

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



UNEP

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

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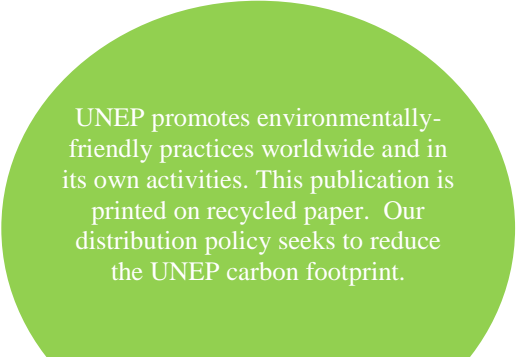
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UNITED NATIONS ENVIRONMENT PROGRAMME

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

*Protocol Concerning Co-operation in Combating
Oil Spills in the Wider Caribbean Region*

*Protocol Concerning Specially Protected
Areas and Wildlife*

*Protocol Concerning Pollution from Land-Based
Sources and Activities*



FOREWORD

With the passage of a general resolution in February of 2009, the United Nations General Assembly called upon the UN system to recognize the Caribbean Sea as a “special area within the context of sustainable development”. It is hoped that this “special area” designation will encourage the international community to demonstrate with even greater vigour their commitment to the protection of the Caribbean Sea and improved management of the use of its resources.

As the Large Marine Ecosystem with the most number of geopolitical governance structures, highest number of maritime boundaries, and largest number of small-island developing states, the Wider Caribbean represents a population united by their common dependence on the goods and services provided by the Caribbean Sea for their livelihoods.

Yet the sustainability of the ecosystems providing these goods and services is threatened by the very income-producing activities which ensure economic stability, in addition to the steadily increasing impacts of climate change.

In 1981, the Governments of the region called upon the United Nations Environment Programme to assist them in safeguarding the coastal and marine resources which form the basis of the region’s future social and economic development. During the inter-governmental meeting that year in Montego Bay under the auspices of UNEP’s Regional Seas Programme, Wider Caribbean nations came to the unanimous conclusion that the only way to resolve the critical issues facing the region’s marine ecosystems was to adopt an integrated, co-operative, regional approach.

The resulting Wider Caribbean Action Plan subsequently led to the 1983 adoption of the “Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region”, in Cartagena de Indias, Colombia. The treaty commonly referred to as the Cartagena Convention, officially entered into force in 1986.

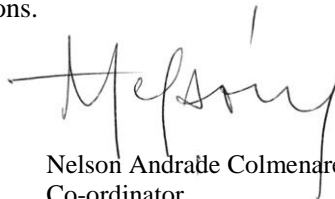


As the only regional legal framework for the protection and development of the Wider Caribbean, the Cartagena Convention and its Protocols concerning land-based sources of pollution (LBS), oil spills and specially protected areas and wildlife (SPAW), provide a common base upon which to build a sound regime with regard to improved management of coastal and marine resources.

Considered today to be one of the most fully developed and innovative cooperative arrangements among the 13 Regional Seas Programmes, the Cartagena Convention serves as a valuable framework for decision makers in the region. 27 out of 30 Governments of the Wider Caribbean have ratified the treaty and committed to protect, develop, and manage their common waters individually or jointly. In a region of mostly developing countries, such a regional approach to ocean governance is the only effective method to achieve sustainability while reducing the financial burden upon member states.

As Secretariat for the Cartagena Convention and its Protocols, the Caribbean Environment Programme (CEP) plays a wide-ranging and critical role in biodiversity conservation, establishment of coastal and marine protected areas, reduction in marine pollution from land-based and marine sources, and environmental education and training. CEP continues to source funding and technical assistance, develop and implement projects, establish new partnerships and provide support to countries in responding to emerging region-wide issues.

It is our firm conviction that if all of the countries of the Wider Caribbean continue to provide support for the Cartagena Convention and its Protocols, the region will be one step closer to ensuring that the Caribbean Sea and its resources and services are conserved for the benefit of present and future generations.



Nelson Andrade Colmenares
Co-ordinator
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Regional Co-ordinating Unit
United Nations Environment Programme

INTRODUCTION

In 1981, the Governments of the wider Caribbean region, with the assistance of the United Nations Environment Programme (UNEP), formed the Caribbean Environment Programme (CEP) to promote regional co-operation for the protection and development of the marine environment. CEP is one of 14 Regional Seas Programmes of UNEP and is administered by the Regional Co-ordinating Unit (CAR/RCU) in Kingston, Jamaica.

The objectives of CEP were outlined in an Action Plan, which was formally adopted by an intergovernmental meeting held in Montego Bay, Jamaica in 1981. The Action Plan for CEP contains several interdependent components to promote regional co-operation. Assessment activities identify the problems that need priority attention in the region. Upon the request of the Governments, regional environmental agreements are negotiated to strengthen co-operation among States in addressing the identified problems in a region of the Wider Caribbean. They also provide an important tool for national policy makers to implement national control activities. Management activities, aimed at controlling existing environmental problems and preventing the development of new ones, are one of the means by which States fulfil their legal treaty obligations. Co-ordinated assessment activities then continue to assist Governments by providing scientific information by which to judge whether the legal agreements and management policies are becoming effective.

A regional environmental convention provides the legal framework for co-operative regional and national actions in the wider Caribbean region. This legal commitment of the Governments clearly expresses their political will to manage, individually and jointly, their common environmental problems.

This publication contains the texts of four legal agreements (the Convention and three Protocols) that have been adopted for the protection and development of the marine environment of the wider Caribbean region.



A Conference of Plenipotentiaries on the Protection and Development of the Marine Environment of the Wider Caribbean Region was convened by the Executive Director of the United Nations Environment Programme following a recommendation adopted by the First Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme (Montego Bay, Jamaica, 6 to 8 April 1981). The Conference met at Cartagena de Indias, Colombia, from 21 to 24 March 1983 and as a result of its deliberations, two legal instruments were adopted:

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (now commonly referred to as the *Cartagena Convention*); and

Protocol to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region Concerning Cooperation in Combating Oil-Spills in the Wider Caribbean Region (*Oil Spills Protocol*).

A second Conference of Plenipotentiaries, convened from 15-18 January 1990, in Kingston, Jamaica resulted in the adoption of the Protocol to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region Concerning Specially Protected Areas and Wildlife (*SPAW Protocol*).

A third Conference of Plenipotentiaries, convened 27 September to 6 October 1999, in Oranjestad, Aruba, resulted in the adoption of the Protocol to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region Concerning Pollution from Land-based Sources and Activities (*LBS Protocol*).

As the host of the first Conference of Plenipotentiaries that adopted the Cartagena Convention and Oil Spills Protocol, Article 30 to the Convention designates the Government of the Republic of Colombia as the Depositary for the Convention and its Protocols. Article 15 of the Cartagena Convention designates UNEP as responsible for carrying out the secretariat functions for the Convention and its Protocols. Therefore, UNEP-CAR/RCU serves as the Secretariat to the Cartagena Convention and its Protocols. An up-to-date list of Contracting Parties and Signatories to the Cartagena Convention and the three protocols can be found on the CEP website at www.cep.unep.org.

The Cartagena Convention is a comprehensive, umbrella agreement for the protection and development of the marine environment. In addition to general obligations and institutional arrangements, the Convention lists the sources of pollution which have been determined by the Contracting Parties to require regional and national action for their control: pollution from ships, dumping, land-based sources and sea-bed activities together with airborne pollution. The Convention also identifies environmental management issues for which co-operative efforts are necessary: specially protected areas and wildlife, co-operation in cases of emergency, environmental impact assessment and scientific and technical co-operation.



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MAP OF THE WIDER CARIBBEAN



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

24 March 1983

**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,

Recognising the special hydrographical and ecological characteristics of the region and its vulnerability to pollution,

Recognising 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,

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

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



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

Have agreed as follows:

Article 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 30⁰ north latitude and within 200 nautical miles of the Atlantic coasts of the States referred to in article 25 of the Convention.

2. "Organisation" means the institution designated to carry out the functions enumerated in paragraph 1 of article 15.

Article 3

GENERAL PROVISIONS

1. The Contracting Parties shall endeavour to conclude bilateral or multilateral agreements including regional or sub-regional agreements, for the protection of the marine environment of the Convention area. Such agreements shall be consistent with this Convention and in accordance with international law. Copies of such agreements shall be communicated to the Organisation and, through the Organisation, to all signatories and Contracting Parties to this Convention.

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

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

Article 4

GENERAL OBLIGATIONS

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

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

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

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

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

Article 5

POLLUTION FROM SHIPS

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

Article 6

POLLUTION CAUSED BY DUMPING

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

Article 7

POLLUTION FROM LAND-BASED SOURCES

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

Article 8

POLLUTION FROM SEA-BED ACTIVITIES

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

Article 9

AIRBORNE POLLUTION

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

Article 10

SPECIALLY PROTECTED AREAS

The Contracting Parties shall, individually or jointly, take all appropriate measures to protect and preserve rare or fragile

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

Article 11

CO-OPERATION IN CASES OF EMERGENCY

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

2. When a Contracting Party becomes aware of cases in which the Convention area is in imminent danger of being polluted or has been polluted, it shall immediately notify other States likely to be affected by such pollution, as well as the competent international organisations. Furthermore, it shall inform, as soon as feasible, such other States and competent international organisations of measures it has taken to minimise or reduce pollution or the threat thereof.

Article 12

ENVIRONMENTAL IMPACT ASSESSMENT

1. As part of their environmental management policies the Contracting Parties undertake to develop technical and other guidelines to assist the planning of their major development projects



in such a way as to prevent or minimise harmful impacts on the Convention area.

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

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

Article 13

SCIENTIFIC AND TECHNICAL CO-OPERATION

1. The Contracting Parties undertake to cooperate, directly and, when appropriate, through the competent international and regional organisations, in scientific research, monitoring and the exchange of data and other scientific information relating to the purposes of this Convention.

2. To this end, the Contracting Parties undertake to develop and co-ordinate their research and monitoring programmes relating to the Convention area and to ensure, in co-operation with the competent international and regional organisations, the necessary links between their research centres and institutes with a view to producing compatible results. With the aim of further protecting the Convention area, the Contracting Parties shall endeavour to participate in international arrangements for pollution research and monitoring.

3. The Contracting Parties undertake to cooperate, directly and, when appropriate, through the competent international and regional organisations, in the provision to other Contracting Parties of technical and other assistance in fields relating to pollution and sound



environmental management of the Convention area, taking into account the special needs of the smaller island developing countries and territories.

Article 14

LIABILITY AND COMPENSATION

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

Article 15

INSTITUTIONAL ARRANGEMENTS

1. The Contracting Parties designate the United Nations Environment Programme to carry out the following secretariat functions:

- (a) To prepare and convene the meetings of Contracting Parties and conferences 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 Organisation for the purposes of this Convention and its protocols.

Article 16

MEETINGS OF THE CONTRACTING PARTIES

1. The Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary, upon the request of the Organisation or at the request of any Contracting Party, provided that such requests are supported by the majority of the Contracting Parties.

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

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

their financial and institutional implications and to adopt decisions relating thereto;

- (g) To consider and undertake any other action that may be required for the achievement of the purposes of this Convention and its protocols.

Article 17

ADOPTION OF PROTOCOLS

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

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

Article 18

AMENDMENT OF THE CONVENTION AND ITS PROTOCOLS

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

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

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

4. Any amendment to this Convention shall be adopted by a three-fourths majority vote of the Contracting Parties to the

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

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

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

Article 19

ANNEXES AND AMENDMENTS TO ANNEXES

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

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

- (a) Any Contracting Party may propose amendments to annexes to this Convention or to annexes to any protocol at a meeting convened pursuant to article 16;

- (b) Such amendments shall be adopted by a three-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 Organisation, 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 organisations 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 organisations 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 Organisation 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 recognises 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 organisation 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 organisation 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 organisation 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 organisation 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 Depository.

2. This Convention and its protocols shall also be subject to ratification, acceptance or approval by the organisations 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 organisations shall declare the extent of their competence with respect to the matters governed by the Convention and the relevant protocol. Subsequently these organisations shall inform the Depository 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 organisations 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 organisation 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 organisation 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 organisations 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 organisations 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 organisation referred to in article 25 shall not be counted as additional to that deposited by any member State of such organisation.

4. Thereafter, this Convention and any protocol shall enter into force with respect to any State or organisation 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 Organisation, 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 organisations 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 Organisation.

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 authorised 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 Organisation 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 Organisation 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. 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**

24 March 1983



***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 1

DEFINITIONS

For the purposes of this Protocol:

1. "Wider Caribbean region" means the Convention area as defined in article 2 of the Convention and adjacent coastal areas.

2. "Convention" means the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.

3. "Related interests" means the interests of a Contracting Party directly affected or threatened and concerning, among others:

- (a) Maritime, coastal, port or estuarine activities;
- (b) The historical and tourist appeal of the area in question, including water sports and recreation;
- (c) The health of the coastal population; and
- (d) Fishing activities and the conservation of natural resources.

4. "Oil spill incident" means a discharge, or a significant threat of a discharge, of oil, however caused, of a magnitude that requires emergency action or other immediate response for the purpose of minimizing its effects or eliminating the threat.

5. "Organization" means the institution referred to in paragraph 2 of article 2 of the Convention.

6. "Regional 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

SUB-REGIONAL 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 sub-regional arrangements.

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

Article 9

INSTITUTIONAL ARRANGEMENTS

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

- (a) Assisting Contracting Parties, upon request, in the following areas:
 - (i) The preparation, periodic review and updating of the contingency plans referred to in paragraph 2 of article 3, with a view, inter alia, to promoting the compatibility of the plans of the Contracting Parties, and
 - (ii) Publicizing training courses and programmes;
- (b) Assisting 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.

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.

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

18 January 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***

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 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 hydro-graphic, 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 purposes 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.

2. 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.

3. 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 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

CO-OPERATION 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.

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

5. 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.

6. 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.

7. 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.

8. 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 populations;
 - (c) the regulation of the taking, possession, transport or sale or dead species, their eggs, parts or products;

- (ii) 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, education 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 the 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 of 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.

2. 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) biography 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.

2. 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 Articles 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

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.

ANNEX I

List of Species of Marine and Coastal Flora Protected Under Article 11(1) (a)

TRACHAEOPHYTA (Vascular Plants)

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Aquifoliaceae</i>	<i>Ilex</i>	<i>cookii</i>
<i>Bignoniaceae</i>	<i>Crescentia</i>	<i>mirabilis</i>
<i>Bignoniaceae</i>	<i>Crescentia</i>	<i>portoricensis</i>
<i>Boraginaceae</i>	<i>Cordia</i>	<i>wagnerorum</i>
<i>Buxaceae</i>	<i>Buxus</i>	<i>vahlII</i>
<i>Cactaceae</i>	<i>Echinocereus</i>	<i>reichenbachii</i> var.
<i>albertii</i>		
<i>Cactaceae</i>	<i>Harrisia</i>	<i>fragrans</i>
<i>Cactaceae</i>	<i>Harrisia</i>	<i>portoricensis</i>
<i>Cactaceae</i>	<i>Leptocereus</i>	<i>grantianus</i>
<i>Cactaceae</i>	<i>Leptocereus</i>	<i>wrightii</i>
<i>Cactaceae</i>	<i>Melocactus</i>	<i>guitartii</i>
<i>Cactaceae</i>	<i>Melocactus</i>	<i>harlowii sensu lato</i>
<i>Cactaceae</i>	<i>Pilosocereus</i>	<i>deeringii</i>
<i>Cactaceae</i>	<i>Pilosocereus</i>	<i>robinii</i>
<i>Convolvulaceae</i>	<i>Bonamia</i>	<i>grandiflora</i>
<i>Convolvulaceae</i>	<i>Ipomoea</i>	<i>flavopurpurea</i>
<i>Convolvulaceae</i>	<i>Ipomoea</i>	<i>walpersiana</i>
<i>Cyatheaaceae</i>	<i>Cyathea</i>	<i>dryopteroides</i>
<i>Cyperaceae</i>	<i>Rhynchospora</i>	<i>bucherorum</i>
<i>Dioscoreaceae</i>	<i>Rajania</i>	<i>theresensis</i>
<i>Ericaceae</i>	<i>Rhododendron</i>	<i>chapmanii</i>
<i>Euphorbiaceae</i>	<i>Andrachne</i>	<i>brittonii</i>
<i>Euphorbiaceae</i>	<i>Bernardia</i>	<i>venosa</i>
<i>Euphorbiaceae</i>	<i>Cnidoscopus</i>	<i>fragrans</i>
<i>Euphorbiaceae</i>	<i>Drypetes</i>	<i>triplinervia</i>
<i>Flacourtiaceae</i>	<i>Banaras</i>	<i>vanderbiltii</i>
<i>Flacourtiaceae</i>	<i>Samyda</i>	<i>microphylla</i>
<i>Hydrophyllaceae</i>	<i>Hydrolea</i>	<i>torroei</i>
<i>Icacinaeae</i>	<i>Ottoschulzia</i>	<i>rhodoxylon</i>
<i>Leguminosae (Fabaceae)</i>	<i>Acacia</i>	<i>cupeyensis</i>

<i>Leguminosae</i>	<i>Acacia</i>	<i>roigii</i>
<i>Leguminosae</i>	<i>Stahlia</i>	<i>monosperma</i>
<i>Liliaceae</i>	<i>Harperocallis</i>	<i>flava</i>
<i>Loranthaceae</i>	<i>Dendropemon</i>	<i>acutifolius</i>
<i>Malvaceae</i>	<i>Abutilon</i>	<i>virginianum</i>
<i>Meliaceae</i>	<i>Trichilia</i>	<i>triacantha</i>
<i>Olacaceae</i>	<i>Ximenia</i>	<i>roigii</i>
<i>Orchidaceae</i>	<i>Brachionidium</i>	<i>ciliolatum</i>
<i>Orchidaceae</i>	<i>Cranichis</i>	<i>ricartii</i>
<i>Orchidaceae</i>	<i>Lapanthes</i>	<i>eltoroensis</i>
<i>Orchidaceae</i>	<i>Oncidium</i>	<i>jacquinianum</i>
<i>Palmae (Arecaceae)</i>	<i>Calyptronoma</i>	<i>rivalis</i>
<i>Piperaceae</i>	<i>Peperomia</i>	<i>wheeleri</i>
<i>Rhamnaceae</i>	<i>Rondeletia</i>	<i>apiculata</i>
<i>Rubiaceae</i>	<i>Rondeletia</i>	<i>rugelii</i>
<i>Rutaceae</i>	<i>Zanthoxylum</i>	<i>thomasianum</i>
<i>Solanaceae</i>	<i>Goetzea</i>	<i>elegans</i>
<i>Theaceae</i>	<i>Ternstroemia</i>	<i>luquillensis</i>
<i>Theophrastaceae</i>	<i>Jacquinia</i>	<i>curtissii</i>
<i>Thymelaeaceae</i>	<i>Daphnopsis</i>	<i>helleriana</i>
<i>Verbenaceae</i>	<i>Cornutia</i>	<i>obovata</i>
<i>Verbenaceae</i>	<i>Duranta</i>	<i>parviflora</i>
<i>Verbenaceae</i>	<i>Nashia</i>	<i>myrtifolia</i>

ANNEX II

List of Species of Marine and Coastal Fauna Protected Under Article 11(1) (b)

<u>Class:</u>	<u>GASTROPODA</u>	
<u>Order:</u>	PULMONATA	
<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Bulimulidae</i>	<i>Orthalicus</i>	<i>reses reses</i>

<u>Class:</u>	<u>OSTEICHTHYES</u>	
<u>Order:</u>	PERCIFORMES	
<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Percidae</i>	<i>Etheostoma</i>	<i>okaloosae</i>
<i>Percidae</i>	<i>Etheostoma</i>	<i>rubrum</i>

<u>Class:</u>	<u>AMPHIBIA</u>	
<u>Order:</u>	ANURA	
<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Bufonidae</i>	<i>Bufo</i>	<i>houstonensis</i>
<i>Bufonidae</i>	<i>Peltophryne</i>	<i>lemur</i>
<i>Hylidae</i>	<i>Amphodus</i>	<i>auratus</i>
<i>Leptodactylidae</i>	<i>Eleutherodactylus</i>	<i>barlagnei</i>
<i>Leptodactylidae</i>	<i>Eleutherodactylus</i>	<i>jasperi</i>
<i>Leptodactylidae</i>	<i>Eleutherodactylus</i>	<i>johnstonei</i>
<i>Leptodactylidae</i>	<i>Eleutherodactylus</i>	<i>martinicensis</i>
<i>Leptodactylidae</i>	<i>Eleutherodactylus</i>	<i>pinchoni</i>
<i>Leptodactylidae</i>	<i>Sminthilus</i>	<i>limbatus</i>

Order: CAUDATA

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Plethodontidae</i>	<i>Phaeognathus</i>	<i>hubrichti</i>

Class: REPTILIA

Order: CROCODILIA

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Alligatoridae</i>	<i>Melanosuchus</i>	<i>niger</i>
<i>Crocodylidae</i>	<i>Crocodylus</i>	<i>acutus</i>
<i>Crocodylidae</i>	<i>Crocodylus</i>	<i>intermedius</i>
<i>Crocodylidae</i>	<i>Crocodylus</i>	<i>moreletii</i>

Order: SQUAMATA

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Boidae</i>	<i>Epicrates</i>	<i>inornatus</i>
<i>Boidae</i>	<i>Epicrates</i>	<i>monensis granti</i>
<i>Boidae</i>	<i>Epicrates</i>	<i>monensis monensis</i>
<i>Colubridae</i>	<i>Nerodia</i>	<i>fasciata taeniata</i>
<i>Gekkonidae</i>	<i>Sphaerodactylus</i>	<i>micropithecus</i>
<i>Iguanidae</i>	<i>Anolis</i>	<i>roosevelti</i>
<i>Iguanidae</i>	<i>Cyclura</i>	<i>carinata</i>
<i>Iguanidae</i>	<i>Cyclura</i>	<i>collei</i>
<i>Iguanidae</i>	<i>Cyclura</i>	<i>cyclura</i>
<i>Iguanidae</i>	<i>Cyclura</i>	<i>nubila</i>
<i>Iguanidae</i>	<i>Cyclura</i>	<i>pinguis</i>
<i>Iguanidae</i>	<i>Cyclura</i>	<i>ricordii</i>
<i>Iguanidae</i>	<i>Cyclura</i>	<i>rileyi</i>
<i>Iguanidae</i>	<i>Cyclura</i>	<i>stejnegeri</i>
<i>Scincidae</i>	<i>Eumeces</i>	<i>egregius</i>
<i>Scincidae</i>	<i>Neoseps</i>	<i>reynoldsi</i>
<i>Teiidae</i>	<i>Ameiva</i>	<i>polops</i>
<i>Typhlopidae</i>	<i>Typhlops</i>	<i>guadeloupensis</i>

Order: TESTUDINES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Cheloniidae</i>	<i>Caretta</i>	<i>caretta</i>
<i>Cheloniidae</i>	<i>Chelonia</i>	<i>mydas</i>
<i>Cheloniidae</i>	<i>Eretmochelys</i>	<i>imbricata</i>
<i>Cheloniidae</i>	<i>Lepidochelys</i>	<i>kempii</i>
<i>Cheloniidae</i>	<i>Lepidochelys</i>	<i>olivacea</i>
<i>Dermochelyidae</i>	<i>Dermochelys</i>	<i>coriacea</i>
<i>Emydidae</i>	<i>Graptemys</i>	<i>oculifera</i>
<i>Emydidae</i>	<i>Pseudemys</i>	<i>alabamensis</i>
<i>Testudinidae</i>	<i>Gopherus</i>	<i>polyphemus</i>

Class: AVES

Order: PROCELLARIIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Hydrobatidae</i>	<i>Hydrobates</i>	<i>pelagicus</i>
<i>Procellariidae</i>	<i>Puffinus</i>	<i>lherminieri</i>

Order: PELECANIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Pelecanidae</i>	<i>Pelecanus</i>	<i>occidentalis</i>

Order: CICONIIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Ciconiidae</i>	<i>Jabiru</i>	<i>mycteria</i>
<i>Ciconiidae</i>	<i>Mycteria</i>	<i>americana</i>

Order: FALCONIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Accipitridae</i>	<i>Chondrohierax</i>	<i>uncinatus</i>
<i>Accipitridae</i>	<i>Haliaeetus</i>	<i>leucocephalus</i>
<i>Accipitridae</i>	<i>Harpia</i>	<i>harpyja</i>
<i>Accipitridae</i>	<i>Rostrhamus</i>	<i>sociabilis plumbeus</i>
<i>Falconidae</i>	<i>Falco</i>	<i>femoralis septentrionalis</i>
<i>Falconidae</i>	<i>Falco</i>	<i>peregrinus</i>
<i>Falconidae</i>	<i>Polyborus</i>	<i>plancus</i>

Order: GALLIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Cracidae</i>	<i>Aburria</i> (= <i>Pipile</i>)	<i>pipile</i>
<i>Phasianidae</i>	<i>Tympanuchus</i>	<i>cupido attwateri</i>

Order: GRUIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Gruidae</i>	<i>Grus</i>	<i>americana</i>
<i>Gruidae</i>	<i>Grus</i>	<i>canadensis nesiototes</i>
<i>Gruidae</i>	<i>Grus</i>	<i>canadensis pulla</i>

Order: CHARADRIIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Charadriidae</i>	<i>Charadrius</i>	<i>melodus</i>
<i>Laridae</i>	<i>Sterna</i>	<i>antillarum antillarum</i>
<i>Laridae</i>	<i>Sterna</i>	<i>dougallii dougallii</i>
<i>Scolopacidae</i>	<i>Numenius</i>	<i>borealis</i>

Order: COLUMBIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Columbidae</i>	<i>Columba</i>	<i>inornata wetmorei</i>

Order: PSITTACIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Psittacidae</i>	<i>Amazona</i>	<i>arausica</i>
<i>Psittacidae</i>	<i>Amazona</i>	<i>barbadensis</i>
<i>Psittacidae</i>	<i>Amazona</i>	<i>gouldingii</i>
<i>Psittacidae</i>	<i>Amazona</i>	<i>imperialis</i>
<i>Psittacidae</i>	<i>Amazona</i>	<i>leucocephala</i>
<i>Psittacidae</i>	<i>Amazona</i>	<i>versicolor</i>
<i>Psittacidae</i>	<i>Amazona</i>	<i>vittata</i>
<i>Psittacidae</i>	<i>Ara</i>	<i>macao</i>

Order: CAPRIMULGIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Caprimulgidae</i>	<i>Caprimulgus</i>	<i>noctitherus</i>

Order: PICIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Picidae</i>	<i>Picoides</i>	<i>borealis</i>

Order: PASSERIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Corvidae</i>	<i>Aphelocoma</i>	<i>coerulescens cyanotis</i>
<i>Corvidae</i>	<i>Corvus</i>	<i>leucognaphalus</i>

<i>Emberizidae</i>	<i>Carduelis</i>	<i>cucullata</i>
<i>Emberizidae</i>	<i>Vermivora</i>	<i>bachmanii</i>
<i>Emberizidae</i>	<i>Ammodramus</i>	<i>maritimus mirabilis</i>
<i>Emberizidae</i>	<i>Ammodramus</i>	<i>savannarum floridanus</i>
<i>Mimidae</i>	<i>Dendroica</i>	<i>kirtlandii</i>
<i>Mimidae</i>	<i>Cinclocerthia</i>	<i>ruficauda</i>
	<i>Ramphocinclus</i>	<i>brachyurus</i>

Class: **MAMMALIA**

Order: **CARNIVORA**

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Canidae</i>	<i>Speothos</i>	<i>venaticus</i>
<i>Felidae</i>	<i>Felis</i>	<i>pardalis</i>
<i>Felidae</i>	<i>Felis</i>	<i>tigrina</i>
<i>Felidae</i>	<i>Felis</i>	<i>wiedii</i>
<i>Felidae</i>	<i>Felis</i>	<i>yagouaroundi</i>
<i>Phocidae</i>	<i>All spp.</i>	
<i>Mustelidae</i>	<i>Pteronura</i>	<i>brasiliensis</i>
<i>Ursidae</i>	<i>Tremarctos</i>	<i>ornatus</i>

Order: **CETACEA**

All spp.

Order: **CHIROPTERA**

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Molossidae</i>	<i>Tadarida</i>	<i>brasiliensis</i>
<i>Mormoopidae</i>	<i>Pteronotus</i>	<i>davyi</i>
<i>Phyllostomatidae</i>	<i>Ardops</i>	<i>nicollsi</i>
<i>Phyllostomatidae</i>	<i>Brachyphylla</i>	<i>cavernarum</i>
<i>Phyllostomatidae</i>	<i>Chiroderma</i>	<i>improvisum</i>
<i>Vespertilionidae</i>	<i>Eptesicus</i>	<i>guadeloupensis</i>

Order: EDENTATA

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Dasypodidae</i>	<i>Priodontes</i>	<i>maximus</i> (= <i>giganteus</i>)

Order: LAGOMORPHA

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Leporidae</i>	<i>Sylvilagus</i>	<i>palustris hefneri</i>

Order: MARSUPIALIA

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Didelphidae</i>	<i>Chironectes</i>	<i>minimus</i>

Order: PRIMATES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Cebidae</i>	<i>Alouatta</i>	<i>palliata</i>

Order: RODENTIA

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Capromyidae</i>	<i>Capromys</i>	<i>angelcabrerai</i>
	(= <i>Mesocapromys</i>)	
<i>Capromyidae</i>	<i>Capromys</i>	<i>auritus</i>
<i>Capromyidae</i>	<i>Capromys</i>	<i>nanus</i>
<i>Capromyidae</i>	<i>Capromys</i>	<i>sanfelipensis</i>
<i>Dasyproctidae</i>	<i>Dasyprocta</i>	<i>guamara</i>
<i>Muridae</i>	<i>Neotoma</i>	<i>floridana smalli</i>
<i>Muridae</i>	<i>Peromyscus</i>	<i>gossypinus allapaticola</i>
<i>Muridae</i>	<i>Peromyscus</i>	<i>polionotus allophrys</i>
<i>Muridae</i>	<i>Peromyscus</i>	<i>polionotus ammobates</i>

Muridae
Muridae
Muridae

Peromyscus
Peromyscus
Peromyscus

polionotus niveiventris
polionotus phasma
polionotus trissyllepsis

Order:

SIRENIA

All spp.

ANNEX III

List of Species of Marine and Coastal Flora and Fauna Protected Under Article 11(1) (c)

FLORA

TRACHAEOPHYTA (Vascular Plants)

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Agavaceae</i>	<i>Nolina</i>	<i>brittoniana</i>
<i>Asclepiadaceae</i>	<i>Asclepias</i>	<i>viridula</i>
<i>Cactaceae</i>	<i>Melocactus</i>	<i>intortus</i>
<i>Cactaceae</i>	<i>Opuntia</i> (= <i>Consolea</i>)	<i>macracantha</i>
<i>Combretaceae</i>	<i>Conocarpus</i>	<i>erectus</i>
<i>Combretaceae</i>	<i>Laguncularia</i>	<i>racemosa</i>
<i>Compositae (Asteraceae)</i>	<i>Verbesina</i>	<i>chapmanii</i>
<i>Cymodoceaceae</i>	<i>Halodule</i>	<i>wrightii</i> (= <i>ciliata</i> / <i>bermudensis</i> / <i>beaudettei</i>)
<i>Cymodoceaceae</i>	<i>Syringodium</i>	<i>filiforme</i> (= <i>Cymodocea</i> <i>manitorum</i>)
<i>Euphorbiaceae</i>	<i>Chamaesyce</i>	<i>deltoidea</i> ssp.
<i>serpyllum</i>		
<i>Euphorbiaceae</i>	<i>Euphorbia</i>	<i>telephioides</i>
<i>Gramineae (Poaceae)</i>	<i>Schizachyrium</i>	<i>niveum</i>
<i>Hydrocharitaceae</i>	<i>Thalassia</i>	<i>testudinum</i>
<i>Hydrocharitaceae</i>	<i>Halophila</i>	<i>baillonis</i> (=
<i>aschersonii</i>)		
<i>Hydrocharitaceae</i>	<i>Halophila</i>	<i>decipiens</i>
<i>Hydrocharitaceae</i>	<i>Halophila</i>	<i>engelmannii</i>
<i>Iridaceae</i>	<i>Salpingostylis</i>	<i>coelestina</i>
<i>Labiatae (Lamiaceae)</i>	<i>Conradina</i>	<i>glabra</i>
<i>Labiatae</i>	<i>Hedeoma</i>	<i>graveolens</i>
<i>Labiatae</i>	<i>Macbridea</i>	<i>alba</i>
<i>Labiatae</i>	<i>Scutellaria</i>	<i>floridana</i>
<i>Leguminosae (Fabaceae)</i>	<i>Chamaecrista</i>	<i>lineata</i> var. <i>keyensis</i>

<i>Leguminosae</i>	<i>Clitoria</i>	<i>fragrans</i>
<i>Leguminosae</i>	<i>Vicia</i>	<i>ocalensis</i>
<i>Lentibulariaceae</i>	<i>Pinguicula</i>	<i>ionantha</i>
<i>Lythraceae</i>	<i>Cuphea</i>	<i>aspera</i>
<i>Nyctaginaceae</i>	<i>Caribea</i>	<i>littoralis</i>
<i>Orchidaceae</i>	<i>Elleanthus</i>	<i>dussii</i>
<i>Orchidaceae</i>	<i>Epidendrum</i>	<i>mutelianum</i>
<i>Palmae (Arecaceae)</i>	<i>Roystonea</i>	<i>elata</i>
<i>Palmae</i>	<i>Roystonea</i>	<i>oleracea</i>
<i>Palmae</i>	<i>Syagrus (= Rhyticocos)</i>	<i>amara</i>
<i>Polygalaceae</i>	<i>Polygala</i>	<i>lewtonii</i>
<i>Polygonaceae</i>	<i>Eriogonum</i>	<i>longifolium</i> var.
		<i>gnaphaliolum</i>
<i>Rhizophoraceae</i>	<i>Rhizophora</i>	<i>mangle</i>
<i>Ruppiaceae</i>	<i>Ruppia</i>	<i>maritima</i>
<i>Taxaceae</i>	<i>Taxus</i>	<i>floridana</i>
<i>Verbenaceae</i>	<i>Avicennia</i>	<i>germinans (= nitida)</i>
<i>Verbenaceae</i>	<i>Verbena</i>	<i>tampensis</i>
<i>Zygophyllaceae</i>	<i>Guaiacum</i>	<i>officinale</i>

FAUNA

Class:

HYDROZOA

Order:

MILLEPORINA

Family

Genus

Species

Milleporidae

All spp.

Order:

STYLASTERINA

Family

Genus

Species

Stylasteridae

All spp.



Class: **ANTHOZOA**

Order: ANTIPATHARIA

All spp.

Order: GORGONIACEA

All spp.

Order: SCLERACTINIA

All spp.

Class: **PELECYPODA**

Order: EULAMELLIBRANCHIA

Family **Genus** **Species**

Margaritiferidae *Margaritifera* *hembeli*

Class: **MOLLUSCA**

Order: MESOGASTROPODA

Family **Genus** **Species**

Strombidae *Strombus* *gigas*

Class: **CRUSTACEA**

Order: DECAPODA

Family **Genus** **Species**

Panuliridae *Panulirus* *argus*

Class: REPTILIA

Order: CROCODILIA

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Crocodylidae</i>	<i>Crocodylus</i>	<i>rombifer</i>

Order: SQUAMATA

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Boidae</i>	<i>Boa</i>	<i>constrictor</i>
<i>Iguanidae</i>	<i>Iguana</i>	<i>delicatissima</i>
<i>Iguanidae</i>	<i>Iguana</i>	<i>iguana</i>

Order: TESTUDINES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Kinosternidae</i>	<i>Kinosternon</i>	<i>scorpioides</i>
<i>Pelomedusidae</i>	<i>Podocnemis</i>	<i>cayennensis</i>
<i>Pelomedusidae</i>	<i>Podocnemis</i>	<i>vogli</i>

Class: AVES

Order: CICONIIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Threskiornithidae</i>	<i>Eudocimus</i>	<i>ruber</i>

Order: ANSERIFORMES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Anatidae</i>	<i>Cairina</i>	<i>moschata</i>
<i>Anatidae</i>	<i>Dendrocygna</i>	<i>arborea</i>

Anatidae *Dendrocygna* *bicolor*

Order: FALCONIFORMES

Family Genus Species

Cathartidae *Sarcoramphus* *papa*

Order: PHOENICOPTERIFORMES

Family Genus Species

Phoenicopteridae *Phoenicopterus* *ruber*

Order: PSITTACIFORMES

Family Genus Species

Psittacidae *Amazona* *ochrocephala*

Psittacidae *Ara* *ararauna*

Psittacidae *Ara* *chloroptera*

Psittacidae *Arao* *manilata*

Order: PASSERIFORMES

Family Genus Species

Cotingidae *Rupicola* *rupicola*

Emberizidae *Agelaius* *xanthomus*

Class: MAMMALIA

Order: CARNIVORA

Family Genus Species

Mustelidae *Eira* *barbara*

<i>Mustelidae</i>	<i>Galictis</i>	<i>vittata</i>
<i>Mustelidae</i>	<i>Lutra</i>	<i>longicaudus</i> (= <i>enudris</i>)

Order: CHIROPTERA

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Phyllostomidae</i>	<i>Vampyrum</i>	<i>spectrum</i>

Order: EDENTATA

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Myrmecophagidae</i>	<i>Myrmecophaga</i>	<i>tridactyla</i>
<i>Myrmecophagidae</i>	<i>Tamandua</i>	<i>tetradactyla</i>

Order: PRIMATES

<u>Family</u>	<u>Genus</u>	<u>Species</u>
<i>Cebidae</i>	<i>Alouatta</i>	<i>seniculus</i>
<i>Cebidae</i>	<i>Cebus</i>	<i>albifrons</i>

**PROTOCOL CONCERNING POLLUTION
FROM LAND-BASED SOURCES AND
ACTIVITIES TO THE CONVENTION FOR THE
PROTECTION AND DEVELOPMENT OF THE
MARINE ENVIRONMENT OF THE WIDER
CARIBBEAN REGION**

6 October 1999

***PROTOCOL CONCERNING POLLUTION
FROM LAND-BASED SOURCES AND
ACTIVITIES TO THE CONVENTION FOR
THE PROTECTION AND DEVELOPMENT
OF THE MARINE ENVIRONMENT OF THE
WIDER CARIBBEAN REGION***

The Contracting Parties to this Protocol,

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

Resolved, therefore, to implement the Convention and specifically Article 7,

Taking note of Article 4, paragraph 4 of the Convention,

Considering the principles of the Rio Declaration and Chapter 17 of Agenda 21 adopted by the United Nations Conference on the Environment and Development (Rio de Janeiro, 1992), and the Programme of Action for the Small Islands Developing States (Barbados, 1994), as well as the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (Washington, 1995), including the illustrative list of funding sources set forth in its Annex,

Recalling the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea and in particular its Part XII,

Conscious of the serious threat to the marine and coastal resources and to human health in the Wider Caribbean Region posed by pollution from land-based sources and activities,

Aware of the ecological, economic, aesthetic, scientific, recreational and cultural value of the marine and coastal ecosystems of the Wider Caribbean Region,

Recognising the inequalities in economic and social development among the countries of the Wider Caribbean Region and their needs for the achievement of sustainable development,

Determined to cooperate closely in taking the appropriate measures to protect the marine environment of the Wider Caribbean Region against pollution from land-based sources and activities,

Further recognising the need to encourage national, sub-regional and regional action through a national political commitment at the highest level, and international cooperation to deal with the problems posed by pollutants entering the Convention area from land-based sources and activities,

Have agreed as follows:

Article I

DEFINITIONS

For the purposes 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) “Organisation” means the United Nations Environment Programme as referred to in Article 2(2) of the Convention;
- (c) “Pollution of the Convention area” means the introduction by humans, directly or indirectly, of substances or energy into the Convention area, which results or is likely to result in such deleterious effects as harm to living resources and marine

ecosystems, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

- (d) “Land-based sources and activities” means those sources and activities causing pollution of the Convention area from coastal disposal or from discharges that emanate from rivers, estuaries, coastal establishments, outfall structures, or other sources on the territory of a Contracting Party, including atmospheric deposition originating from sources located on its territory;
- (e) “Most Appropriate Technology” means the best of currently available techniques, practices, or methods of operation to prevent, reduce or control pollution of the Convention area that are appropriate to the social, economic, technological, institutional, financial, cultural and environmental conditions of a Contracting Party or Parties; and
- (f) "Monitoring" means the periodic measurement of environmental quality indicators.

Article II

GENERAL PROVISIONS

1. Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol.
2. In taking measures to implement this Protocol, the Contracting Parties shall fully respect the sovereignty, sovereign rights and jurisdiction of other States, in accordance with international law.

Article III

GENERAL OBLIGATIONS

1. Each Contracting Party shall, in accordance with its laws, the provisions of this Protocol, and international law, take appropriate measures to prevent, reduce and control pollution of the Convention area from land-based sources and activities, using for this purpose the best practicable means at its disposal and in accordance with its capabilities.

2. Each Contracting Party shall develop and implement appropriate plans, programmes and measures. In such plans, programmes and measures, each Contracting Party shall adopt effective means of preventing, reducing or controlling pollution of the Convention area from land-based sources and activities on its territory, including the use of most appropriate technology and management approaches such as integrated coastal area management.

3. Contracting Parties shall, as appropriate, and having due regard to their laws and their individual social, economic and environmental characteristics and the characteristics of a specific area or subregion, jointly develop subregional and regional plans, programmes and measures to prevent, reduce and control pollution of the Convention area from land-based sources and activities.

Article IV

ANNEXES

1. The Contracting Parties shall address the source categories, activities and associated pollutants of concern listed in Annex I to this Protocol through the progressive development and implementation of additional annexes for those source categories, activities, and associated pollutants of concern that are determined by the Contracting Parties as appropriate for regional or sub-regional action. Such annexes shall, as appropriate, include *inter alia*:

- (a) effluent and emission limitations and/or management practices based on the factors identified in Annex II to this Protocol; and
- (b) timetables for achieving the limits, management practices and measures agreed by the Contracting Parties.

2. In accordance with the provisions of the annexes to which it is party, each Contracting Party shall take measures to prevent, reduce and control pollution of the Convention area from the source categories, activities and pollutants addressed in annexes other than Annexes I and II to this Protocol.

3. The Contracting Parties may also develop such additional annexes as they may deem appropriate, including an annex to address water quality criteria for selected priority pollutants identified in Annex I to this Protocol.

Article V

COOPERATION AND ASSISTANCE

1. Contracting Parties shall cooperate, bilaterally or, where appropriate, on a sub-regional, regional or global basis or through competent organisations in the prevention, reduction and control of pollution of the Convention area from land-based sources and activities.

2. In carrying out the obligations provided for in paragraph 1 above, Contracting Parties shall promote cooperation in the following areas:

- (a) monitoring activities undertaken in accordance with Article VI;
- (b) research on the chemistry, fate, transport and effects of pollutants;
- (c) exchange of scientific and technical information;

- (d) identification and use of most appropriate technologies applicable to the specific source categories, activities and pollutants identified in Annex I to this Protocol; and
- (e) research and development of technologies and practices for the implementation of this Protocol.

3. Contracting Parties shall promote co-operation, directly or through competent sub-regional, regional and global organisations, with those Contracting Parties which request it in obtaining assistance for the implementation of this Protocol particularly to:

- (a) develop scientific, technical, educational and public awareness programmes to prevent, reduce and control pollution of the Convention area from land-based sources and activities in accordance with this Protocol;
- (b) train scientific, technical and administrative personnel;
- (c) provide technical advice, information and other assistance necessary to address the source categories, activities and pollutants identified in Annex I to this Protocol; and
- (d) identify and approach potential sources of financing for projects necessary to implement this Protocol.

Article VI

MONITORING AND ASSESSMENT PROGRAMMES

1. Each Contracting Party shall formulate and implement monitoring programmes, as appropriate, in accordance with the provisions of this Protocol and relevant national legislation. Such programmes may, *inter alia*:

- (a) systematically identify and assess patterns and trends in the environmental quality of the Convention area; and
- (b) assess the effectiveness of measures taken to implement the Protocol.

2. Monitoring information shall be made available to the Scientific, Technical and Advisory Committee to facilitate the work of the Committee, as provided in Article XIV.

3. These programmes should avoid duplication of other programmes, particularly of similar regional programmes carried out by competent international organisations.

Article VII

ENVIRONMENTAL IMPACT ASSESSMENT

1. The Contracting Parties shall develop and adopt guidelines concerning environmental impact assessments, and review and update those guidelines as appropriate.

2. When a Contracting Party has reasonable grounds to believe that a planned land-based activity on its territory, or a planned modification to such an activity, which is subject to its regulatory control in accordance with its laws, is likely to cause substantial pollution of, or significant and harmful changes to, the Convention area, that Contracting Party shall, as far as practicable, review the potential effects of such activity on the Convention area, through means such as an environmental impact assessment.

3. Decisions by the competent government authorities with respect to land-based activities, referred to in paragraph 2 above, should take into account any such review.

4. Each Contracting Party shall, subject to its domestic law and regulations, seek the participation of affected persons in any review process conducted pursuant to paragraph 2 above, and, where practicable, publish or make available relevant information obtained in this review.

Article VIII

DEVELOPMENT OF INFORMATION SYSTEMS

The Contracting Parties shall cooperate directly or through relevant sub-regional, regional and, where appropriate, global organisations to develop information systems and networks for the exchange of information to facilitate the implementation of this Protocol.

Article IX

TRANSBOUNDARY POLLUTION

Where pollution from land-based sources and activities originating from any Contracting Party is likely to affect adversely the coastal or marine environment of one or more of the other Contracting Parties, the Contracting Parties concerned shall use their best efforts to consult at the request of any affected Contracting Party, with a view to resolving the issue.

Article X

PARTICIPATION

Each Contracting Party shall, in accordance with its national laws and regulations, promote public access to relevant information and documentation concerning pollution of the Convention area from land-based sources and activities and the opportunity for public participation in decision-making processes concerning the implementation of this Protocol.

Article XI

EDUCATION AND AWARENESS

The Contracting Parties shall develop and implement individually and collectively programmes on environmental education and awareness for the public related to the need to prevent, reduce and control pollution of the Convention area from land-based sources and activities, and shall promote the training of individuals involved in such prevention, reduction and control.

Article XII

REPORTING

1. The Contracting Parties shall submit reports to the Organisation containing information on measures adopted, results obtained and any difficulties experienced in the implementation of this Protocol. These reports should include, whenever possible, information on the state of the Convention area. The Meeting of the Contracting Parties shall determine the nature of the information to be included, and the collection, presentation and timing of these reports, which will be made available to the public with the exception of information submitted in accordance with paragraph 3 below.

2. The Scientific, Technical and Advisory Committee shall use the data and information contained in these national reports to prepare regional reports on the implementation of this Protocol, including the state of the Convention area. The regional reports shall be submitted to the Contracting Parties in accordance with Article XIV.

3. Information provided pursuant to paragraphs 1 and 2 above, that is designated by a Contracting Party as confidential, shall be used for the purposes referred to in paragraph 2 above in such a manner that assures its confidentiality.

4. Nothing in this Protocol shall require a Contracting Party to supply information the disclosure of which is contrary to the essential interests of its security.

Article XIII

INSTITUTIONAL MECHANISMS

1. Each Contracting Party shall designate a focal point to serve as liaison with the Organisation on the technical aspects of the implementation of this Protocol.

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

- (a) convene and service the meetings of the Contracting Parties;
- (b) assist in raising funds as provided for in Article XVI;
- (c) provide such assistance that the Scientific, Technical and Advisory Committee may require to carry out its functions as referred to in Article XIV;
- (d) provide the appropriate assistance as may be identified by the Contracting Parties to facilitate:
 - (i) the development and implementation of the plans, programmes and measures necessary to achieve the objectives of this Protocol;
 - (ii) the development of incentive programmes to implement this Protocol;
 - (iii) the development of information systems and networks for the exchange of information for the purposes of facilitating the implementation of this Protocol, as referred to in Article VIII; and
 - (iv) the development and implementation of environmental education, training and public awareness programmes, as referred to in Article XI.
- (e) communicate and work with the Caribbean Environment Programme on activities relevant to the implementation of this Protocol;
- (f) prepare common formats as directed by the Contracting Parties to be used as the basis for notifications and reports to the Organisation, as provided in Article XII;

- (g) establish and update databases on national, sub-regional and regional measures adopted for the implementation of this Protocol, including any other pertinent information, in keeping with the provisions of Articles III and XII;
- (h) compile and make available to the Contracting Parties reports and studies which may be required for the implementation of this Protocol or as requested by them;
- (i) cooperate with relevant international organisations;
- (j) provide to the Contracting Parties a report which shall include a draft budget for the coming year and an audited revenue and expenditure statement of the preceding year; and
- (k) carry out any other functions assigned to it by the Contracting Parties.

Article XIV

SCIENTIFIC, TECHNICAL AND ADVISORY COMMITTEE

1. A Scientific, Technical and Advisory Committee is hereby established.

2. Each Contracting Party shall designate as its representative to the Committee an expert in the fields covered by this Protocol, who may be accompanied at its meetings by other experts and advisors also designated by the Contracting Party. The Committee may request scientific and technical advice from competent experts and organisations.

3. The Committee shall be responsible for reporting to and advising the Contracting Parties regarding the implementation of this Protocol. To carry out this function the Committee shall:

- (a) review on a regular basis the annexes to this Protocol as well as the state of pollution of the Convention area from land-based sources and activities and, where necessary, recommend amendments or additional annexes for consideration by the Contracting Parties;

- (b) examine, assess and analyze the information submitted by the Contracting Parties in accordance with Articles VI and XII and other relevant information to determine the effectiveness of the measures adopted to implement this Protocol, and submit regional reports to the Contracting Parties on the state of the Convention area. The regional reports shall set forth an assessment of the effectiveness and the socio-economic impact of measures adopted to implement the Protocol, and may propose any other appropriate measures;
- (c) provide advice to the Contracting Parties for the preparation and updating of information, including national inventories on marine pollution from land-based sources and activities;
- (d) provide guidance to the Contracting Parties:
 - (i) on measures and methodologies to assess pollution loads in the Convention area, and to ensure regional compatibility in data; and
 - (ii) on the development of plans, programmes and measures for the implementation of this Protocol.
- (e) advise on the formulation of common criteria, guidelines and standards for the prevention, reduction and control of pollution of the Convention area from land-based sources and activities;
- (f) propose priority measures for scientific and technical research and management of pollution from land-based sources and activities as well as for control, management practices and monitoring programmes, bearing in mind regional trends and conditions and any information available;
- (g) provide scientific and technical advice to the Meeting of the Contracting Parties regarding proposals for technical assistance;
- (h) formulate programmes on environmental education and awareness related to this Protocol;

- (i) develop a draft budget for the operation of the Scientific, Technical and Advisory Committee and submit it to the Contracting Parties for approval; and
 - (j) carry out any other function related to the implementation of this Protocol which is assigned to it by the Contracting Parties.
4. The Committee shall adopt Rules of Procedure.

Article XV

MEETINGS OF THE CONTRACTING PARTIES

1. The ordinary meetings of the Contracting Parties to this Protocol shall generally be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 16 of the Convention. The Contracting Parties may also hold extraordinary meetings as deemed necessary, upon the request of the Organisation or at the request of any Contracting Party, provided that such requests are supported by the majority of the Contracting Parties. The meetings shall 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 Contracting Parties to this Protocol to:

- (a) keep under review the implementation of this Protocol and the effectiveness of actions taken pursuant to it;
- (b) consider proposed amendments to this Protocol, including additional annexes, with a view to their subsequent adoption in accordance with the procedures established in the Convention and this Protocol;
- (c) approve the expenditure of funds identified in Article XVI that are not otherwise designated for a specific project by the donors;
- (d) review and adopt, as appropriate, regional reports developed by the Scientific, Technical and Advisory Committee in

accordance with Articles XII and XIV as well as other information that a Contracting Party may transmit to the Meeting of the Contracting Parties;

- (e) take appropriate action with regard to the recommendations of the Scientific, Technical and Advisory Committee;
- (f) promote and facilitate, directly or through the Organisation, the exchange of information, experience and expertise and any other type of exchange between the Contracting Parties in accordance with Article V; and
- (g) conduct such other business as appropriate.

Article XVI

FUNDING

1. In addition to the financial participation by the Contracting Parties in accordance with Article 20, paragraph 2 of the Convention, the Organisation may, in response to requests from Contracting Parties, seek additional funds or other forms of assistance for activities related to this Protocol. These funds may include voluntary contributions for the achievement of specific objectives of this Protocol made by the Contracting Parties, other governments and government agencies, international organisations, non-governmental organisations, the private sector and individuals.

2. The Contracting Parties, taking into account their capabilities, shall endeavour as far as possible to ensure that adequate financial resources are available for the formulation and implementation of projects and programmes necessary to implement this Protocol. To this end, the Contracting Parties shall:

- (a) promote the mobilisation of substantial financial resources, including grants and concessional loans, from national, bilateral and multilateral funding sources and mechanisms, including multilateral financial institutions; and

(b) explore innovative methods and incentives for mobilising and channeling resources, including those of foundations, non-governmental organisations and other private sector entities

3. In keeping with its development priorities, policies and strategies, each Contracting Party undertakes to mobilise financial resources to implement its plans, programmes and measures pursuant to this Protocol.

Article XVII

ADOPTION AND ENTRY INTO FORCE OF NEW ANNEXES AND AMENDMENTS TO ANNEXES

1. Except as provided in paragraphs 2 and 3 below, the adoption and entry into force of new annexes and amendments to annexes to this Protocol shall take place in accordance with paragraphs 2 and 3 of Article 19 of the Convention.

2. The Contracting Parties may, at the time of adoption of any amendment to an annex, decide by a three-fourths majority vote of the Contracting Parties present and voting, that such amendment is of such importance that it shall enter into force in accordance with paragraphs 5 and 6 of Article 18 of the Convention.

3. With respect to any Contracting Party that has made a declaration with respect to new annexes in accordance with Article XVIII, such annex shall enter into force on the thirtieth day after the date of deposit with the Depository of its instrument of ratification, acceptance, approval or accession with respect to such annexes.

Article XVIII

RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. This Protocol, including Annexes I to IV, shall be subject to ratification, acceptance, approval or accession as provided by Articles 26 and 27 of the Convention.

2. In its instrument of ratification, acceptance, approval or accession, any State or regional economic integration organisation may declare that any new annex shall enter into force for it only upon the deposit of its instrument of ratification, acceptance, approval or accession thereto.

3. Following entry into force of this Protocol, any new Contracting Party to this Protocol may, at the time of acceding, declare that such accession does not apply to any annex, other than Annexes I to IV.

Article XIX

SIGNATURE

This Protocol shall be open for signature at Oranjestad, Aruba on 6 October 1999, and at Santa Fe de Bogotá, Republic of Colombia, from 7 October 1999 to 6 October 2000, by any Party to the Convention.

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

DONE AT ORANJESTAD, ARUBA, this 6 October 1999, in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

ANNEX I

Source Categories, Activities and Associated Pollutants of Concern

A. Definitions

For the purposes of subsequent Annexes:

1. "Point Sources" means sources where the discharges and releases are introduced into the environment from any discernable, confined and discrete conveyance, including but not limited to pipes, channels, ditches, tunnels, conduits or wells from which pollutants are or may be discharged; and
2. "Non-Point Sources" means sources, other than point sources, from which substances enter the environment as a result of land run-off, precipitation, atmospheric deposition, drainage, seepage or by hydrologic modification.

B. Priority Source Categories and Activities Affecting the Convention Area

The Contracting Parties shall take into account the following priority source categories and activities when formulating regional and, as appropriate, sub-regional plans, programmes and measures for the prevention, reduction and control of pollution of the Convention area:

Domestic Sewage

Agricultural Non-Point Sources

Chemical Industries

Extractive Industries and Mining

Food Processing Operations

Manufacture of Liquor and Soft Drinks

Oil Refineries

Pulp and Paper Factories

Sugar Factories and Distilleries

Intensive Animal Rearing Operations

C. Associated Pollutants of Concern

1. Primary Pollutants of Concern

The Contracting Parties shall consider, taking into account the recommendations and other work of relevant international organisations, the following list of pollutants of concern, which were identified on the basis of their hazardous or otherwise harmful characteristics, when formulating effluent and emission limitations and management practices for the sources and activities in this Annex:

- (a) Organohalogen compounds and substances which could result in the formation of these compounds in the marine environment;
- (b) Organophosphorus compounds and substances which could result in the formation of these compounds in the marine environment;
- (c) Organotin compounds and substances which could result in the formation of these compounds in the marine environment;
- (d) Heavy metals and their compounds;
- (e) Crude petroleum and hydrocarbons;
- (f) Used lubricating oils;
- (g) Polycyclic aromatic hydrocarbons;

- (h) Biocides and their derivatives;
- (i) Pathogenic micro-organisms;
- (j) Cyanides and fluorides;
- (k) Detergents and other non-biodegradable surface tension substances;
- (l) Nitrogen and phosphorus compounds;
- (m) Persistent synthetic and other materials, including garbage, that float, flow or remain in suspension or settle to the bottom and affect marine life and hamper the uses of the sea;
- (n) Compounds with hormone-like effects;
- (o) Radioactive substances;
- (p) Sediments; and
- (q) Any other substance or group of substances with one or more of the characteristics outlined in paragraph 2 below.

2. Characteristics and Other Factors To Be Considered in Evaluating Additional Pollutants of Concern

The Contracting Parties should, taking into account the recommendations and other work of relevant international organisations, consider the following characteristics and factors, where relevant, in evaluating potential pollutants of concern other than those listed in paragraph 1 above:

- (a) Persistency;
- (b) Toxicity or other harmful properties (for example, carcinogenic, mutagenic and teratogenic properties);
- (c) Bio-accumulation;
- (d) Radioactivity;

- (e) Potential for causing eutrophication;
- (f) Impact on, and risks to, health;
- (g) Potential for migration;
- (h) Effects at the transboundary level;
- (i) Risk of undesirable changes in the marine ecosystem, irreversibility or durability of effects;
- (j) Negative impacts on marine life and the sustainable development of living resources or on other legitimate uses of the seas; and
- (k) Effects on the taste or smell of marine products intended for human consumption or effects on the smell, colour, transparency or other characteristics of the water in the marine environment.

ANNEX II

Factors to Be Used in Determining Effluent and Emission Source Controls and Management Factors

A. The Contracting Parties, when developing sub-regional and regional source-specific effluent and emission limitations and management practices pursuant to Article IV of this Protocol, shall evaluate and consider the following factors:

1. Characteristics and Composition of the Waste
 - (a) Type and size of waste source (for example, industrial process);
 - (b) Type and form of waste (origin, physical, chemical and biological properties, average composition);
 - (c) Physical state of waste (solid, liquid, sludge, slurry);
 - (d) Total quantity (units discharged, for example, per year or per day);
 - (e) Discharge frequency (continuous, intermittent, seasonally variable, etc.);
 - (f) Concentration with respect to major constituents contained in the wastes emanating from the source or activity; and
 - (g) Interaction with the receiving environment.
2. Characteristics of the Activity or Source Category
 - (a) Performance of existing technologies and management practices, including indigenous technologies and management practices;
 - (b) Age of facilities, as appropriate; and
 - (c) Existing economic, social and cultural characteristics.
3. Alternative Production, Waste Treatment Technologies or Management Practices

- (a) Recycling, recovery and reuse opportunities;
- (b) Less hazardous or non-hazardous raw material substitution;
- (c) Substitution of cleaner alternative activities or products;
- (d) Economic, social and cultural impacts of alternatives, activities or products;
- (e) Low-waste or totally clean technologies or processes; and
- (f) Alternative disposal activities (for example, land application).

B. Pursuant to Article IV of this Protocol, each Contracting Party shall, at a minimum, apply the effluent and emission source controls and management practices set out in subsequent annexes. A Contracting Party may impose more stringent source controls or management practices. To determine if more stringent limitations are appropriate, a Contracting Party should also take into account characteristics of the discharge site and receiving marine environment, including:

1. Hydrographic, meteorological, geographical and topographical characteristics of the coastal areas;
2. Location and type of the discharge (outfall, canal outlet, gullies, etc.) and its relation to sensitive areas (such as swimming areas, reef systems, sea grass beds, spawning, nursery and fishing areas, shellfish grounds and other areas that are particularly sensitive) and other discharges;
3. Initial dilution achieved at the point of discharge into the receiving marine environment;
4. Dispersion characteristics (due to currents, tides and wind) that may affect the horizontal transport and vertical mixing of the affected waters;

5. Receiving water characteristics with respect to the physical, chemical, biological and ecological conditions in the discharge area; and
6. Capacity of the receiving marine environment to assimilate waste discharges.

C. The Contracting Parties shall keep the source controls and management practices set out in subsequent annexes under review. They shall consider that:

1. If the reduction of inputs resulting from the use of the effluent and emission limitations and management practices established in accordance with this Annex do not lead to environmentally acceptable results, the effluent and emission limitations or management practices may need to be revised; and
2. The appropriate effluent and emission limitations and management practices for a particular source or activity may change with time in light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.

ANNEX III

Domestic Wastewater

A. Definitions

For the purposes of this Annex:

1. "Domestic wastewater" means all discharges from households, commercial facilities, hotels, septage and any other entity whose discharge includes the following:
 - (a) Toilet flushing (black water);
 - (b) Discharges from showers, wash basins, kitchens and laundries (grey water); or
 - (c) Discharges from small industries, provided their composition and quantity are compatible with treatment in a domestic wastewater system.

Small quantities of industrial waste or processed wastewater may also be found in domestic wastewater. (See Part D - Industrial Pretreatment.

2. "Class I waters" means waters in the Convention area that, due to inherent or unique environmental characteristics or fragile biological or ecological characteristics or human use, are particularly sensitive to the impacts of domestic wastewater. Class I waters include, but are not limited to:
 - (a) waters containing coral reefs, seagrass beds, or mangroves;
 - (b) critical breeding, nursery or forage areas for aquatic and terrestrial life;
 - (c) areas that provide habitat for species protected under the Protocol Concerning Specially Protected Areas and Wildlife to the Convention (the SPAW Protocol);

- (d) protected areas listed in the SPAW Protocol; and
- (e) waters used for recreation.
3. "Class II waters" means waters in the Convention area, other than Class I waters, that due to oceanographic, hydrologic, climatic or other factors are less sensitive to the impacts of domestic wastewater and where humans or living resources that are likely to be adversely affected by the discharges are not exposed to such discharges.
 4. "Existing domestic wastewater systems" means, with respect to a particular Contracting Party, publicly or privately owned domestic wastewater collection systems, or collection and treatment systems, that were constructed prior to entry into force of this Annex for such Contracting Party.
 5. "New domestic wastewater systems" means, with respect to a particular Contracting Party, publicly or privately owned domestic wastewater collection systems, or collection and treatment systems, that were constructed subsequent to entry into force of this Annex for such Contracting Party, and includes existing domestic wastewater systems which have been subject to substantial modifications after such entry into force.
 6. "Household systems" means on-site domestic wastewater disposal systems for homes and small commercial businesses in areas of low population density, or where centralised collection and treatment systems of domestic wastewater are not economically or technologically feasible. Household systems include, but are not limited to, septic tanks and drain fields or mounds, holding tanks, latrines and bio-digesting toilets.
 7. "Wastewater collection systems" means any collection or conveyance system designed to collect or channel domestic wastewater from multiple sources.

B. Discharge of Domestic Wastewater

1. Each Contracting Party shall :
 - (a) Consistent with the provisions of this Annex, provide for the regulation of domestic wastewater discharging into, or adversely affecting, the Convention area;
 - (b) To the extent practicable, locate, design and construct domestic wastewater treatment facilities and outfalls such that any adverse effects on, or discharges into, Class I waters, are minimised;
 - (c) Encourage and promote domestic wastewater reuse that minimises or eliminates discharges into, or discharges that adversely affect, the Convention area;
 - (d) Promote the use of cleaner technologies to reduce discharges to a minimum, or to avoid adverse effects within the Convention area; and
 - (e) Develop plans to implement the obligations in this Annex, including, where appropriate, plans for obtaining financial assistance.
2. Each Contracting Party shall be entitled to use whatever technology or approach that it deems appropriate to meet the obligations specified in Part C of this Annex.

C. Effluent Limitations

Each Contracting Party shall ensure that domestic wastewater that discharges into, or adversely affects, the Convention area, is treated by a new or existing domestic wastewater system whose effluent achieves the effluent limitations specified below in paragraphs 1, 2 and 3 of this Part, in accordance with the following timetable:

Category	Effective Date of Obligation (in years after entry into force for the Contracting Party)	Effluent Sources
1	0	All new domestic wastewater systems
2	10	Existing domestic wastewater systems other than community wastewater systems
3	10*	Communities with 10,000 - 50,000 inhabitants
4	15	Communities with more than 50,000 inhabitants already possessing wastewater collection systems
5	20	Communities with more than 50,000 inhabitants not possessing wastewater collection systems
6	20	All other communities except those relying exclusively on household systems
* Contracting Parties which decide to give higher priority to categories 4 and 5 may extend their obligations pursuant to category 3 to twenty (20) years (time frame established in category 6).		

1. Discharges into Class II Waters

Each Contracting Party shall ensure that domestic wastewater that discharges into, or adversely affects, Class II waters is treated by a new or existing domestic wastewater system whose effluent achieves the following effluent limitations based on a monthly average:

Parameter	Effluent Limit
Total Suspended Solids	150 mg/l*
Biochemical Oxygen Demand (BOD ₅)	150 mg/l
PH	5-10 pH units
Fats, Oil and Grease	50 mg/l
Floatables	not visible
* Does not include algae from treatment ponds	

2. Discharges into Class I Waters

Each Contracting Party shall ensure that domestic wastewater that discharges into, or adversely affects, Class I waters is treated by a new or existing domestic wastewater system whose effluent achieves the following effluent limitations based on a monthly average:

Parameter	Effluent Limit
Total Suspended Solids	30 mg/l*
Biochemical Oxygen Demand (BOD ₅)	30 mg/l
PH	5-10 pH units
Fats, Oil and Grease	15 mg/l
Faecal Coliform (Parties may meet effluent limitations either for faecal coliform or for <i>E. coli</i> (freshwater) and enterococci (saline water).)	Faecal Coliform: 200 mpn/100 ml; or <i>E. coli</i> : 126 organisms/100ml; enterococci: 35 organisms/100 ml
Floatables	not visible
* Does not include algae from treatment ponds	

3. All Discharges

- (a) Each Contracting Party shall take into account the impact that total nitrogen and phosphorus and their compounds may have on the degradation of the Convention area and, to the extent practicable, take appropriate measures to control or reduce the amount of total nitrogen and phosphorus that is discharged into, or may adversely affect, the Convention area.
- (b) Each Party shall ensure that residual chlorine from domestic wastewater treatment systems is not discharged in concentrations or amounts that would be toxic to marine organisms that reside in or migrate to the Convention area.

D. Industrial Pretreatment

Each Contracting Party shall endeavour, in keeping with its economic capabilities, to develop and implement industrial pretreatment programmes to ensure that industrial discharges into new and existing domestic wastewater treatment systems:

- (a) do not interfere with, damage or otherwise prevent domestic wastewater collection and treatment systems from meeting the effluent limitations specified in this Annex;
- (b) do not endanger operations of, or populations in proximity to, collection and treatment systems through exposure to toxic and hazardous substances;
- (c) do not contaminate sludges or other reusable products from wastewater treatment; and
- (d) do not contain toxic pollutants in amounts toxic to human health and/or aquatic life.

Each Contracting Party shall endeavour to ensure that industrial pretreatment programmes include spill containment and contingency plans.

Each Contracting Party, within the scope of its capabilities, shall promote appropriate industrial wastewater management, such as the use of recirculation and closed loop systems, to eliminate or minimise wastewater discharges to domestic wastewater systems.

E. Household Systems

Each Contracting Party shall strive to, as expeditiously, economically and technologically feasible, in areas without sewage collection, ensure that household systems are constructed, operated and maintained to avoid contamination of surface or ground waters that are likely to adversely affect the Convention area.

For those household systems requiring septage pump out, each Contracting Party shall strive to ensure that the septage is treated through a domestic wastewater system or appropriate land application.

F. Management, Operations and Maintenance

Each Contracting Party shall ensure that new and existing domestic wastewater systems are properly managed and that system managers develop and implement training programmes for wastewater collection and treatment system operators. Managers and operators shall have access to operators' manuals and technical support necessary for proper system operation.

Each Contracting Party shall provide for an evaluation of domestic wastewater systems by competent national authorities to assess compliance with national regulations.

G. Extension Period

1. Any Contracting Party may, at least two years before the effective date of an obligation in categories 2, 3, 4 or 5 of the timetable in Part C above, submit to the Organisation a declaration that, with respect to such category, it is unable to achieve the effluent limitations set forth in paragraphs 1 and 2 of Part C above in accordance with that timetable, provided that such Contracting Party:
 - (a) has developed action plans pursuant to Part B, paragraph 1(e);
 - (b) has achieved the effluent limitations for a subset of the discharges associated with those categories, or a reduction of at least 5 percent of total loading of pollutants associated with those categories; and

- (c) has taken actions to achieve those effluent limitations, but has been unable to achieve those limitations due to a lack of financial or other capacity.
2. With respect to a Contracting Party that has submitted a declaration pursuant to paragraph 1 above, the effective date of an obligation in the timetable in Part C for categories 2, 3, 4 or 5 of that timetable shall be extended for a period of five years. The five-year period shall be extended for a maximum of one additional five-year period if the Contracting Party submits a new declaration prior to the expiration of the first period, and if it continues to meet the requirements set out in paragraph 1 above.
 3. The Contracting Parties recognise that the complete fulfilment* of the obligations contained in this Annex will require the availability and accessibility of financial resources.

* In this context, the Spanish word "cumplimiento" that appears in the Spanish text shall have the meaning of the English word "fulfilment" and not "compliance".

ANNEX IV

Agricultural Non-Point Sources of Pollution

A. Definitions

For purposes of this Annex:

1. "Agricultural non-point sources of pollution" means non-point sources of pollution originating from the cultivation of crops and rearing of domesticated animals, excluding intensive animal rearing operations that would otherwise be defined as point sources; and
2. "Best management practices" means economical and achievable structural or non-structural measures designed to prevent, reduce or control the run-off of pollutants into the Convention area.

B. Plans for the Prevention, Reduction and Control of Agricultural Non-Point Sources of Pollution

Each Contracting Party shall, no later than five years after this Annex enters into force for it, formulate policies, plans and legal mechanisms for the prevention, reduction and control of pollution of the Convention area from agricultural non-point sources of pollution that may adversely affect the Convention area. Programmes shall be identified in such policies, plans and legal mechanisms to mitigate pollution of the Convention area from agricultural non-point sources of pollution, in particular, if these sources contain nutrients (nitrogen and phosphorus), pesticides, sediments, pathogens, solid waste or other such pollutants that may adversely affect the Convention area. Plans shall include *inter alia* the following elements:

1. An evaluation and assessment of agricultural non-point sources of pollution that may adversely affect the Convention area, which may include:

- (a) an estimation of loadings that may adversely affect the Convention area;
 - (b) an identification of associated environmental impacts and potential risks to human health;
 - (c) the evaluation of the existing administrative framework to manage agricultural non-point sources of pollution;
 - (d) an evaluation of existing best management practices and their effectiveness; and
 - (e) the establishment of monitoring programmes.
2. Education, training and awareness programmes, which may include:
- (a) the establishment and implementation of programmes for the agricultural sector and the general public to raise awareness of agricultural non-point sources of pollution and their impacts on the marine environment, public health and the economy;
 - (b) the establishment and implementation of programmes at all levels of education on the importance of the marine environment and the impact of pollution from agricultural activities;
 - (c) the establishment and implementation of training programmes for government agencies and the agricultural sector on the implementation of best management practices, including the development of guidance materials for agricultural workers on structural and non-structural best management practices, to prevent, reduce and control agricultural non-point sources of pollution; and

- (d) the establishment of programmes to facilitate effective technology transfer and information exchange.
3. The development and promotion of economic and non-economic incentive programmes to increase the use of best management practices to prevent, reduce and control pollution of the Convention area from agricultural non-point sources.
4. An assessment and evaluation of legislative and policy measures, including a review of the adequacy of plans, policies and legal mechanisms directed toward the management of agricultural non-point sources and the development of a plan to implement such modifications as may be necessary to achieve best management practices.

C. Reporting

Each Contracting Party shall report on its plans for prevention, reduction and control of pollution of the Convention area from agricultural non-point sources in accordance with Article XII of this Protocol.



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