or jurisdiction.

The Parties shall endeavour to consult with range States that are not Parties to this Protocol, with a view to co-ordinating their efforts to manage and protect endangered or threatened migratory species.

The Parties shall make provisions, where possible, for the repatriation of protected species exported illegally. Efforts should be made by Parties to reintroduce such species to the wild, or if unsuccessful, make provision for their use in scientific studies or for public education purposes.

The measures which Parties take under this Article are subject to their obligations under Article 11 and shall in no way derogate from such obligations.

Article 11 CO-OPERATIVE MEASURES FOR THE PROTECTION OF WILD FLORA AND FAUNA

1. The Parties shall adopt co-operative measures to ensure the protection and recovery of endangered and threatened species of flora and fauna listed in Annexes I, II and III of the present Protocol.
 - a) The Parties shall adopt all appropriate measures to ensure the protection and recovery of species of flora listed in Annex I. For this purpose, each Party shall prohibit all forms of destruction or disturbance, including the picking, collecting, cutting, uprooting or possession of, or commercial trade in such species, their seeds, parts or products. They shall regulate activities, to the extent possible, that could have harmful effects on the habitats of the species.
 - b) Each Party shall ensure total protection and recovery to the species of fauna listed in Annex II by prohibiting:
 - i) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing) or commercial trade in such species, their eggs, parts or products;
 - ii) to the extent possible, the disturbance of such species, particularly during periods of breeding, incubation, estivation or migration, as well as other periods of biological stress.
 - c) Each Party shall adopt appropriate measures to ensure the protection and recovery of the species of flora and fauna listed in Annex III and may regulate the use of such species in order to ensure and maintain their populations at the highest possible levels. With regard to the species listed in Annex III, each Party shall, in co-operation with other Parties, formulate, adopt and implement plans for the management and use of such species, including:
 - i) for species of fauna:
 - a) the prohibition of all non-selective means of capture, killing, hunting and fishing and of all actions likely to cause local disappearance of a species or serious disturbance of its tranquility;

- b) the institution of closed hunting and fishing seasons and of other measures for maintaining their population;
 - c) the regulation of the taking, possession, transport or sale of living or dead species, their eggs, parts or products;
 - iii) For species of flora, including their parts or products, the regulation of their collection, harvest and commercial trade.
2. Each Party may adopt exemptions to the prohibitions prescribed for the protection and recovery of the species listed in Annexes I and II for scientific, educational or management purposes necessary to ensure the survival of the species or to prevent significant damage to forests or crops. Such exemptions shall not jeopardize the species and shall be reported to the Organization in order for the Scientific and Technical Advisory Committee to assess the pertinence of the exemptions granted.
3. The Parties also shall:
- a) accord priority to species contained in the annexes for scientific and technical research pursuant to Article 17;
 - b) accord priority to species contained in the annexes for mutual assistance pursuant to Article 18.
4. The procedures to amend the annexes shall be as follows:
- a) any Party may nominate an endangered or threatened species of flora or fauna for inclusion in or deletion from these annexes, and shall submit to the Scientific and Technical Advisory Committee, through the Organization, supporting documentation, including, in particular, the information noted in Article 19. Such nomination will be made in accordance with the guidelines and criteria adopted by the Parties pursuant to Article 21;
 - b) the Scientific and Technical Advisory Committee shall review and evaluate the nominations and supporting documentation and shall report its views to the meetings of Parties held pursuant to Article 23;
 - c) the Parties shall review the nominations, supporting documentation and the reports of the Scientific and Technical Advisory Committee. A species shall be listed in the annexes by consensus, if possible, and if not, by a three-quarters majority vote of the Parties present and voting, taking fully into account the advice of the Scientific and Technical Advisory Committee that the nomination and supporting documentation meet the common guidelines and criteria established pursuant to Article 21;
 - d) a Party may, in the exercise of its sovereignty or sovereign rights, enter a reservation to the listing of a particular species in an annex by notifying the Depositary in writing within 90 days of the vote of the Parties. The Depositary shall, without delay, notify all Parties of reservations received pursuant to this paragraph;

- e) a listing in the corresponding annex shall become effective 90 days after the vote for all Parties, except those which made a reservation in accordance with paragraph (d) of this Article; and
 - f) a Party may at any time substitute an acceptance for a previous reservation to a listing by notifying the Depositary, in writing. The acceptance shall thereupon enter into force for that Party.
5. The Parties shall establish co-operation programmes within the framework of the Convention and the Action Plan to assist with the management and conservation of protected species, and shall develop and implement regional recovery programmes for protected species in the Wider Caribbean Region, taking fully into account other existing regional conservation measures relevant to the management of those species. The Organization shall assist in the establishment and implementation of these regional recovery programmes.

Article 12 Introduction of Non-Indigenous or Genetically Altered Species

Each Party shall take all appropriate measures to regulate or prohibit intentional or accidental introduction of non-indigenous or genetically altered species to the wild that may cause harmful impacts to the natural flora, fauna or other features of the Wider Caribbean Region.

Article 13 ENVIRONMENTAL IMPACT ASSESSMENT

1. In the planning process leading to decisions about industrial and other projects and activities that would have a negative environmental impact and significantly affect areas or species that have been afforded special protection under this Protocol, each Party shall evaluate and take into consideration the possible direct and indirect impacts, including cumulative impacts, of the projects and activities being contemplated.
2. The Organization and the Scientific and Technical Advisory Committee shall, to the extent possible, provide guidance and assistance, upon request, to the Party making these assessments.

Article 14 EXEMPTIONS FOR TRADITIONAL ACTIVITIES

1. Each Party shall, in formulating management and protective measures, take into account and provide exemptions, as necessary, to meet traditional subsistence and cultural needs of its local populations. To the fullest extent possible, no exemption which is allowed for this reason shall:

- a) endanger the maintenance or areas protected under the terms of this Protocol, including the ecological processes contributing to the maintenance of those protected areas; or
- b) cause either the extinction of, or a substantial risk to, or substantial reduction in the number of, individuals making up the populations of species of fauna and flora within the protected areas, or any ecologically inter-connected species or population, particularly migratory species and threatened, endangered or endemic species.

Parties which allow exemptions with regard to protective measures shall inform the Organization accordingly.

Article 15 Changes in the Status of Protected Areas or Protected Species

1. Changes in the delimitation or legal status of an area, or part thereof, or of a protected species, may only take place for significant reasons, bearing in mind the need to safeguard the environment and in accordance with the provisions of this Protocol and after notification to the Organization.
2. The status of areas and species should be periodically reviewed and evaluated by the Scientific and Technical Advisory Committee on the basis of information provided by Parties through the Organization. Areas and species may be removed from the area listing or Protocol annexes by the same procedure by which they were incorporated.

Article 16 Publicity, Information, Public Awareness and Education

1. Each Party shall give appropriate publicity to the establishment of protected areas, in particular to their boundaries, buffer zones, and applicable regulations, and to the designation of protected species, in particular to their critical habitats and applicable regulations.
2. In order to raise public awareness, each Party shall endeavour to inform the public as widely as possible, of the significance and value of the protected areas and species and of the scientific knowledge and other benefits which may be gained from them or any changes therein. Such information should have an appropriate place in education programmes concerning the environment and history. Each Party should also endeavour to promote the participation of its public and its conservation organizations in measures that are necessary for the protection of the areas and species concerned.

Article 17 Scientific, Technical and Management Research

1. Each Party shall encourage and develop scientific, technical and management-oriented research on protected areas, including, in particular, their ecological processes and

archaeological, historical and cultural heritage, as well as on threatened or endangered species of fauna and flora and their habitats.

2. Each Party may consult with other Parties and with relevant regional and international organizations with a view to identifying, planning and undertaking scientific and technical research and monitoring programmes necessary to characterize and monitor protected areas and species and to assess the effectiveness of measures taken to implement management and recovery plans.
3. The Parties shall exchange, directly or through the Organization, scientific and technical information concerning current and planned research and monitoring programmes and the results thereof. They shall, to the fullest extent possible, co- ordinate their research and monitoring programmes, and endeavour to standardize procedures for collecting, reporting, archiving and analyzing relevant scientific and technical information.
4. The Parties shall, pursuant to the provisions of paragraph 1 above, compile comprehensive inventories of:
 - a) areas over which they exercise sovereignty, or sovereign rights or jurisdiction that contain rare or fragile ecosystems; that are reservoirs of biological or genetic diversity; that are of ecological value in maintaining economically important resources; that are important for threatened, endangered or migratory species; that are of value for aesthetic, recreational, tourist or archaeological reasons; and
 - b) species of fauna or flora that may qualify for listing as threatened or endangered according to the criteria established under this Protocol.

Article 18 Mutual Assistance

1. The Parties shall co-operate, directly or with the assistance of the Organization or other relevant international organizations, in formulating, drafting, financing and implementing programmes of assistance to those Parties that express a need for it in the selection, establishment and management of protected areas and species.
2. These programmes should include public environmental education, the training of scientific, technical and management personnel, scientific research, and the acquisition, utilization, design and development of appropriate equipment on advantageous terms to be agreed among the Parties concerned.

Article 19 Notifications and Reports to the Organization

1. Each Party shall report periodically to the Organization on:

- a) the status of existing and newly established protected areas, buffer zones and protected species in areas over which they exercise sovereignty or sovereign rights or jurisdiction; and
 - b) any changes in the delimitation or legal status of protected areas, buffer zones and protected species in areas over which they exercise sovereignty, or sovereign rights or jurisdiction.
2. The reports relevant to the protected areas and buffer zones should include information on:
- a) name of the area or zone;
 - b) biogeography of the area or zone (boundaries, physical features, climate, flora and fauna);
 - c) legal status with reference to relevant national legislation or regulation;
 - d) date and history of establishment;
 - e) protected area management plans;
 - f) relevance to cultural heritage;
 - g) facilities for research and visitors; and
 - h) threats to the area or zone, especially threats which originate outside the jurisdiction of the Party.
3. The reports relevant to the protected species should include, to the extent possible, information on:
- a) scientific and common names of the species;
 - b) estimated populations of species and their geographic ranges;
 - c) status of legal protection, with reference to relevant national legislation or regulation;
 - d) ecological interactions with other species and specific habitat requirements;
 - e) management and recovery plans for endangered and threatened species;
 - f) research programmes and available scientific and technical publications relevant to the species; and
 - g) threats to the protected species, their habitats and their associated ecosystems, especially threats which originate outside the jurisdiction of the Party.
4. The reports provided to the Organization by the Parties will be used for the purposes outlined in Articles 20 and 22.

Article 20 Scientific and Technical Advisory Committee

1. A Scientific and Technical Advisory Committee is hereby established.
2. Each Party shall appoint a scientific expert appropriately qualified in the field covered by the Protocol as its representative on the Committee, who may be accompanied by other experts

and advisors appointed by that Party. The Committee may also seek information from scientifically and technically qualified experts and organizations.

3. The Committee shall be responsible for providing advice to the Parties through the Organization on the following scientific and technical matters relating to the Protocol:

- a) the listing of protected areas in the manner provided for in Article 7;
- b) the listing of protected species in the manner provided for in Article 11;
- c) reports on the management and protection of protected areas and species and their habitats;
- d) proposals for technical assistance for training, research, education and management (including species recovery plans);
- e) environmental impact assessment pursuant to Article 13;
- f) the formulation of common guidelines and criteria pursuant to Article 21; and
- g) any other matters relating to the implementation of the Protocol, including those matters referred to it by the meetings of the Parties.

4. The Committee shall adopt its own Rules of Procedures.

Article 21 Establishment of Common Guidelines and Criteria

1. The Parties shall at their first meeting, or as soon as possible thereafter, evaluate and adopt common guidelines and criteria formulated by the Scientific and Technical Advisory Committee dealing in particular with:

- a) the identification and selection of protected areas and protected species;
- b) the establishment of protected areas;
- c) the management of protected areas and protected species including migratory species; and
- d) the provision of information on protected areas and protected species, including migratory species.

In implementing this Protocol, the Parties shall take into account these common guidelines and criteria, without prejudicing the right of a Party to adopt more stringent guidelines and criteria.

Article 22 Institutional Arrangements

1. Each Party shall designate a Focal Point to serve as liaison with the Organization on the technical aspects of the implementation of this Protocol.

2. The Parties designate the Organization to carry out the following Secretariat functions:

- a) convening and servicing the meetings of the Parties;
- b) assisting in raising funds as provided for in Article 24;

- c) assisting the Parties and the Scientific and Technical Advisory Committee, in co-operation with the competent international, intergovernmental and non-governmental organizations in:
- facilitating programmes of technical and scientific research as provided for in Article 17;
 - facilitating the exchange of scientific and technical information among the Parties as provided for in Article 16;
 - the formulation of recommendations containing common guidelines and criteria pursuant to Article 21;
 - the preparation, when so requested, of management plans for protected areas and protected species pursuant to Article 6 and 10 respectively;
 - the development of co-operative programmes pursuant to Articles 7 and 11;
 - the preparation, when so requested, of environmental impact assessments pursuant to Article 13;
 - the preparation of educational materials designed for various groups identified by the Parties;
 - the repatriation of illegally exported wild flora and fauna and their parts or products;
- d) preparing common formats to be used by the Parties as the basis for notifications and reports to the Organization, as provided in Article 19;
- e) maintaining and updating databases of protected areas and protected species containing information pursuant to Articles 7 and 11, as well as issuing periodically updated directories of protected areas and protected species;
- f) preparing directories, reports and technical studies which may be required for the implementation of this Protocol;
- g) co-operating and co-ordinating with regional and international organizations concerned with the protection of areas and species; and
- h) carrying out any other function assigned by the Parties to the Organization.

Article 23 Meetings of the Parties

1. The ordinary meetings of the Parties shall be held in conjunction with the ordinary meetings of the Parties to the Convention held pursuant to Article 16 of the Convention. The Parties may also hold extraordinary meetings in conformity with Article 16 of the Convention. The meetings will be governed by the Rules of Procedure adopted pursuant to Article 20 of the Convention.
2. It shall be the function of the meetings of the Parties to this Protocol:
 - a) to keep under review and direct the implementation of this Protocol;
 - b) to approve the expenditure of funds referred to in Article 24;

- c) to oversee and provide policy guidance to the Organization;
- d) to consider the efficacy of the measures adopted for the management and protection of areas and species, and to examine the need for other measures, in particular in the form of annexes, as well as amendments to this Protocol or to its annexes;
- e) to monitor and promote the establishment and development of the network of protected areas and recovery plans for protected species provided for in Articles 7 and 11;
- f) to adopt and revise, as needed, the guidelines and criteria provided for in Article 21;
- g) to analyze the advice and recommendations of the Scientific and Technical Advisory Committee pursuant to Article 20;
- h) to analyze reports transmitted by the Parties to the Organization under Article 22 of the Convention and Article 19 of this Protocol, as well as any other information which the Parties may transmit to the Organization or to the meeting of the Parties; and
- i) to conduct such other business as appropriate.

Article 24 Funding

In addition to the funds provided by the Parties in accordance with paragraph 2, Article 20 of the Convention, the Parties may direct the Organization, to seek additional funds. These may include voluntary contributions for purposes connected with the Protocol from Parties, other governments, government agencies, non- governmental, international, regional and private sector organizations and individuals.

Article 25 Relationship to Other Conventions Dealing With The Special Protection of Wildlife

Nothing in this Protocol shall be interpreted in a way that may affect the rights and obligations of Parties under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

Article 26 Transitional Clause

1. The initial version of the annexes, which constitutes an integral part of the Protocol, shall be adopted by consensus at a Conference of Plenipotentiaries of the Contracting Parties to the Convention.

Article 27 Entry Into Force

1. The Protocol and its annexes, once adopted by the Contracting Parties to the Convention, will enter into force in conformity with the procedure established in paragraph 2 of Article 28 of the Convention.
2. The Protocol shall not enter into force until the initial annexes have been adopted in accordance with Article 26.

Article 28 Signature

This Protocol shall be open for signature at Kingston, from 18 January 1990 to 31 January 1990 and at Bogotá from 1 February 1990 to 17 January 1991 by any party to the Convention.

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

Done at Kingston, on this eighteenth day of January one thousand nine hundred and ninety in a single copy in the English, French and Spanish languages, the three texts being equally authentic.