

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

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE CONVENTION FOR THE PROTECTION AND DEVELOPMENT
OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN
REGION, AND ACCOMPANYING PAPERS



JANUARY 27, 1984.—Convention was read the first time, and together
with the accompanying papers, referred to the Committee on Foreign
Relations and ordered to be printed for the use of the Senate.

31-118 O

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1984

LETTER OF TRANSMITTAL

THE WHITE HOUSE, January 27, 1984.

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. The Department of State has prepared a report with respect to the Convention which is attached. I also transmit to the Senate, for its information, the Protocol to the Convention Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region and the Final Act of the Cartagena Conference which adopted the Convention and Protocol.

The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region will create general legal obligations to protect the marine environment of the Caribbean Sea, the Gulf of Mexico and areas of the Atlantic Ocean immediately adjacent thereto. It covers a variety of forms of marine pollution including pollution from ships, pollution by dumping, pollution from land-based sources, pollution from seabed activities, and airborne pollution. It includes provisions on specially protected areas, cooperation in emergency situations, and environmental impact assessment. The Convention also contains an annex outlining non-compulsory procedures for the peaceful settlement of disputes arising under the Convention.

The Convention, which was concluded within the framework of the United Nations Environment Program's Regional Seas Program, is intended to be supplemented, where necessary, by the development of specific protocols to it, such as the Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region (which extends to other hazardous substances as well), providing for more concrete obligations. In areas where there are existing international agreements, such as on marine pollution from ships and by dumping, the Convention provides for the application of the relevant international rules and standards developed under those agreements.

The entry into force of the Convention, augmented by its Protocol, will be an important step in creating, in the region, marine pollution standards which are generally higher, more uniform, consistent in character, and closer to our own than presently exist. Consequently, the Convention and its Protocol will provide new protection for United States territory, the Gulf States, as well as the Commonwealth of Puerto Rico and the Virgin Islands.

The United States played a leading role in the negotiation of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. Expeditious United States ratification of the Convention would demonstrate our concern for the

(iii)

protection of the marine environment of the Caribbean region and our commitment to the region as a whole. It is my hope that the United States will also play a leading role in the effective implementation of the Convention, which we expect to enter into force in a short period of time. To this end, it is important that the United States be represented at the first meeting of the Contracting Parties, which will be held no later than two years after entry into force of the Convention, following the deposit of the ninth instrument of ratification, acceptance, approval, or accession.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, December 20, 1983.

THE PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to transmittal to the Senate for its advice and consent to ratification, the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.

The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region is an important agreement for the protection and preservation of the marine environment of the region and provides new protection for United States territory. It creates general legal obligations to protect the marine environment of the region and establishes machinery necessary to implement and elaborate on these undertakings through future protocols. The Convention also encourages support for global marine pollution conventions that the United States is a party to relating to pollution from ships and by dumping. Early United States ratification of the Convention is important in demonstrating our commitment to the Caribbean region and would not conflict with our other political interests in the region. The Convention reflects the ability of all the countries in the region to work toward a common environmental goal of protecting the marine environment of the wider Caribbean.

The Department of State coordinated with the interested agencies of the Federal Government in negotiating the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. In addition, close liaison was maintained with the Congress and affected interest groups during the negotiating process. A representative of a public group served on the United States delegation to the diplomatic conference which concluded and adopted the Convention.

All concerned agencies in the Executive Branch strongly support early ratification of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. The Convention serves important United States marine environment protection interests as well as political interests in the wider Caribbean region. Early ratification of the Convention is especially desirable to enable the United States to be a full participant at the first meeting of the Contracting Parties which will decide on important financial issues as well as shape the priorities and development of future protocols. It is also necessary to enable the United States to become party to the oil spill protocol. There is no need for implementing legislation.

In addition to the text of the Convention, I include, for the information of the Senate, a report of the Department of State on the negotiation and provisions of the Convention, a copy of the Final Act of the Cartagena Conference, and a copy of the Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region. The latter is not being submitted for transmittal to the Senate for its advice and consent, as the Department, after consultations with the staff of the Senate Foreign Relations Committee, believes that the protocol is best treated as an Executive Agreement.

I recommend, therefore, that the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region be transmitted to the Senate as soon as possible for its advice and consent to ratification.

Respectfully submitted,

GEORGE P. SHULTZ.

Attachment: Report of the Department of State.

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

The Contracting Parties,

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

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

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

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

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

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

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

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

Have agreed as follows:

ARTICLE 1

Convention Area

1. This Convention shall apply to the wider Caribbean region, hereinafter referred to as "the Convention area" as defined in paragraph 1 of article 2.

2. Except as may be otherwise provided in any protocol to this Convention, the Convention area shall not include internal waters of the Contracting Parties.

ARTICLE 2

Definitions

For the purposes of this Convention:

1. The "Convention area" means the marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean

(1)