APPENDIX

STATEMENT OF JAMES L. MALONE, ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

Thank you, Mr. Chairman, I am pleased to have the opportunity to submit the following testimony on behalf of the Administration with regard to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention).

Mr. Chairman, on January 27, 1984, the President sent the Cartagena Convention to the Senate with his recommendation that the Senate give its advice and consent to ratification. The Administration strongly supports early United States ratification of this important Convention and appreciates this consideration by the Committee on Foreign Relations during the current session of Congress.

The Cartagena Convention is essentially a framework agreement pursuant to which Contracting Parties would undertake general legal obligations to protect the marine environment of the Caribbean Sea, the Gulf of Mexico, and immediately adjacent areas of the Atlantic Ocean. It covers a variety of forms of marine pollution including pollution from ships, dumping, land-based sources, seabed activities and airborne sources and it also includes provisions on environmental impact assessment and procedures for the peaceful settlement of disputes. The Convention, which was concluded within the framework of the United Nations Environment Program's Regional Seas Program, will be supplemented, where necessary, by the development of specific protocols providing for more concrete obligations. One such protocol, providing for cooperation in response to oil and hazardous substance spills, was developed simultaneously with the Convention.

The Convention contains a few provisions which deserve particular emphasis:

First, the United States was successful in deleting from the proposed draft text a restrictive definition of the term "marine pollution" which would not have included substances likely to cause harm to the marine environment and would have included only those substances actually resulting in such harm. Instead, the Convention contains no specific definition, but provides an agreed interpretation stating that "pollution" will be construed in accordance with international law on the subject. This leaves the United States and other Contracting Parties free to construe the term "pollution" more broadly and in a manner consistent with U.S. law. Eliminating this restrictive definition of pollution could be an important step in the protection of the marine environment of the region.

Second, the United States also proposed a resolution on land-based sources of marine pollution, which was adopted, and strongly supported adoption of a resolution on specially protected areas and wildilfe protection. These resolutions call upon the Contracting Parties at their first meeting after entry into force of the Convention, to consider development of protocols on those subjects. These resolutions should provide the basis for expeditious work on those important subjects soon after entry into force of the Convention. The efforts of the United States with regard to these resolutions and the entire Convention was strongly supported by the environmental community. Their support is evidenced by the separate letter you have received on behalf of seventeen U.S. and international environmental organizations.

Finally, it is important to note that the rules of procedure and financial rules for the Convention are to be adopted unanimously by the Contracting Parties, thus enabling the United States to avoid any inappropriate or undue financial commitments. Nevertheless, it is important for the United States to become party to the Convention prior to the first meeting of the Contracting Parties after its entry into force so that we are in a position to constructively influence the decisions on these rules and the priorities for future protocols.

In addition to the text of the Convention, I include, for the information of the Senate, a copy of the 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 later 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.

In conclusion. Mr. Chairman. the Administration considers this an important Convention which will contribute to generally higher marine pollution standards in the region and establish standards that are more uniform and more closely related to our own. It will also provide specific benefits for the United States in added capacity to deal with marine pollution incidents in and around Puerto Rico and the Virgin Islands. The Convention reflects the intention of all countries in the region to work toward a common environmental goal of protecting the marine environment of the Wider Caribbean. Early United States ratification would be an important demonstration of our commitment to this goal and to the Caribbean region. In this regard, early ratification by the United States would also put the United States in a stronger position to encourage other states to ratify in order to bring the Convention into force as soon as possible.

For these reasons, the Administration strongly supports the early ratification of the Cartagena Convention and urges this committee to support Senate advice and consent during the current session of the 98th Congress.

U.S. Department of State,
Washington, DC, July 20, 1984.

Hon. Charles Percy,
Chairman, Committee on Foreign Relations,
U.S. Senate.

Dear Mr. Chairman: On January 27, 1984, the President sent the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention) to the Senate with his recommendation that the Senate give its advice and consent to ratification. I am writing to request your support for advice and consent during the current session of Congress.

The Cartagena Convention is essentially a framework agreement pursuant to which Contracting Parties would undertake general legal obligations to protect the marine environment of the Caribbean Sea, the Gulf of Mexico, and immediately adjacent areas of the Atlantic Ocean. It covers a variety of forms of marine pollution including pollution from ships, dumping, land-based sources, seabed activities and airborne pollution and includes provisions on environmental impact assessment and procedures for the peaceful settlement of disputes. The Convention, which was concluded within the framework of the United National Environment Program's Regional Seas Program, would be supplemented, where necessary, by the development of specific protocols providing for more concrete obligations. One such protocol providing for cooperation in response to oil and hazardous substance spills was developed simultaneously with the Convention. Future protocols are anticipated in such areas as land-based sources of marine pollution and specially protected areas and wildlife.

The Department considers this an important Convention which would contribute to generally higher marine pollution standards in the region and ones that are more uniform and more closely related to our own. It would also provide specific benefits for the United States in added capacity to deal with marine pollution incidents in and around Puerto Rico and the Virgin Islands. The Convention reflects the ability of all countries in the region to work toward a common environmental goal of protecting the marine environment of the Wider Caribbean and early United States ratification would be an important demonstration of our commitment to this goal and to the Caribbean region. In this regard, early ratification by the United States would also put us in a better position to encourage other states to become party in order to bring the Convention into force.

Finally, we would point out that the rules of procedure and financial rules for the Convention are to be adopted unanimously by the Contracting Parties, thus enabling the United States to avoid any inappropriate or undue financial commitments. However, it is important for the U.S. to become party to the Convention prior to a first meeting of the Contracting Parties after its entry into force so that we are in a position to constructively influence the decisions on these rules and the priorities for future protocols.

For the reasons set out above, the Department of State strongly supports the early ratification of the Cartagena Convention and urges you to support Senate advice and consent during the current session of the 98th Congress.

Sincerely,

Robert F. Turner,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, DC, July 30, 1984.

Hon. CHARLES H. PERCY,
U.S. Senate, Senate Dirksen Office Building,
Washington, DC.

DEAR SENATOR PERCY: Thank you for taking up the proposed Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. This Convention is an important one and will provide a vehicle to improve and enhance the environment of the Caribbean.

This Convention, which is part of the Regional Seas Program of the United Nations Environment Programme, is important. The President has already expressed his support in his letter of transmittal earlier this year. The Convention will encourage participation not only by the departments and agencies of the federal government, but by interested private parties. It is an outstanding step forward.

Favorable action by your Committee is a major step. The United States can assert a leaderhip position when the Convention is approved.

I personally appreciate your consideration of these thoughts.

Sincerely,

A. ALAN HILL, *Chairman.*

MONITOR,
THE CONSERVATION, ENVIRONMENTAL
AND ANIMAL WELFARE CONSORTIUM,
Washington, DC, July 24, 1984.

Hon. CHARLES F. PERCY,
Chairman, Senate Committee on Foreign Relations, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR PERCY: The organizations listed in the last paragraph of this letter would like to express their appreciation to you for scheduling Committee consideration of ratification by the United States of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.

This UNEP sponsored Environmental Protection Convention has the potential of being ratified by virtually all Wider Caribbean countries (Central America, Mexico, Caribbean and northern South American countries). As you know, President Reagan strongly supports ratification. It is completely consistent with U.S. foreign policy relating to the region.

It is supported by the Oceanic Society, IUCN, World Wildlife Fund (U.S. Appeal), National Audubon Society, Caribbean Conservation Association, Monitor International, as well as the organizations sending this letter.

It has a great potential for regional environmental good. Unfortunately 16 months after the Convention was signed by 13 countries and the Economic Commission for Europe, none have ratified. Our sources in Wider Caribbean countries have indicated that their governments are waiting for U.S. ratification before ratifying themselves.

We would be most grateful to your Committee for taking necessary action to ensure expeditious U.S. ratification.

The attached list of organizations in the Monitor Consortium support this letter.

Thank you for considering this letter.

Sincerely,

CRAIG VAN NOTE,
Executive Vice President.

ORGANIZATIONS SUPPORTING RATIFICATION BY THE UNITED STATES OF THE CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN

American Cetacean Society.
American Humane Association.
American Littoral Society.
American Society for the Prevention of Cruelty to Animals.
Center for Environmental Education.[1]
Connecticut Cetacean Society.
Defenders of Wildlife.
Environmental Defense Fund.[1]
The Fund for Animals.
Greenpeace U.S.A.
The Humane Society of the United States.
International Fund for Animal Welfare.
Let Live.
Massachusetts Society for the Prevention of Cruelty to Animals.
National Parks and Conservation.
Society for Animal Protective Legislation.
The Whale Center.

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[1] Not members of Monitor Consortium.

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