

Integration in Latin America  
Series

Dossier:

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The Association of  
Caribbean States  
(ACS)



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# Presentation

The ACS is an organisation promoting consultation, cooperation and concerted action, with a current focus on trade, transport, sustainable tourism and natural disasters and furthermore, a serious interest in the preservation of the Caribbean Sea which is viewed as the chief heritage of the peoples of this extensive area.

The Greater Caribbean is a political concept created by the ACS to foster unity among the member countries. This very concept, among the most inclusive one defining the area surrounding the Caribbean Sea, highlights the common historical, social and cultural characteristics of its members. Geographically, it is linked to the West Indies as well as several countries, some of which do not share a Caribbean coast, while others share a space with other areas like North America, the Andean countries and other areas of South America.

When the decision was made to create the ACS, it did not only take into account the need for unity, it also considered the difficulties that would accompany it, which created a greater desire to satisfy the need to strengthen negotiation strategies in the Greater Caribbean, in the face of the multiplicity of international cooperation scenarios including trade and political negotiations forming part of the challenges spawned by the progress of globalisation.

At that time, many of our leaders had only very distant references amongst them, according to a colleague Andrés Serbín, they were indifferent neighbours. However, from 1994 to the present, much has been accomplished in terms of bringing countries together and even though the miracle of Caribbean unity has not yet occurred, we can say that our relations have deepened and we have at least managed to leave the indifference behind, showing interest in both the common and individual problems of each country. The leadership of our Heads of State and Government has given rise to a historical fact, as they have managed to bring together what had been denied through five centuries of history. For this very reason, I believe the mere fact of having maintained a

united front for over a decade is an extraordinary achievement, since before 1994, the mutual and combined familiarity with which the leaders of the different countries interact was inconceivable. This facilitated, among other things, a greater proximity between our peoples, a growing solidarity, joint negotiations on agreements and cooperation projects to support social development.

We have had to overcome a number of idiomatic and uneven barriers to arrive at this point, including territorial, population and political difference and have avoided being divided or drawn apart. In other words, there has been a great political will to maintain this common space as an instrument for cooperation.

The outcome of the first three years is a positive one. Though some may still be dissatisfied with what is yet to be accomplished it is certain that as a group we have acquired greater work experience and have laid the foundation to open up a new stage in cooperation development. Although we may need to pay more attention to the mandate for “adopting common positions between States, Countries and Territories of the Greater Caribbean”, which undoubtedly suggests that we will need to inspire a little more confidence than we have done thus far.

In an effort to strengthen the work of the ACS, the Ministerial Council has made an outline to formulate a new vision that would allow the Association to broaden the scope of its activities in order to go beyond specific and somewhat diagnostic projects to projects with greater scope that would have a direct influence on the players in development. In essence, this proposal aims to develop far-reaching projects with results that are not limited to mere recommendations by governmental agencies but, which bring concrete solutions to tangibly improve priority trade, sustainable tourism, natural disasters and transport zones.

This new vision is currently being implemented and without it ; it would be difficult for the ACS to develop the potential to represent and become a true promoter of sustainable development and a body devoted to the fight to overcome poverty, supporting the accomplishment of the Millennium Development Goals to which all our countries are

signatories. The proposed mechanism involves obtaining cooperation through the General Secretariat to be channelled and carried out through the member countries and the specialised bodies that function as a part of the four groups of countries that embody the ACS.

It is necessary that the fine-tuning and understanding of the vision be completed, as expressed by Arturo Perales who said, "... it is a process that must be established on new foundations-which also takes into account external economic aspects- but must be carried out with the greatest possible urgency, taking into account the difficult economic and social circumstances which prevail in the region." This is the ACS' moment. Thirteen years later it has garnered experience and the necessary confidence to respond to the demands of integration and one thing of which we are all certain is that even though differences between countries persist, the great potential of this extensive zone resides within this very diversity.

Rubén Silié  
ACS Secretary-General





# Brief Historical Review

Following a series of discussions on the convenience of creating a plan for integration between Caribbean States the Convention establishing the Association of Caribbean States (ACS) was signed on July 24, 1994 in Cartagena de Indias, Colombia. The most recent of these discussions took place in three regional Summits between 1992 and 1993.

The first was the Extraordinary Conference on CARICOM Heads of Government in October 1992; then the 2<sup>nd</sup> CARICOM/Central America Ministerial Conference which took place in May 1993, and the third was the Presidential Summit of the Group of Three (Colombia, Mexico and Venezuela) with CARICOM leaders in October 1993.

The initial idea for the creation of the Association of Caribbean States was to strengthen cooperation between Caribbean States, Countries and Territories to contribute to the cultural, economic and social development of its members.

In its initial stages, the ACS had three main objectives: a) maximising regional trade; b) optimising relations between regions and; c) encouraging various forms of cooperation. However some obstacles to this mechanism, such as the scarcely effective agreement among the countries in the Association, certain institutional deficiencies and some external elements such as tensions generated by negotiations on banana quotas lead by the European Community between the CARICOM member states and Central American countries and the launching of the Free Trade Area of the Americas (FTAA) initiative soon after the creation of the ACS, caused the priorities of this mechanism to be shifted towards functional cooperation.<sup>1</sup>

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1 Serbin, Andrés. *The Association of Caribbean States: political limitations of governmental institutions. Document presented at the Workshop on the Greater Caribbean and analysis of action.* Havana, Cuba. June 2007.

While the Association of Caribbean States is defined by its Founding Charter as a body promoting consultation, discussion and cooperation, it has gone even further in “identifying and promoting the implementation of policies and programmes directed at strengthening cooperation in the areas of trade, sustainable tourism, transport and natural disasters with the general objective of promoting an extensive economic area for trade, investment and sustainable development in the Greater Caribbean region”.<sup>2</sup>

Part of the aim of the ACS is to support, without intervention, the other integration mechanisms in which the Member States participate. This plan seeks to reduce the most common obstacles to integration through cooperation and discussion.

Since it was founded there have been four Summits of Heads of State and Government of the member countries, the last of which was held in 2005 in Panama City, Panama. The Ministerial Council meetings are held annually and there have been twelve of them to date, the last of which was held in Guatemala City, Guatemala on January 26, 2007.

This mechanism has 25 full-fledged members including, Antigua and Barbuda, the Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, the Dominican Republic, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Surinam, Trinidad Tobago and Venezuela.

The Associate Members of the ACS include the States of Aruba, France (representing French Guyana, Guadeloupe and Martinique), the Netherlands Antilles and Aruba.

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<sup>2</sup> ACS. *Towards a new vision of the Association of Caribbean States. Framework Document. Preparatory Meeting and 10th Ordinary Meeting of the Ministerial Council.* Port of Spain, Trinidad and Tobago. December 14 and 15, 2004.

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## TIMELINE OF THE ASSOCIATION OF CARIBBEAN STATES

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### 1992-1999

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<b>24 July, 1994</b>	Signing of the Convention establishing the Association of Caribbean States
<b>17 and 18 August, 1995</b>	1 <sup>st</sup> Summit of Heads of State and/or Government of the States, Countries and Territories of the Association of Caribbean States
<b>1 December, 1995</b>	1 <sup>st</sup> Ministerial Council Meeting of the ACS
<b>13 December, 1996</b>	2 <sup>nd</sup> Ministerial Council Meeting of the ACS
<b>28 November, 1997</b>	3 <sup>rd</sup> Ministerial Council Meeting of the ACS
<b>11 December, 1998</b>	4 <sup>th</sup> Ministerial Council Meeting of the ACS
<b>16 and 17 April, 1999</b>	2 <sup>nd</sup> Summit of Heads of State and/or Government of the States, Countries and Territories of the Association of Caribbean States
<b>12 and 13 December, 1999</b>	5 <sup>th</sup> Ministerial Council Meeting of the ACS

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### 2000-2007

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<b>7 December, 2000</b>	6 <sup>h</sup> Ministerial Council Meeting of the ACS
<b>7 December, 2001</b>	7 <sup>th</sup> Ministerial Council Meeting of the ACS
<b>11 and 12 December, 2001</b>	3 <sup>rd</sup> Summit of Heads of State and/or Government of the States, Countries and Territories of the Association of Caribbean States

<b>29 November, 2002</b>	8 <sup>th</sup> Ministerial Council Meeting of the ACS
<b>27 November, 2003</b>	9 <sup>th</sup> Ministerial Council Meeting of the ACS
<b>25 July, 2005</b>	4 <sup>th</sup> Summit of Heads of State and/or Government of the States, Countries and Territories of the Association of Caribbean States
<b>15 December, 2005</b>	10 <sup>th</sup> Ministerial Council Meeting of the ACS
<b>28 March, 2006</b>	11 <sup>th</sup> Ministerial Council Meeting of the ACS
<b>26 January, 2007</b>	12 <sup>th</sup> Ministerial Council Meeting of the ACS

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## What is the Greater Caribbean? <sup>3</sup>

The Greater Caribbean Zone of Cooperation was established in recognition of the common geographical space that the States, Countries and Territories of the ACS share and the common interests and objectives of each of them.

It is important to note that the Caribbean Sea is an essential part of this notion of the Greater Caribbean as ACS Member States recognise the importance that it has played as a common asset and a potential unifier in their development.

The Greater Caribbean Cooperation Zone includes joint actions in the areas of activity of the ACS such as Trade, Sustainable Tourism, Transport and Natural Disasters.

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3 [www.acs-aec.org](http://www.acs-aec.org)



# The Organisational Structure of the ACS

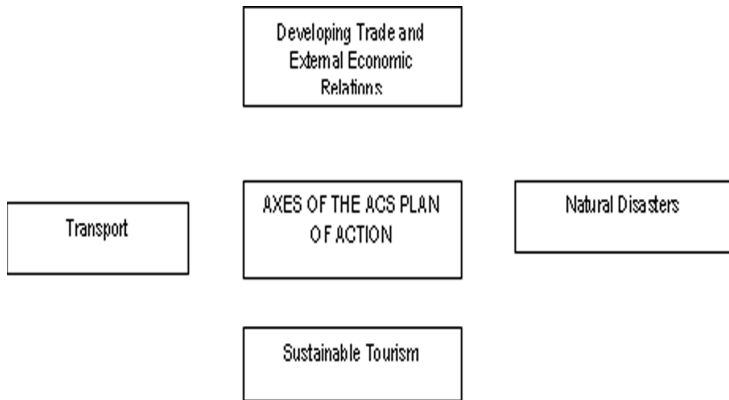
The Association of Caribbean States has a concentrated structure of permanent bodies aimed at adequate and effective integration.

***The Secretariat:*** Presided over by the Secretary-General, elected by the Ministerial Council. Carries out mandates issued by the Ministerial Council at their annual meetings.

***Ministerial Council:*** It is the political arm of the Association. Defining the general political outlines that ought to be applied and followed by the Secretariat in accordance with the Founding Charter and the Declarations of the Heads of State and Government. It has the authority to propose the creation of Special Committees with determined tasks. In addition, it can propose to call Presidential Summits.

# Areas of Activity of the ACS<sup>4</sup>

The following areas represent the main areas of activity for the Association of Caribbean States:



- **Trade Development and External Economic Relations:** Seeks to consolidate an extensive economic space for trade and investment among and from member countries through cooperation and integration. In this sense it is particularly important in promoting understanding in common areas of interest in the principal processes of trade, like before the World Trade Organisation for example, especially concerning the treatment of small economies. In relation to this theme, in 2001 the ACS member countries established a series of special and differential treatment principles for small economies.
- **Sustainable Tourism:** Seeks to encourage tourists to visit the diverse areas of the member countries on a sustainable basis while at the same time preserving the environment. To this end, at the 3<sup>rd</sup> Summit of Heads of State on Margarita Island, Venezuela at the end of 2001, the Convention on the Sustainable Tourism Zone of the Caribbean (STZC) was signed,

focusing on creating a Zone of Sustainable Tourism to be established as a “cultural, socioeconomic, biologically rich and diverse unit, geographically determined, in which the development of Tourism will be conditioned for sustainability and the principles of integration, cooperation and consensus, aimed at facilitating the integral development of the Greater Caribbean region”.<sup>5</sup>

This Sustainable Tourism Zone is currently being ratified by the Member States.

- **Transport:** This area of activity seeks to raise the effectiveness of the sector with the aim of favouring expansion in trade, investment and tourism for the member countries of the ACS.

In order to promote this objective in Panama City, Panama, on February 12, 2004, the Member States signed the Agreement on Air Transport between the Member States and ACS Associate Members, which in turn seeks to promote the programme adopted by the ACS called, “Uniting the Caribbean by Air and Sea”.

This Agreement will enter into force as soon as it is ratified by all the countries.

- **Natural Disasters:** As the Greater Caribbean is an area susceptible to natural disasters, the objective of this strategic effort is to promote and adopt mechanisms focused on improving the mitigation of the effects of natural disasters on Member Countries.

To this end, at the 2<sup>nd</sup> Summit of Heads of State in the Dominican Republic on April 17, 1999, the “Agreement between Member States and Associate Members of the Association of Caribbean States for Regional Cooperation on Natural Disasters”, to “create legal mechanisms for promoting cooperation in order to prevent, mitigate and build awareness about natural disasters in the region”<sup>6</sup>

Similarly, this Agreement will enter into force once it has been ratified by all the Member Countries of the Association of Caribbean States.

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5 3rd Summit of Heads of States and Government of the ACS. Agreement for the Establishment of the Sustainable Tourism Zone of the Caribbean (STZC). Margarita Island, Venezuela. December 12, 2001.

6 2nd Summit of Heads of State and Government of the ACS. *Agreement between Member States and Associate Members of the Association of Caribbean States for Regional Cooperation on Natural Disasters*. Santo Domingo de Guzmán, the Dominican Republic, April 17, 1999.



## **SOME CHALLENGES THAT FACE THE ASSOCIATION OF CARIBBEAN STATES<sup>7</sup>**

Thirteen years after being founded the Association of Caribbean States is facing several challenges that hinder its consolidation as an effective integration and cooperation mechanism between the countries of the Greater Caribbean.

Some of these challenges include Free Trade Treaties signed between Central America and the Dominican Republic and the United States which are of the utmost importance in bringing this sub-region closer to the North and yet, pull it further away from the Greater Caribbean.

In the same way, the Venezuelan initiatives such as PETROCARIBE and the Bolivarian Alternative for the Americas (ALBA), as opposed to American policies and initiatives such as the FTAA, have resulted in new divisions within the region.

The waning interest that the governments have shown concerning the mechanism -as evidenced by the low attendance by ministers and chancellors to the ACS meetings- which show the loss of political strength that the Association has suffered. In addition, the activities of the ACS as an institution are hindered by their dependence on the political and financial will of the governments of the Member Countries. Finally, even if we have been unable to surpass the governmental level, "Nevertheless, the familiar faces are those of the officials acting as representatives for their countries. The projects which contribute to facilitating the collaborative work among our peoples must be approved as it is only by working side by side that our communities can experience and value the advantages to the regional unity that we are building"<sup>8</sup>.

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7 Serbín, Andrés. Op Cit

8 Silié, Rubén. Speech by the Secretary General at the Inauguration of the 12th Ordinary Meeting of the Ministerial Council of the Association of Caribbean States, Guatemala City, Guatemala. January 26, 2007. Visit: [www.acs-aec.org](http://www.acs-aec.org)

# ANNEXES

## Official Documents of the ACS

### **CONVENTION ESTABLISHING THE ASSOCIATION OF CARIBBEAN STATES**

#### **Preamble**

The Contracting States:

Committed to initiating a new era characterised by the strengthening of cooperation and of the cultural, economic, political, scientific, social and technological relations among themselves;

Convinced that enhanced cooperation among the States, Countries and Territories of the Caribbean, building upon their geographical proximity and historical linkages, will contribute to the future cultural, economic and social development of their peoples transcending their separateness of the past;

Conscious of the need to forge an effective and timely response to the challenges and opportunities presented by the globalisation of the international economy and by the progressive liberalisation of hemispheric trade relations;

Prepared to promote, consolidate and strengthen the regional cooperation and integration process in the Caribbean Region in order to create an enhanced economic space that will contribute to its more competitive participation in international markets and facilitate active and coordinated participation by the region in the various multilateral fora;

Sensitive to the wide disparities in size, population, and levels of development among the States, Countries and Territories of the Caribbean;  
Committed to the continued promotion, consolidation and

entrenchment, inter alia, of the principles of democracy, rule of law, respect for the sovereignty, territorial integrity of states and the right to self-determination of peoples, equality of opportunity and respect for human rights, as the basis for strengthening the friendly relations among the peoples of the Caribbean;

Recognising the importance of the Caribbean Sea which constitutes the common patrimony of the peoples of the Caribbean, and recalling the role it has played in their history and the potential it has to operate as a unifying element in their development;

Convinced of the critical importance of preserving the environment of the region and, in particular, their shared responsibility for the preservation of the environmental integrity of the Caribbean Sea, by deploying the collective capabilities of their peoples in developing and exploiting its resources on an environmentally sound and sustainable basis, in order to enhance the quality of life of present and future generations of Caribbean peoples;

Recalling the decision of the Conference of Heads of Government of the Caribbean Community at its Special Meeting in Port-of-Spain, Trinidad and Tobago, in October 1992, to establish the Association of Caribbean States as a broad framework for the adoption of common positions among the States, Countries and Territories of the Caribbean;

Recalling also the Second CARICOM/Central America Ministerial Conference, held in Kingston, Jamaica, in May 1993, at which the Ministers of both sub-regions welcomed the proposal advanced by the Caribbean Community for the establishment of the Association of Caribbean States aimed at promoting economic integration and functional cooperation in the region;

Recalling further the Summit of the Heads of State and Government of the Caribbean Community, the Presidents of the Group of Three and the Vice-President of Suriname, held in Port-of-Spain, Trinidad and Tobago, in October 1993, in which they reiterated their commitment to establish the Association of Caribbean States;

Agree as follows:

**ARTICLE I:  
Use of Terms**

In this Convention:

“Association” means the Association of Caribbean States established by Article II.

“Convention” means the Convention establishing the Association.

“Meeting of Heads of State or Government” means the Meeting of Heads of State or Government referred to in Article VI.

“Member State” means a State mentioned in Article IV(1) that is a party to this Convention.

“Associate Member” means a political entity mentioned in Article IV(2).

“Ministerial Council” means the Ministerial Council of the Association established by Article VII.

“Observers” means the entities referred to in Article V and admitted as such to the Association.

“Secretariat” means the Secretariat of the Association established by Article VII.

“Secretary-General” means the Secretary-General of the Association.

“Social Partners” means non-governmental organisations or other entities which are broadly representative of wide interests in the States, Countries and Territories of the region, and which are recognised and accepted as such by the Ministerial Council.

## **ARTICLE II**

### **Establishment**

There is hereby established the Association of Caribbean States, an organisation of States, Countries and Territories of the Caribbean having the nature, purposes and functions set out in this Convention.

## **ARTICLE III**

### **Nature, Purposes and Functions**

1. The Association is an organisation for consultation, cooperation and concerted action, whose purpose is to identify and promote the implementation of policies and programmes designed to:

- (a) harness, utilise and develop the collective capabilities of the Caribbean Region to achieve sustained cultural, economic, social, scientific and technological advancement;
- (b) develop the potential of the Caribbean Sea through interaction among Member States and with third parties;
- (c) promote an enhanced economic space for trade and investment with opportunities for cooperation and concerted action, in order to increase the benefits which accrue to the peoples of the Caribbean from their resources and assets, including the Caribbean Sea;
- (d) consolidate and augment, as appropriate, institutional structures and cooperative arrangements responsive to the various cultural identities, developmental needs and normative systems within the region.

2. In pursuit and fulfilment of the purposes set out in paragraph 1 of this Article, the Association shall promote gradually and progressively among its members the following activities:

- (a) economic integration, including the liberalisation of trade, investment, transportation and other related areas;
- (b) discussion on matters of common interest for the purpose of facilitating active and coordinated participation by the region in the various multilateral fora;

- (c) the formulation and implementation of policies and programmes for functional cooperation in the fields mentioned in paragraph 1(a) of this Article;
- (d) the preservation of the environment and conservation of the natural resources of the region and especially of the Caribbean Sea;
- (e) the strengthening of friendly relationships among the Governments and peoples of the Caribbean;
- (f) consultation, cooperation and concerted action in such other areas as may be agreed upon.

## **ARTICLE IV**

### **Membership**

1. Membership of the Association shall be open to the States of the Caribbean listed in Annex I to this Convention. These States shall have the right to participate in discussions and to vote at meetings of the Ministerial Council and Special Committees of the Association.
2. Associate Membership shall be open to the States, Countries and Territories of the Caribbean listed in Annex II of this Convention. Associate Members shall have the right to intervene in discussions and vote at meetings of the Ministerial Council and Special Committees on matters which affect them directly, falling within their constitutional competence. The Council shall conclude relationship agreements with the respective State, Country or Territory which agreements shall set out the terms and conditions and the manner in which the Associate Member may participate in, and vote at meetings of the Ministerial Council and Special Committees.
3. States mentioned in paragraph 1 of this Article, which sign and ratify this Convention prior to its entry into force or within one year thereafter, shall be Founding Members of the Association.

## **ARTICLE V**

### **Observers**

Observers may be admitted to the Association on terms and conditions as may be determined by the Ministerial Council. Observers may be admitted from among the States, Countries and Territories listed in Annexes I and II of this Convention. Additionally, any other State, Country, Territory, or an organization applying for observer status in the Association may be accorded such status, provided that the Ministerial Council so decides.

## **ARTICLE VI**

### **The Meeting of Heads of State or Government**

1. Any Head of State or Government of a Member State may propose the convening of a Meeting of Heads of State or Government. The Secretary-General shall convene the Meeting after consultation with the Member States.
2. The Ministerial Council may, as it considers appropriate, propose the convening of a Meeting of Heads of State or Government.
3. Where a Meeting of the Heads of State or Government is to be convened, the Ministerial Council shall convene preparatory meetings.

## **ARTICLE VII**

### **Permanent Organs of the Association**

There are hereby established the following Permanent Organs of the Association:

- the Ministerial Council; and
- the Secretariat.

## **ARTICLE**

### **VIII**

#### **The Ministerial Council**

1. The Ministerial Council, comprising representatives of Member States, as set out in Article X, shall be the principal Organ for policy-making and direction of the Association within the purposes and functions set out in Article III of this Convention.
2. The Ministerial Council may, in accordance with its Rules of Procedure established under Article XI, convene at its discretion, special meetings of the Ministerial Council to consider the subject areas or issues proposed for its consideration.
3. The Ministerial Council may, initially on an ad hoc basis, establish the Special Committees that it considers necessary to assist it in the performance of its functions. The Ministerial Council shall establish and determine the composition and terms of reference of:
  - (a) the Committee on Trade Development and External Economic Relations;
  - (b) the Committee for the Protection and Conservation of the Environment and of the Caribbean Sea;
  - (c) the Committee on Natural Resources,
  - (d) the Committee on Science, Technology, Health, Education and Culture; and
  - (e) the Committee on Budget and Administration.
4. In their work, the Special Committees referred to in paragraph 3 of this Article may request and take into account the opinions of the Social Partners recognised under Article IX(d).

## **ARTICLE IX**

### **Functions of the Ministerial Council**

Consistent with the functions and activities of the Association set out in Article III (2) of the Convention, the Ministerial Council shall:



- (a) define courses of action, policies and programmes of the Association;
- (b) consider and approve the biennial Work Programme and Budget of the Association;
- (c) consider and determine applications for membership, associate membership of, or observer status with, the Association;
- (d) determine the Social Partners which it recognises and accepts and define their roles;
- (e) appoint the Secretary-General and such other senior officials of the Secretariat as it may deem appropriate;
- (f) establish Rules of Procedure and guidelines governing the functioning of the Association;
- (g) approve the regulations governing the operations of the Secretariat;
- (h) authorize the negotiation and conclusion, by the Secretary-General, of agreements with third parties, institutions or groups of states or other entities as may be required for the advancement of the work of the Association;
- (i) recommend and/or adopt amendments to the Convention proposed by Member States in accordance with Article XXVIII;
- (j) decide on the interpretation of this Convention;
- (k) perform such other functions as may be determined by the Meeting of Heads of State or Government.

## **ARTICLE X: Composition of the Ministerial Council**

1. Each Member State shall designate a Minister and an alternate to represent it on the Ministerial Council. The Minister or alternate so designated may be assisted by advisers.
2. Each Member State shall notify the Secretariat of the Minister designated to represent it on the Ministerial Council and of the name of the person appointed as his alternate. An alternate shall stand in all aspects in place of the designated Minister during the latter's absence.

**ARTICLE XI**  
**Procedures of the Ministerial Council**

1. Subject to the provisions of this Article, the Ministerial Council shall establish its own Rules of Procedure.
2. Meetings shall be presided over by a Chairman who shall be elected from among the representatives of Member States. The first Chairman shall be elected at the first meeting of the Ministerial Council and shall hold office for one year. Thereafter, the Chairmanship shall rotate in accordance with the Rules of Procedure established pursuant to paragraph 1 of this Article.
3. The Ministerial Council shall hold an annual regular meeting which will normally take place at the Headquarters of the Association. The Chairman of the Council shall convene special meetings if requested to do so by not less than two-thirds of the Member States.
4. Subject to this paragraph and the provisions of Article XII(2), the Council of Ministers shall decide by consensus on the substantive matters submitted to it for consideration. Procedural matters shall be determined by a two-thirds majority of the Members present and voting. The Delegates present shall decide by a two-thirds majority vote on the classification of matters as either substantive or procedural. In any event, any issue that has a bearing on a decision relating to substantive matters will not be considered a procedural issue.

**ARTICLE XII**  
**Budget**

1. The Ministerial Council shall examine and approve with such modifications, as it deems necessary, the draft Budget of the Association submitted by the Committee on Budget and Administration.
2. Voting on the total figure of the Budget shall be preceded by a vote on each budget head. Each budget head shall be approved by a three-quarters majority of the votes of delegates present and voting. The

total of the Budget of the Association shall be approved by consensus of delegates present.

3. The Budget of the Association shall be prepared on a biennial basis, subject to an annual review. Where in any year, the Budget of the Association is not approved, the Budget of the Association voted for the previous biennium shall remain in force and Member States, and Associate Members shall continue to make the same contributions as for the preceding biennium.
4. Contributions by Member States to the Budget of the Association shall be made in such proportions as the Ministerial Council may decide.

### **ARTICLE XIII**

#### **Special Fund**

The Ministerial Council shall also establish a Special Fund for the purpose of financing programmes of technical cooperation and related research consistent with the purposes and functions of the Association. The Ministerial Council shall determine the general framework of the programmes to be supported out of the Special Fund. Specific activities within this framework shall be elaborated by the Committee on Trade Development and External Economic Relations with the assistance of the Secretariat. The Special Fund shall be made up of resources that on a voluntary basis can be contributed by Member States, non- Members or other entities.

### **ARTICLE XIV**

#### **The Secretariat**

1. The Secretariat shall comprise a Secretary-General and such other staff as the Ministerial Council may determine. In addition to any powers conferred on the Secretary-General by or under this Convention, the Secretary-General shall be the Chief Administrative Officer of the Association.
2. The Secretary-General shall be elected on the basis of rotation for a period of four years on such terms and conditions as may be determined by the Ministerial Council.

3. The Secretary-General shall act in that capacity in all Meetings of the Ministerial Council and Special Committees of the Association and shall make an annual report to the Ministerial Council on the work of the Association.
4. In the performance of their duties, the Secretary- General and the staff of the Secretariat shall neither seek nor receive instructions from any Government of a Member State or from any other authority external to the Association. They shall refrain from any action which may reflect adversely on their position as officials of the Association and shall be responsible only to the Association.
5. The Staff of the Secretariat shall be appointed by the Secretary-General in accordance with regulations established by the Ministerial Council. The paramount consideration in the appointment of the staff shall be the need to secure the highest standards of efficiency, competence and integrity. In the recruitment of Staff, due regard shall be paid to the principles of equitable geographical distribution and linguistic representation.
6. Member States undertake to respect the exclusively international character of the responsibilities of the Secretary- General and the staff and shall not seek to influence them in the discharge of their responsibilities.
7. The Ministerial Council shall approve the Regulations governing the operations of the Secretariat.

## **ARTICLE XV**

### **Functions of the Secretariat**

1. In addition to any duties which may be assigned to it by the Ministerial Council, the Secretariat shall perform the following functions for the achievement of the purposes and functions of the Association:
  - (a) assist the Ministerial Council and the Special Committees of the Association in the development and implementation of policies and programmes;

- (b) maintain contact with other sub-regional, regional and international organisations;
  - (c) initiate, organise and conduct studies on integration issues, and in particular, trade, investment and economic and social development issues;
  - (d) collect, store and disseminate information to Member States, Associate Members, and when the Ministerial Council so decides, to other relevant entities;
  - (e) service Meetings of the Ministerial Council and the Special Committees of the Association and take appropriate action on determinations emanating from such meetings;
  - (f) coordinate, within the framework of the work programme of the Association, the activities of donor agencies, international, regional and national institutions;
  - (g) prepare the draft Budget of the Association for examination by the Committee on Budget and Administration every two years to be submitted for the consideration and approval, as appropriate, by the Ministerial Council.
2. In the discharge of its functions, the Secretariat shall enter into cooperation arrangements with, and draw on, the capacities of the existing integration organisations in the region.

## **ARTICLE XVI**

### **Legal Capacity**

1. The Association shall have full international legal personality.
2. Each Member State and Associate Member shall, in its territory, accord to the Association the most extensive legal capacity accorded to legal persons under its domestic law. In any legal matters or proceedings the Association shall be represented by the Secretary-General.
3. Each Member State and Associate Member undertake to take such action as may be necessary to make effective in its territory the provisions of this Article, and shall promptly inform the Secretariat of such action.

## **ARTICLE XVII**

### **Privileges and Immunities**

1. The privileges and immunities to be recognised and granted by Member States and Associate Members in relation to the Association shall be set out in a Protocol to this Convention.
2. The Association shall conclude a Headquarters Agreement with the Government of the Member State where it is located, including provisions on the privileges and immunities recognised and granted.

## **ARTICLE XVIII**

### **General Undertaking as to Implementation**

Member States of the Association shall take all appropriate and pertinent measures to carry out the provisions of this Convention. They shall facilitate the achievement of the purposes of the Association.

## **ARTICLE XIX:**

### **Languages of the Association**

The languages of the Association shall be English, French and Spanish.

## **ARTICLE XX**

### **Relationship to other Treaties and Mechanisms**

1. Nothing in this Convention shall be construed as altering the rights and obligations of Parties which arise from other Agreements. In like manner, the provisions of this Convention shall not affect existing mechanisms for cooperation, concerted action and consultation.
2. Within the scope of this Convention a number of Member States may undertake initiatives and conclude integration agreements among themselves consistent with its purposes and functions. Any such agreement or initiative may be open to any other Member State which is able and willing to participate therein.

**ARTICLE XXI**  
**Authentic Text**

This Convention shall be drawn up in the English, French and Spanish languages, each text being equally authentic.

**ARTICLE XXII**  
**Signature**

This Convention shall be open for signature from 24 day of July 1994 by any State, Country or Territory referred to in Article IV.

**ARTICLE XXIII**  
**Ratification**

This Convention shall be subject to ratification by the signatory States, Countries and Territories mentioned in Article IV in accordance with their respective constitutional procedures.

**ARTICLE XXIV**  
**Registration**

This Convention shall be registered with the Secretariat of the United Nations pursuant to Article 102 of the Charter of that Organisation.

**ARTICLE XXV**  
**Depositary**

Instruments of Ratification shall be deposited with the Government of the Republic of Colombia, which shall transmit certified true copies to the Ministers of Foreign Affairs of Member States and to the competent authorities of Associate Members.

**ARTICLE XXVI**  
**Entry into Force**

This Convention shall enter into force upon deposit of instruments of ratification by two-thirds of the States mentioned in Article IV(1).

**ARTICLE XXVII**  
**Accession or Adhesion**

After its entry into force, this Convention shall remain open to accession or adhesion by any of the States referred to in Article IV. Accession or adhesion shall be effected by the deposit of an instrument of accession or adhesion with the Government of the Republic of Colombia which shall inform the Member States and Associate Members. This Convention shall enter into force for the acceding or adhering State, thirty days after the deposit of its instrument of accession or adhesion.

**ARTICLE XXVIII**  
**Amendment**

Amendments to this Convention may be made by consensus of the Meeting of Heads of State or Government or of the Ministerial Council.

Such amendments shall enter into force thirty days after ratification by two-thirds of the Member States.

**ARTICLE XXIX**  
**Interpretation and Disputes Settlement**

Any question or dispute arising among the Members of the Association, relating to the interpretation or application of this Convention, and which cannot be settled by the parties concerned, shall be settled by the Ministerial Council.

**ARTICLE XXX**  
**Duration and Withdrawal**

1. This Convention shall have indefinite duration.
2. Any Contracting Party may at any time withdraw from this Convention. Such withdrawal shall take effect one year after the date of the receipt by the depositary of the formal notification of withdrawal and shall be without prejudice to any obligation incurred by the withdrawing Party by or under this Convention prior



to such withdrawal. This Convention shall continue in force thereafter with respect to the other Parties, provided that not less than two-thirds of the States referred to in Article IV(1) continue to be Parties.

**ARTICLE XXXI**  
**Reservations**

No reservations may be made to this Convention.

Done at Cartagena de Indias, Republic of Colombia, this 24th day of July 1994 in a single copy in the English, French and Spanish languages, each text being equally authentic. The original text will be deposited with the Government of Colombia.

**IN WITNESS WHEREOF** the representatives duly authorised in that behalf have signed this Convention:

## ANNEX I

Antigua y Barbuda	Honduras
Barbados	Jamaica
Belice	Las Bahamas
Colombia	Nicaragua
Costa Rica	Panamá
Cuba	República Dominicana
Dominica	St. Kitts y Nevis
El Salvador	San Vicente y las Granadinas
Estados Unidos Mexicanos	Santa Lucía
Grenada	Suriname
Guatemala	Trinidad y Tobago
Guyana	Venezuela
Haití	

## ANNEX II

Anguilla	Turks and Caicos Islands
Bermuda	United States Virgin Islands
British Virgin Islands	The French Republic in respect of:
Cayman Islands	Guadeloupe
Montserrat	Guyane
Puerto Rico	Martinique
	The Kingdom of the
	Netherlands (Aruba and the
	Netherlands Antilles)

Done at Cartagena de Indias, this 24th day of July 1994 in a single copy in the English, French and Spanish languages, each text being equally authentic. The original text will be deposited with the Government of the Republic of Colombia.

## **DECLARATION OF PRINCIPLES AND PLAN OF ACTION ON TOURISM, TRADE AND TRANSPORTATION. 17-18 AUGUST 1995**

### ***Inaugural Summit of Heads of State and Government and Representatives of the States, Countries and Territories of the Association of Caribbean States (ACS). Port of Spain, Trinidad and Tobago.***

We, the Heads of State, and Government and Representatives of the States, countries and territories participating in this inaugural summit of the Association of Caribbean States in Port-of-Spain, Trinidad and Tobago on 17-18 august 1995, express satisfaction at the entry into force of the convention establishing the Association of Caribbean States. We agree to issue the following declaration of principles on tourism, trade and transportation:

1. We are firmly committed to initiating a new era in the Caribbean region characterised by the strengthening of integration, concerted action and consultation in order to ensure greater cultural, economic, political, scientific, social and technological cooperation among our peoples, governments and countries;
2. We commit our states, countries and territories to pursuing the promotion of this process in a climate of respect for the sovereignty and territorial integrity of our states, the right of our peoples to self-determination, the rule of law, the adherence to democratic principles, the observance of human rights and the peaceful resolution of disputes
3. We reaffirm our commitment to the common objectives within the hemispheric systems and that of the United Nations. We are convinced that our efforts within the Association of Caribbean States will create a more competitive and viable economic space, strengthen our capacity to implement our commitments in other domains and advance the general development and prosperity of our peoples;
4. We reiterate that cooperation among the states, countries and territories of the Association of Caribbean States provides an ideal mechanism and affords a unique for responding to the challenges

and opportunities presented by the globalisation of the world economy, increased trade liberalisation and competition for investment and markets;

5. We are fully cognisant that the shared historical and cultural heritage of the states, countries and territories of our Association provides a solid basis for developing our efforts at cooperation and concerted action, particularly in the areas of tourism, trade and transportation, as well as for enriching our future to the benefit of all our peoples;
6. Conscious that the prime objective of our efforts must be aimed at improving the standard of living of our people and particularly, at effectively combating the critical state of poverty in which a large part of them exist, we commit ourselves to promote the sustainable development of our region, as a viable strategy aimed at improving these conditions;
7. We consider that in the current conditions, tourism, trade and transportation constitute three critical sectors which should be accorded priority in our concerted actions to promote cooperation thus advancing the development of our peoples and laying the foundation for progress in other areas of interest to the members of the association;
8. Convinced that the natural endowment and cultural diversity and heritage of the Caribbean make it an attractive tourist destination and that the tourism sector is vital to the economies of our states, countries and territories, we commit ourselves to unite efforts and actions aimed at increasing the tourist flow to and within the Caribbean, at improving tourism infrastructure and preserving the environment;
9. We reaffirm our commitment to the principles enshrined in the agreement establishing the World Trade Organisation as a basis for developing free trade among all nations. We recognise the vital contribution which increased trade can make to the economic development of our states, countries and territories and are therefore opposed to all policies, measures and actions which are inimical to these principles;

10. We are keenly aware that the development of our tourism industry as well as our trade in goods and other services require the development of efficient and viable air, sea and land transport systems. In this regard, we commit ourselves to taking concerted and expeditious action;
11. Cognisant of the significant differences in levels of development, size and population among our states, countries and territories, we will accordingly seek means to foster development and provide opportunities to facilitate the participation of all states, countries and territories in the integration of the Caribbean;
12. We reaffirm the importance attached to the Caribbean Sea, the role it has played in our history and the development of tourism, trade and transport as well as its potential for contributing to the development of our peoples and states, countries and territories. We are therefore determined to ensure its protection and conservation, on an environmentally sound and sustainable basis, as the common patrimony of all the peoples of the Caribbean;
13. We recognise that the production and consumption of illegal drugs, as well as narco-trafficking in all its aspects pose a serious threat to tourism, trade and transportation. Indeed, it endangers the sovereignty and security of each state. In light of this, we pledge to strengthen cooperation within the region to combat the drug menace which seeks constantly to undermine good order and social stability.
14. We recognise that there is significant scope for growth of tourism, trade and transportation as a means of advancing development and economic integration within the ACS region. We recognise also that the full realisation of this potential is critically dependent on our public and private sectors being able to cooperate to address the challenges and constraints as well as to exploit the synergy in the three areas.

To advance this process, we agree to adopt and implement the following plan of action:

## **Plan of Action**

### **TOURISM**

We affirm that the tourism industry constitutes the major vehicle of development for many of the States, Countries and Territories of the ACS and are aware that it is not only the single economic activity common to all, but also a priority economic sector for all our membership.

Keenly aware that tourism is a strategic industry which is operating in a highly competitive environment, we perceive the need for a regional tourism strategy that draws strength from co-operation without sacrificing the interest of individual States, Countries and Territories-or the appeal of individual national tourism products. We are cognizant that our region has considerable advantages in tourism since we offer a product which is like the world in microcosm. Presented as a single tourism product, the ACS destination has the advantages of both diversity and economies of scale.

We recognise that tourism is an industry which is highly dependent on the environment and that the quality, competitiveness and sustainability of this sector are inextricably linked to the conservation of the Caribbean's human, natural and man-made environment.

We are conscious of the need to give prominence to tourism in the national planning process and to strengthen public sector/private sector co-operation in managing the tourism sector. We further recognize the industry's potential to create linkages with other economic sectors and to stimulate higher levels of economic growth and development in our States, Countries and Territories.

We therefore agree to:

#### **With respect to Tourism Planning**

- (i) Ensure that tourism integrated into our planning process is fully national;

- (ii) strengthen the role of regional and national organizations in the ACS States, Countries and Territories and to promote the incorporation of its members in the Caribbean Tourism Organisation (CTO), with the purpose of co-ordinating efforts in the development of tourism;
- (iii) promote co-operation among all public and private sector tourism entities within the ACS Member States, Countries and Territories with a view to maintaining the Caribbean region as the preferred tourism destination.

### **With respect to Environmental Sustainability**

- (iv) Require the execution of appropriate levels of environmental impact assessment as a precondition of all tourism development projects;
- (v) incorporate in our tourism policies measures that address issues of environmental sensitivity and national cultural heritage through educational and developmental programmed, and adopt and enforce appropriate legislation to encourage responsible practices in respect thereof;
- (vi) consider the adoption of the Charter of Margarita approved at the Fifth CTO Ecotourism conference held in Margarita in June 1995, taking into account national legislation;
- (vii) declare the Caribbean a "green area" and invite the appropriate regional and international agencies to co-operate with us to develop and implement programmed to achieve this objective.

### **With respect to Visitors' safety**

- (viii) Adopt appropriate measures to provide for the safety of visitors with the objective of guaranteeing the development and growth of tourism;
- (ix) develop crisis management and damage control strategies in the event of major natural disasters;

- x) strongly deplore the inappropriate use of Travel Advisories by non-ACS States with the purpose of reducing tourism competitiveness in ACS States, Countries, and Territories and to develop mechanisms by which Governments can monitor and respond to such Travel Advisories.

### **With respect to Regional Marketing**

- (xi) Promote the region as a single destination with unique national products and encourage the free flow of tourists to and within all ACS States, Countries and Territories. To this end, we shall establish, based on the successful public/private sector Caribbean Coalition on Tourism Marketing Programme for North America, broad-based regional marketing programmed and joint representation in the major markets, including the intra Caribbean market, on a sustainable basis and develop, not later than the end of 1995, a financing arrangement to sustain this initiative. In order to facilitate the implementation of such Programmes, we will review and modify, as necessary, the structure of the Caribbean Coalition on Tourism.

### **With respect to Profitability**

- (xii) Promote tourism industry performance surveys for the ACS region on an ongoing basis and to seek financing from the public and private sectors to this end;
- (xiii) develop appropriate policies to retain and attract investment and to improve the efficiency and competitiveness of the tourism sector of the region.

### **With respect to Human Resources**

- (xiv) Accept the offer of the Government of Mexico to establish a Regional Programme for education, training and research in sustainable tourism, based at the Universidad de Quintana Roo (Mexico), aimed at widening efforts to develop human resources that will increase the competitiveness and quality of tourist services in the Caribbean region;



- (xv) create within the next three months a Caribbean Tourism Education and Training Council, with the following terms of reference:
- (a) to examine the manpower needs of the region and review the number and type of public and private sector institutions in the ACS region which are currently involved in tourism training;
  - (b) to ascertain what certification in tourism is available at all tourism training institutions throughout the ACS region and the extent to which they are acceptable and transferable between the various States, Countries and Territories and to create a directory of ACS wide travel and tourism institutions and professionals;
  - (c) to consider the adoption of the recommendations of the University of West Indies report on tertiary education in tourism, with respect to expansion and rationalization of institutions, transferability of credits, post graduate training in the region, language training and certification and the provision of financial support required for implementation;
  - (d) to find a co-ordination mechanism between the institutions of higher education to deal with setting and monitoring of educational standards and levels of certification, within the colleges and universities in the region;
  - (e) to establish job performance standards leading to the certification of knowledge and skills of professionals, which is recognized throughout the region and which will facilitate the free movement of tourism professionals, in accordance with the legislation currently in force in each country;
  - (f) to examine the offer from the Government of Mexico with a view to ensuring that it complements the existing programme.

## **With respect to Financing**

- (xvi) Establish a task force in order to prepare a detailed draft proposal for a Caribbean Regional Tourism Development Fund which shall be submitted to the next meeting of the ACS Council of Ministers. It would include, if necessary, the Fund's legal, administrative and management structure, as well as its relations with the Multilateral Financial Institutions. No ACS State, Country or Territory shall be excluded for social or political reasons from any of the benefits of the Fund.

## **TRADE**

We are convinced that greater trade and investment links among our States, Countries and Territories will provide new markets and create opportunities to improve our competitiveness globally.

We recognize that progress in trade facilitation and liberalization will play a key role in enhancing our economic space but will require harmonization of the rules and disciplines of trade, services and investment in our region.

We recognize however the complexities of liberalizing trade and harmonizing rules among States, Countries and Territories as diverse as those of the ACS region.

We agree to instruct the Secretariat of the Association of the Caribbean States to:

### **With respect to Trade Liberalization**

- (i) Promote measures for the economic integration including trade liberalization, investments, transportation and other related areas among the ACS Members;
- (ii) assist member countries, in collaboration with other relevant regional organizations, in the ongoing process of negotiations for trade liberalization and integration at the regional, hemispheric and global levels;

- (iii) collect and disseminate among the members of the ACS information regarding the Marrakesh Agreement Establishing the World Trade Organization (WTO) on its implementation in each ACS State with the aim of assisting the process of regional integration.

### **With respect to Trade and Investment Promotion and Facilitation**

- (iv) Promote and facilitate the active participation of the regional business community in trade and investment events, especially those that take place within the region;
- (v) facilitate meetings of the national and regional public and private sectors to discuss and resolve, in practical terms, methods of sourcing within the region as many goods and services as possible for the hotels, cruiselines and other tourism facilities;
- (vi) devise schemes to encourage tourism enterprises, to purchase increased levels of regional goods and services to be consumed by visitors;
- (vii) design and implement a mechanism for the exchange of information on trade and investment patterns and opportunities, establish or improve among the various information systems and promote their use;
- (viii) examine the possibilities of establishing a reciprocal payment and credit system among the ACS countries, taking into account existing systems, such as ALADI and the Central American Common Market.

### **With respect to Inter-Institutional Cooperation**

- (ix) Seek active participation in the activities of the group of “Secretariats of Regional and Subregional Integration and Cooperation Organisations” regarding the efforts toward harmonization of trade rules and regulations.

## **With respect to Follow-up and Implementation of the Action Plan**

- (x) We charge the Trade and External Economic Relations Committee of the ACS with following up and implementing the Trade Action Plan.

### **TRANSPORTATION**

We recognize the importance of the principles of easy access and equal opportunity to affordable air and maritime transportation, and that they are indispensable for the economic integration among our States, Countries and Territories. The advancement of these principles can be greatly assisted by the liberalization and facilitation of trade, the cost effective and easy movement of goods, services and people and the stimulation and promotion of investment among our States, Countries and Territories.

We also recognize that the development of a safe, efficient and effective transport system is an indispensable element in the facilitation of trade among ACS States, Countries and Territories as well as the movement of people throughout ACS region thus transcending the separateness of the past as well as for ensuring extraregional links and multi-destination possibilities in the framework of the actual agreements and relations among ACS States, Countries and Territories.

We are aware that there are myriad problems to be overcome in order to develop an effective transportation system and that given our resource constraints, services and facilities will have to be enhanced incrementally and through a variety of means.

We are conscious that the ultimate aim is to provide a sustainable, efficient, profitable, readily differentiated and significantly higher quality service to the travelling and cargo shipping communities at reasonable tariffs.

We therefore agree to:

### **With respect to shipping Services**

- (i) Combine efforts of our public and private sectors to determine and meet the requirements for, and enhance the possibilities of, establishing Non-Vessel Operating Common Carriers (NVOCCs). In this regard, we will jointly examine the feasibility of pursuing the recommendation made in the CARICOM-Group of Three (G3) Transport Study, for the establishment of a Joint Government/Private Sector NVOCC on an ACS-wide basis;
- (ii) discuss with the shipping lines, the nature of the inducement which would be required to provide service, from hub ports to secondary ports and to take the agreed measures which fall to the responsibility of the public sector;
- (iii) promote the development of inter-modal transportation in the region which will bring new possibilities for maritime investments to make this service more efficient and competitive;
- (iv) encourage the shipping lines to work together to expand the range of on-carriage arrangements among themselves and to make these more widely known to potential shippers;
- (v) examine novel approaches to providing regular intra ACS commercial services, including the Venezuelan initiative of using a navy ship to transport commercial cargo to the small ports of the Eastern Caribbean.

### **With respect to the Provision of Port Services**

- (vi) Encourage and assist our Port Authorities and Worker Organizations to address the issue of port costs and efficiency through, inter alia, modernizing payments and reward systems, training and redeployment of labour and the reduction of unnecessary bureaucratic requirements;
- (vii) examine the future scope and role of the public and private sector in the provision of port services, with a view to ensuring the adoption of the most efficient and cost effective arrangements;

(viii) assist our port authorities to cooperate and collaborate more actively among themselves in the existing institutional arrangements such as the Inter-American Ports and Harbours Conference (IAPH), the Port Management Association of Eastern Caribbean States (PMAECS), the Central American Maritime Transport Commission (COCATRAM), the Caribbean Shipping Association (CSA) and the Permanent Technical Committee on Ports of the Organisation of American States (OAS). As a priority, we urge them to focus attention on:

- (a) the simplification and streamlining of documentation requirements in our various ports to facilitate the movement of goods, services and people by sea, with specific reference to the provisions of the Convention on the Facilitation of International Maritime Traffic 1965, as amended;
- (b) the identification of areas of cooperation to reduce costs and improve efficiency, particularly in minimizing the time and costs to shippers and ship operators. In this context, we encourage them to explore the possibilities of joint ventures and other forms of economic association in areas such as training, port facilities development and utilization;
- (c) the establishment of an appropriate Electronic Data Inter-Change (EDI) information system to link ports, shippers and shipping lines in the ACS region.

### **With respect to Air Transportation**

(ix) Examine the regulatory and operational framework which exists within the ACS States, Countries and Territories including the nature and content of our bilateral air transport agreements, our obligations to our air carriers and the overall attitude of ACS States, Countries and Territories on contemporary significant air transport policy matters, as well as the need for adequate safeguards and safety nets for the protection of the ACS members as developing States, Countries and Territories;

- (x) evaluate the potential air access benefits which could arise from the negotiation of certain air services agreements on a group basis using the Community of Interest Principle of International Civil Aviation Organisation (ICAO);
- (xii) where feasible, give favourable consideration to the use of the Community of Interest Principle as a means of improving both intra and extra regional air access arrangements;
- (xii) sensitise the authorities and management of airports to the economic benefits and convenience of facilitation by implementing the standards and recommended practices of Annex 9 of the Chicago Convention and other initiatives and to urge them to become more pro-active in this area;
- (xiii) examine the scope for the removal of and take Action where possible to eliminate or simplify visa requirements for intra-regional travel by residents of ACS States, Countries and Territories;
- (xiv) encourage our aeronautical authorities to join and collaborate actively among themselves in the existing institutions such as the Latin American Civil Aviation Commission (LACAC);
- (xv) encourage ACS airlines to develop regular contacts, in order to build on initiatives already in train to increase cooperation and enhance their competitiveness and viability and call on them to work towards:
  - (a) continuous improvements in the integration of intra-ACS airline schedules and route systems;
  - (b) facilitating the provision of, and equal access to, a unified reservation system to the market place. In this context, we suggest that the ACS airlines should as a priority, invite competitive tenders from the Computerised Reservation Systems (CRS) and Distribution Systems to host the schedules of ACS airlines as one unit using state of the art technology;

- (c) adopting a joint approach for the acquisition of a common Yield Management Programme;
  - (d) exploring the possibilities of using Latin Pass or any other frequent flyer programme, as a vehicle for the full exploitation of a broad scope of functional cooperation programmed for ACS airlines;
  - (e) exploring the possibilities for fleet rationalization and joint aircraft acquisition and joint approaches to financial sources for all ACS States, Countries and Territories;
  - (f) enhancing cost effectiveness by undertaking negotiations in such areas as Engineering and Maintenance Management Information Systems (EMMIS); insurance placement; duty free programmer; crew hotel accommodation; and general management information systems;
- (xvi) discuss with airlines, the nature of the inducement . which would be required to provide service from hub airports to secondary airports and take the agreed measures which fall to the responsibility of the public sector.

**With respect to the Safety of Air and Sea Craft and related Port Facilities**

- (xvii) Identify the critical international conventions relating to ships and shipping operations and to implement these conventions as early as possible within an agreed harmonized framework, and take all other appropriate steps, in conjunction with established regional and international programmed, to promote maritime safety and the protection of the marine environment of ACS States, Countries and Territories from vessel sourced pollution;
- (xviii) examine the feasibility of broadening participation in the Draft Caribbean Agreement on Port State Control to include all ACS States, Countries and Territories;



- (xix) give major attention to the issue of safety. In this context, we stress the necessity of promoting the implementation of the standards and recommended practices established by the International Civil Aviation Organisation (ICAO). We recognize ICAO as the overall authority on safety and its oversight and call on all State Parties to support ICAO's role in this area of its responsibility. To this end, we commit ourselves and will make every effort to attend the September 1995 ICAO General Assembly and to jointly reaffirm this principle at that forum;
- (xx) work collectively towards the implementation of improved Air safety Oversight programmed where required, and urge ICAO to assist the efforts of ACS States, Countries and Territories in this matter;
- (xxi) assist and support each other to the extent possible, in the relationship with other agencies to ensure that our airlines and aircraft receive fair treatment by these bodies.

### **With respect to Human Resources and Training**

- (xxii) Encourage greater collaboration among the relevant transportation related training institutions in order to increase the number of skilled personnel available for employment in the transportation industry;
- (xxiii) explore the possibilities of providing fellowships to trainees from each other's States, Countries and Territories, and other mechanisms to promote practical training and attachments;
- (xxiv) call on the International Maritime Organisation (IMO), the International Civil Aviation Organisation (ICAO) and other relevant agencies to provide technical assistance in the areas where requested.

### **With regard to the follow-up to and implementation of the Plan of Action**

- (xxv) Establish, within the framework of the ACS arrangements, a Technical Group on Transportation. This Group will develop specific programmed to promote the maritime, air and inter-modal transportation objectives outlined in this Plan of Action.

## **CROSS SECTORAL AND INSTITUTIONAL ISSUES**

We recognize the opportunities inherent in the inter-relationship of the sectors of tourism, trade and transportation and the issues which are common to them. We accordingly agree to:

### **With respect to Information and Statistics**

- (i) Implement cooperative programmed to develop and strengthen our systems for the collection and dissemination of timely and accurate statistics on Tourism, Trade and Transportation.

### **With respect to Optimising Intersectoral Linkages**

- (ii) Request the ACS Secretariat to identify and propose concrete ways of achieving a greater interrelationship between tourism, trade and transportation in collaboration with the relevant organizations with the objectives of increasing complementarities among the ACS States, Countries and Territories in those sectors and providing further impetus to the economic integration of the ACS members.

Done at Port-Of -Spain, Republic of Trinidad and Tobago this Eighteenth Day of August 1995 in a single copy in the English, French and Spanish languages, each text being equally authentic.

**DECLARATION OF SANTO DOMINGO**  
**16-17 April 1999**

***Second Summit of Heads of State and/or Government of the States, Countries and Territories of the Association of Caribbean States. Santo Domingo de Guzmán, Dominican Republic.***

We, the Heads of State and/or Government of the States, Countries and Territories of the Association of Caribbean States (ACS), meeting in the City of Santo Domingo de Guzmán, Dominican Republic, on 16 and 17 April 1999;

Committed to the principles and objectives enshrined in the Convention Establishing the ACS, and recognising the validity of the Declaration of Principles and Plan of Action on Tourism, Trade and Transport resulting from the historic First Summit held in Port of Spain, Trinidad and Tobago, in August 1995 and the priorities identified for promoting regional integration, functional co-operation and co-ordination among the Member States and Associate Members of the ACS;

Have decided to analyse the progress made by the ACS from Port-of-Spain 1995 to Santo Domingo 1999 and determine the projection of the Caribbean Region into the 21<sup>st</sup> Century; and therefore:

1. We identify tourism as the activity where the Association has achieved the most significant progress. We recognise that sustainable tourism constitutes an adequate response to the challenges of increasing rates of growth in employment and foreign exchange earnings, protecting and preserving the environment and natural resources, protecting cultural patrimony and values. We support community participation, as well as the involvement of local interests in aspects of the tourism development process, such as policy making, planning, management, ownership and the sharing of benefits generated by this activity. In this respect, we adopt the Declaration on the Sustainable Tourism Zone of the Caribbean (STZC).

2. We reiterate our commitment to work jointly for the consolidation of an enhanced economic space for trade and investment, based on the principles of the World Trade Organisation (WTO), for which we shall continue to encourage integration and co-operation measures that permit the strengthening of intra-regional trade and investment.
3. We note with satisfaction the progress yielded in the area of trade liberalisation and economic integration in the sub-regional and bilateral spheres among the Member States and Associate Members of the ACS. Within the framework of Article XX of the Convention Establishing the ACS, the interested countries will continue to encourage according to their priorities, trade agreements and tariff preferences, as identified in the initiative to establish the Caribbean Preferential Tariff (CPT).
4. We reiterate that the rationalisation and definition of regional transport policies are among the highest priorities of the ACS Plan of Action. We consider that transport must be the fundamental instrument for the development of tourism and trade in the region. In this respect, we emphasise our commitment to the objectives of the programme "Uniting the Caribbean by Air and Sea".
5. Based on the fulfilment of commitments made in Agenda 21, we support the activities for the protection and conservation of the environment and natural resources. In addition, we support the effort of CARICOM to have the Caribbean Sea declared a Special Area in the context of Sustainable Development, and instruct that this subject be included in the Caribbean Environmental Strategy. For this purpose, a high level meeting of experts will be convened to study this topic. Participation in this meeting will be open to all members of the Association.
6. We consider the Caribbean Sea an invaluable asset and agree to give special priority to its preservation. We therefore deplore its ecological degradation and reject its continuous use for the transport of nuclear and toxic waste that may in any way cause a greater degradation of the Caribbean Sea.

7. We express our deepest solidarity with the countries and territories of the ACS affected by natural disasters in recent years, as well as by the extensive losses of lives and material resources, caused by these phenomena, which have increased their difficulties in implementing their programmes of economic and social development.
8. We instruct the national authorities responsible for the prevention, mitigation and preparation for disasters, to put into practice, as soon as possible, the implementation mechanisms of the Regional Co-operation Agreement in the Area of Natural Disasters, signed by the Ministers of Foreign Affairs. In this respect, special focus will be placed on strengthening co-operation with the Caribbean Disaster and Emergency Response Agency (CDERA) and the Central American Co-ordination Centre for the Prevention of Natural Disasters (CEPRENAC).
9. We emphasise the importance of co-operation in science and technology as the basis for the promotion of sustainable development of the region and in this respect, we observe with satisfaction the progress made in the development of the Co-operation Mechanism in the area of Science and Technology.
10. We recognise the efforts to widen regional collaboration and co-operation with respect to the linguistic integration programme, the promotion of the teaching of the official languages of the ACS and the development of programmes of integration, co-operation and exchanges in the areas of education and culture. Similarly, we express our support for the activities being developed in the region with regard to the preservation of the cultural patrimony, and the promotion and defence of our cultural values.
11. We appreciate the importance of international co-operation for the development of the peoples and economies of the region, and we take note of the renewed effort by the ACS Special Fund to work in this direction.

12. We are aware that globalisation constitutes for the region an enormous challenge, that entails risks and opportunities. We therefore reiterate our interest in strengthening consultation and co-ordination of our positions in all those issues of mutual interest in the international agenda.
13. We agree that, faced with the rapid globalisation process, multilateralism is the indispensable response for dealing with its challenges and utilising its advantages, and in particular, for ensuring the effective exercise of the juridical equality of the States. We are aware moreover that the transparent and democratic functioning of multilateral bodies should be based on international law.
14. We reiterate our categorical rejection of all unilateral coercive measures, as well as the extraterritorial application of national laws by any State, since this is contrary to International Law, and moreover threatens the sovereignty of States and international co-existence. In this context, we reiterate our exhortation to the Government of the United States of America to put an end to the application of the Helms-Burton Law, in accordance with the Resolutions approved by the United Nations General Assembly.
15. We reaffirm our commitment to the preservation, consolidation and strengthening of democracy, political pluralism and the Rule of Law, as an ideal framework that allows respect for the defence and promotion of all human rights, including the right to development and basic liberties. In this respect, we reiterate that civic participation is an indispensable element in the creation of a new political culture. We also reiterate respect for the principles of sovereignty and non-intervention, in addition to the right of all peoples to build their own political system in peace, stability and justice.
16. We reiterate moreover the need to implement social and economic measures aimed at achieving integrated and harmonious development, based on equity, social justice, the raising of the standards of living of the population, and the eradication of

poverty, with the human being as the fundamental focus of development plans.

17. We renew our commitment to work for the sustainable development of the Caribbean through co-operation and integration.
18. We recognise the differences in the size and levels of development of the economies of the countries of the ACS and attach special significance to the vulnerability of the small economies of our region. We will take into consideration these differences in the treatment of the countries in the activities being developed within the framework of the ACS. We will search for means, complementary with suitable internal policies that would afford opportunities to encourage participation and further the level of development of the small and less developed economies.
19. We urge the international community to strengthen programmes of technical and financial assistance, human resource training, and the transfer of technology, in order to improve the opportunities for the small and less developed economies to prosper in the international system.
20. In this context, we agree that there is a need to promote co-operation and concerted action among the Member States and Associate Members of the ACS, so as to increase the negotiating capability of our region in international fora.
21. We reaffirm the principles adopted at the First ACS Summit, with regard to the international problem of the illicit traffic of drugs and related crimes, which represents a serious threat to tourism, trade and transport, and indeed, endangers the sovereignty and security of each State.
22. We reiterate the principles governing international co-operation for dealing with the international problem of the illicit traffic of drugs and related crimes, including shared responsibility, the global, integrated and balanced approach, unrestricted respect for the

principles of International Law, in particular those of sovereignty and territorial integrity. We therefore strongly reject every type of intervention in the internal matters of States and the extraterritorial application of domestic laws and unilateral measures. In this respect, we agree that programmes, actions and results must be considered within an agreed intergovernmental framework.

23. We are aware of the great wealth of the cultural diversity in the Caribbean region and as a result, we agree to increase efforts in defence of our cultural identity, to protect and promote its expressions, given that culture is one of the fundamental bases for the integration of the Caribbean peoples.
24. We reiterate the commitment of our governments to work in close collaboration in order to contribute to the success of the European Union/Latin America and the Caribbean Summit, which constitutes an exceptional opportunity for promoting concerted action among ACS Members, increasing co-operation and enhancing existing dialogues and agreements between the two regions. To this end, we will promote the Latin American and Caribbean proposal, adopted in Mexico City, in December 1998, aimed at identifying inter-regional co-operation activities that contribute to enhancing relations with the countries of the European Union.
25. This Summit will also be a special occasion to establish a direct and frank dialogue with the leaders of the European Union, in order to advance in a decisive manner economic relations between both regions, especially in the areas of trade and investment, as well as to promote the convergence of efforts to restore international financial stability and to redress the continued imbalances that might provoke a global recession.
26. We call for the optimisation of the potential and opportunities provided by the sectoral links among the programmes of the ACS and collaboration with relevant regional and national organisations, in order to ensure increasing complementarity among the activities of Member States and Associate Members.



27. We express our deep gratitude to the President of the Dominican Republic, His Excellency Leonel Fernández, and to the Government and people of the Dominican Republic, for the warmth, friendliness and lavish hospitality accorded to us throughout the Second Summit.

To give impetus to the goals and objectives outlined in this Declaration, we agree to adopt and execute the attached Plan of Action.

## **PLAN OF ACTION**

### **1. TOURISM**

On establishing the Sustainable Tourism Zone of the Caribbean (STZC) as a means of promoting the expansion of tourism on the basis of sustainability and to facilitate the overall development of the Caribbean region, the following activities must be carried out immediately:

1.1 Implement the strategies outlined in the “Memorandum of Understanding for the Establishment of the STZC”, signed by the Foreign Ministers and in the approved Immediate Plan of Action, which must be co-ordinated and executed by Tourism Ministries or Corporations and other competent bodies, and are defined in the following areas:

- Culture and Identity
- Community Participation
- Environment
- Technology for Sustainability
- Economic Policies and Instruments
- Tourism Marketing
- Education
- Legal Framework
- Sustainability indicators
- Air and Maritime Transport
- Co-ordination with the private sector
- Information Centre

1.2 Request that the relevant public sector entities begin to implement the actions considered immediate in this Plan, in close collaboration with the private sector and the other actors involved.

## **2. TRADE**

Follow up the mandates issued by the First Summit of Heads of State and Government held in Port of Spain, Trinidad and Tobago, regarding trade liberalisation, investment promotion and facilitation and inter-institutional co-operation among the members of the Association of Caribbean States.

### **2.1 Trade liberalisation.**

a) Within the framework of Article XX of the Convention Establishing the ACS, which allows Member States to undertake initiatives and conclude integration agreements among themselves, whenever these are consistent with the purposes and functions of this Convention, the countries concerned, according to their priorities, shall continue to promote bilateral trade agreements and preferential tariffs as identified in the initiative to establish the Caribbean Preferential Tariff (CPT).

b) Continue the task of identifying and then removing obstacles to intra-regional trade. To this end, business organisations in our countries shall be consulted.

c) Prepare an annual progress report on the bilateral and sub-regional integration process. This report must be presented at Ordinary Meetings of the Ministerial Council, once it has been approved by the Committee.

### **2.2 Trade and investment promotion and facilitation.**

a) Promote Permanent Business Fora in the Caribbean.

b) Guarantee that any officially promoted regional business forum is done in consultation with the Special Committee so that such events can be promoted as much as possible among the countries of the Caribbean, thereby facilitating contacts among the businessmen of the region.

- c) Prepare every six months a directory of Internet resources by subject area, containing useful information for the development of trade and investment, identifying national or regional sources which provide information on trade and investment trends and opportunities, and ensuring that this directory is available on the ACS Home Page.
- d) Design a trade facilitation programme at the regional level which could include trade promotion and development services as well as information on facilitating access to other markets.
- e) Convene a meeting of the trade and investment promoting organisations of the Caribbean, which would exchange experiences and identify possible areas of co-operation, within the framework of the Special Committee on Trade Development and External Economic Relations.

### **2.3 Vulnerability of small economies.**

- a) Identify measures for the establishment of special and differential treatment for the small economies of the region within the framework of the different aspects of trade being negotiated. There will be taken, as a point of reference, negotiations carried out or ongoing in the countries of the ACS and any other study or experience of negotiation in which ACS Members have been involved.
- b) Promote technical and financial assistance for the countries of the Caribbean region considered small economies, particularly in the areas of legislation, institutional development, training, implementation of studies, and information infrastructure equipment, in accordance with the priorities defined by the countries.

### **2.4 Training programmes for negotiators.**

Develop training programmes with the support of specialised agencies and academic institutions, with special emphasis on the training of professional teams of negotiators in trade-related disciplines, both at the public and private sector levels.

### **3. TRANSPORT**

In the process of integrating both air and maritime transport, and to consolidate the Programme “Uniting the Caribbean by Air and Sea”, the following priority action must be taken:

3.1 Form a group of experts to work on the definition of general elements to evaluate the possibility of adopting a common air transport policy in the ACS, which would foster increased functional co-operation and improvement of airport services, to be submitted to the proposed Meeting of Transport Ministers.

3.2 Instruct Ministers responsible for the area of Transport to meet with the aim of seeking closer political and technical relations that would make it possible to achieve the objectives of the Programme “Uniting the Caribbean by Air and Sea”.

3.3 Follow up on the tasks assigned during the First Meeting of Airline Executives and Aviation Authorities of the Region, convened by the ACS, particularly those linked to the implementation of functional co-operation among Caribbean airlines.

3.4 Promote among ACS Members the study of the different modalities of agreements for establishing the “Common Air Policy in the Caribbean”, based on research carried out by the Committee.

3.5 Continue working towards a definition of transshipment and cargo distribution centres in the ACS, with the aim of optimising the use of the most adequate ports and port services in the region, thereby promoting intra-regional trade.

3.6 Promote the use of electronic navigation maps with the aim of having dependable instruments for the detection of specific areas of risks and resources in the sea, and to increase the safety of maritime navigation in the Caribbean.

3.7 Promote multi-modal transport within the region in order to increase efficiency and reduce the costs of maritime transport, which will result in increased intra-regional trade in goods.

3.8 Promote training activities for maritime operators and the development of human resources, through co-operation agreements between regional technical training centres and those in Members of the ACS that offer such facilities.

3.9 Elaborate a directory of companies specialised in the business of maritime transport, which would facilitate a reliable regional data base, which would permit continuous updating.

3.10 Urge ACS Members party to international conventions on safety at sea, the prevention of pollution by boats, and standards of training, certification and maritime vigilance, to comply with these conventions.

3.11 Convene a meeting of providers of maritime services with the aim of complementing efforts to make their activities commercially viable and profitable.

3.12 Encourage ACS Members which have not yet done so, to accede to, ratify or adhere to, as the case may be, the FAL Convention of the International Maritime Organisation (IMO), with the aim of establishing uniform systems and facilitating international maritime traffic among them.

#### **4. ENVIRONMENT AND NATURAL RESOURCES**

To implement the Caribbean Environmental Strategy in the shortest possible time, in fulfilment of the principle enshrined in the Convention Establishing the ACS, to preserve the integrity of the Caribbean Sea as an asset common to the countries of the region, the following action must be undertaken:

4.1 Define an appropriate communication methodology for co-ordinating common positions of ACS Members, in specialised fora on the subject.

4.2 Encourage the exchange of experience on the environmentally sustainable use of traditional sources of energy and the generation of alternative energy.

4.3 Promote measures for ACS Members to access the United Nations technical assistance and information programmes - SIDS/TAPS and SIDS/NET.

4.4 Promote training, education and sensitisation programmes on environmental protection and natural resources at primary, secondary, tertiary and community levels, in co-ordination with the Special Committees on Science, Technology, Health, Education and Culture, and on Tourism.

4.5 Co-ordinate action for obtaining technical and financial assistance from regional and international institutions specialised in the protection of forestry resources and protected natural areas.

4.6 Foster the creation and/or strengthening of National Sustainable Development Councils, to encourage fulfilment of the commitments made under Agenda 21.

4.7 Encourage the presentation to the ACS Special Fund of innovative, low-cost projects which facilitate the participation of civil society, in alliance with local governments, for environmental protection and management, conservation of biological diversity, and natural resources management.

4.8 Promote that planning policies of ACS Members be aimed at integrating environmental matters, land use policies, and disaster prevention and mitigation, in the context of sustainable development.

## **5. NATURAL DISASTERS**

With the aim of implementing the Regional Co-operation Agreement on Natural Disasters, signed by the Ministers of Foreign Affairs, the following actions will be undertaken:

5.1 Recommend to the Ministerial Council that, as stipulated in the request made by the Special Group on Natural Disasters, the possibility of elevating that Group to the status of a Special Committee be analysed, bearing in mind the importance of the subject and the

presence in the region of existing co-ordination mechanisms, particularly the Caribbean Disaster Emergency Response Agency (CDERA) and the Centre for the Co-ordination of Disaster Prevention in Central America (CEPREDENAC).

5.2 Instruct the Special Committee responsible for the subject of Natural Disasters to implement and follow up on the “Regional Co-operation Agreement on Natural Disasters”.

5.3 Develop mechanisms to enable the Association to become a forum to secure political support to reinforce actions taken by governments and regional agencies specialised in disaster management, particularly CDERA and CEPREDENAC.

## **6. SCIENCE AND TECHNOLOGY**

6.1 Develop the Mechanism for Co-operation in Science and Technology, taking into account the need for it to be closely linked to the initiative for the creation of the STZC, as well as those related to other areas considered priorities in the Declaration of Santo Domingo. This should require concentration of efforts on those tasks aimed at:

- Creating and consolidating a scientific and technological culture at all social levels in such a way as to generate the conditions for its permanent modernisation;
- Supporting basic and applied research through the substantial increase in investment in infrastructure and the training of scientists and engineers in charge of Research and Development (R&D) activities;
- Promoting the creation of intramural R&D capacities in companies;
- Encouraging dialogue between academic institutions and industry and increasing co-operation and exchanges between them;
- Forming regional alliances to analyse common problems through regional and national R&D institutions;

- Promoting access of developing countries to modern technology and specialised knowledge, including the possibility of the transfer of technology.

6.2 Execute the projects on coastal eco-systems and the evaluation of the impact of the change in sea levels on ground water reserves of the Caribbean islands, as well as the incorporation of their results into the policy formation process of our respective governments.

6.3 Identify the possibilities offered by scientific and technological networks in which ACS Members participate, trying to maximise their potential and complement them where possible, with specific actions generated and executed within the framework of the ACS.

## **7. INFORMATION AND COMMUNICATION**

Taking into account that access to information and telecommunications constitutes a strategic element for regional integration, it is necessary to develop a strategic plan aimed at networking the region using the most advanced technologies. To achieve this, we agree to:

7.1 Establish a virtual telecommunications network, using the Internet and facilities of existing telecommunications providers, in order to connect ACS Members and facilitate the holding of electronic conferences and virtual meetings, which would provide a dynamic and low cost medium of electronic communication and greater access to information.

7.2 Consolidate initiatives geared towards improving communication between the Secretariat, Ministries of Foreign Affairs, and diplomatic missions. At a later stage, the range of users of the network would extend to the social actors connected with the Association.

7.3 Give priority to the initiatives undertaken by Governments that would help to prepare the region for the Y2K problem.

7.4 Support the consolidation of the Latin American and Caribbean Cultural Information System (SICLAC).



## **8. HEALTH**

Instruct the health authorities of ACS Members to co-operate with the Pan American Health Organisation (PAHO) in designing an epidemiological strategy and a regional programme for co-operation in emergent and re-emergent diseases, with the support of national and regional health institutions. The definition of this strategy and programmes will be realised through the convening of a meeting of national health authorities of ACS Members.

## **9. EDUCATION**

9.1 Create a working group, comprising governmental authorities, to co-ordinate the official education institutions in order to carry out a study on educational standards and certification levels in the technical schools and universities of the region.

9.2 Support the convening of the Second Meeting of University Authorities of the Members of the ACS, with the mandate of studying the possibility of formulating proposals for the establishment and monitoring of these standards and levels.

9.3 Foster inter-university co-operation, particularly with regard to the development of human resource training programmes in the tourism sector.

9.4 Promote co-operation among university centres for Latin American and Caribbean Studies in the region, with the aim of encouraging research, student and lecturer exchanges, scholarships, assistantships and sabbaticals for teaching staff from these institutions.

9.5 Promote measures whereby educational institutions, tourism and cultural development agencies can implement the specialised programmes of the Centres of Excellence specialising in the teaching of the official languages of the ACS.

## **10. CULTURE**

10.1 Promote the convening of a forum on the Caribbean region for reflection on its future and in the context of the new millennium.

10.2 Design a calendar of cultural events and a guide of public and private cultural institutions of ACS Members, through national cultural organisations, tourism development agencies, transport operators, with a view to increasing cultural integration and mutual knowledge, as well as the promotion of intra-regional tourism.

10.3 Design a programme of activities for the cultural integration of the Caribbean region, in collaboration with national and international agencies drawn from this sector, aimed at fostering a better understanding of the culture, patrimony and identity of our countries.

10.4 Request the active participation of countries in the Caribbean Festival of Arts (CARIFESTA) to be held in St. Kitts and Nevis in the year 2000.

## **11. SPECIAL FUND**

Bearing in mind the importance of strengthening the ACS Special Fund, as a means of ensuring the execution of activities identified for technical co-operation and research, projects which meet the necessary standards will be presented to international sources of co-operation and financing. Methods of promoting and fine-tuning the negotiation of agreements between the Association and potential co-operating countries and organisations will be sought.

## **12. INSTITUTIONAL AND ADMINISTRATIVE MATTERS**

12.1 Carry out a detailed analysis of the finances and administration of the Secretariat for the period 1996-1999, to be presented for evaluation at the Fifth Ordinary Meeting of the Ministerial Council, to be held in Panama, in December 1999.

12.2 Examine the results of the report on the finances and the mandates emanating from the Declaration of Santo Domingo, in order to revise the ACS budget heads to be applied from the year 2000, for which a proposal should be presented for the consideration of the Fifth Ordinary Meeting of the Ministerial Council.

12.3 Strengthen ties with the Founding Observers (CARICOM, SICA, SIECA and SELA) and other regional organisations within the ACS framework of action, to ensure the development of collaboration programmes and avoid the duplication of efforts.

The execution of this Plan of Action will require a common effort, which will be complemented with resources from international co-operation. This will be promoted through the ACS Special Fund in accordance with its Operational Regulations and Project Presentation Manual.

**DECLARATION OF MARGARITA:  
THE CONSOLIDATION OF THE GREATER CARIBBEAN.  
December 11-12, 2001**

***Third Summit of Heads of State and/or Government of the States, Countries and Territories of the Association of Caribbean States. Margarita Island, Venezuela.***

The Heads of State and/or Government of the States, Countries and Territories of the Association of Caribbean States (ACS), meeting in Margarita Island, Nueva Esparta State, Bolivarian Republic of Venezuela, on December 11-12, 2001;

Committed to the principles and objectives enshrined in the Convention Establishing the ACS;

Recalling our commitment to the Declaration of Principles and its Plan of Action resulting from the historic First Summit of Heads of State and/or Government of the ACS, held in Port of Spain, Trinidad and Tobago, on August 17-18, 1995, and the priorities identified for promoting regional integration, functional co-operation and co-ordination among the Member States and Associate Members of the ACS;

Considering the Declaration of Santo Domingo and Plan of Action emanating from the Second Summit of Heads of State and/or Government of the ACS, held in Santo Domingo de Guzmán, Dominican Republic, on April 16-17, 1999; and

Determined to strengthen the ACS as a body for consultation, concerted action and co-operation and recognising the importance of promoting conditions aimed at consolidating a Caribbean identity that would further strengthen our historical, political, economic, trade, social and cultural links:

1. We pledge to establish the region of the Greater Caribbean as a Zone of Co-operation, in recognition of the common geographic space shared by our States, Countries and Territories, and the common interests and objectives derived therefrom. The Greater

Caribbean Zone of Co-operation will consist initially of joint actions in the priority areas of the ACS, namely, Trade, Sustainable Tourism, Transport and Natural Disasters.

2. express our firm conviction that democracy, economic and social development and respect for and promotion of human rights and fundamental freedoms are interdependent and mutually reinforcing.
3. We reiterate respect for the principles of sovereignty, territorial integrity and non-intervention, as well as the right of each people to build its own political system in peace, stability and justice. We therefore strenuously reject any type of intervention in the internal affairs of States and the extra-territorial application of internal laws and unilateral and conditional measures for co-operation. In this context, we reiterate our appeal to the Government of the United States of America to end the application of the Helms-Burton Law, in conformity with the pertinent resolutions approved within the United Nations General Assembly.
4. We condemn terrorism and we confirm our commitment to combat it in all its forms and expressions, wherever it occurs and by whomever it is committed, and we are unequivocally committed to preventing and eliminating this scourge, as well as to consolidating mechanisms and instruments for international and regional co-operation in order to confront it, in accordance with the objectives and principles contained in the international instruments on this subject.
5. We also observe with concern the growing threat of transnational organised crime and we express our commitment to fight it in all its forms, and especially, to prevent, suppress and eliminate the trade of persons, the illicit traffic of migrants by land, sea and air; and the illicit trade and manufacture of firearms, components and ammunition.
6. We recognise the worldwide nature of the drug problem and its related crimes and the need for all forms of bilateral and

multilateral co-operation mechanisms. We reiterate the principle of shared responsibility and of an integrated, balanced approach to the problem, in accordance with international law, and, in particular, with full respect for the sovereignty and territorial integrity of States, non-interference in internal affairs and respect for human rights and fundamental freedoms.

7. We highlight the importance of alternative development and its sustainability, which would permit legal socio-economic alternatives and opportunities to generate income, improvement of the quality of life, environmental protection and the promotion of cultural values.
8. We agree that the principle of shared responsibility must be applied in the fight against the illicit traffic of small and light firearms, drug trafficking and money laundering. In this respect, we affirm our commitment to prevent, combat and eliminate this illicit trade at the national, regional and global levels, including measures to ensure international co-operation and assistance.
9. We support the strengthening of co-operation mechanisms to exchange information among legal and judicial institutions, and we recognize the importance of ratifying the Inter American Convention against the Manufacture and Illicit Traffic in Firearms, Ammunition, Explosives and other related materials. In this context, we support the implementation of a Plan of Action of the UN Conference on the Illicit Traffic in Small and Light Firearms, in all its aspects, held in New York in July 2001, and we congratulate Colombia for its work in chairing the event.
10. In order to combat the problem of corruption whose scope is transnational, we are in favour of promoting co-operation among Member States and Associate Members, as well as among national institutions responsible for enforcing the law in each country to eradicate corruption where it exists. In this regard, we value the contribution of the Inter-American Convention against Corruption and, as such, we support the negotiation of a United

Nations Convention against Corruption, to be conducted from January 2002.

11. We agree that among the fundamental causes of poverty and under-development is the unequal distribution of wealth and knowledge prevailing in the world. In this respect, we support all co-ordinated and determined efforts to create an environment leading to sustainable economic and social development aimed at combating poverty and inequality and therefore pledge to achieve economic growth with social equity and to combat poverty, as fundamental conditions for deepening democracy, political stability and the legitimacy of our Governments.
12. We reaffirm the principles of solidarity, consultation, co-operation and concerted action to be the best way forward for the region to benefit from the opportunities and to meet the challenges of globalisation. We also recognise that the cultural heritage of the Greater Caribbean is a powerful unifying force and we affirm the importance of protecting and promoting the expressions of our cultural identity.
13. We confirm our commitment to an international trade system based on rules that favour special and differential treatment for developing countries, particularly within the World Trade Organization (WTO) and the Free Trade Area of the Americas (FTAA). For this, we must work towards concerted positions, including civil society in the decision making process. We therefore ratify the principles agreed to by our Ministers and Senior Officials responsible for trade negotiations at the meeting held on September 5, 2001, in Port of Spain, Trinidad and Tobago, on Special and Differential Treatment for Small Economies in the framework of the FTAA, which is attached to this Declaration. We support the proposal for the creation of a Regional Development Fund within the FTAA process.
14. We recognise the importance of the agreement of the 4<sup>th</sup> WTO Ministerial Meeting to place the needs and interests of developing

countries at the core of the WTO Work Programme, adopted at Doha. We also express our greatest interest and support for the multilateral trade negotiations launched at Doha to take into account in an adequate, effective and binding manner, the principle of special and differential treatment for developing countries, so as to respond to their economic and social development needs.

15. We consider of particular interest for developing countries the creation of a working group to examine the inter-relation of trade, debt and finance, with a view to supporting a lasting solution to the problem of the external debt of developing countries, and of another group to study the links between trade and the transfer of technology, with the aim of presenting the relevant recommendations to increase the flows of technology towards developing countries. Similarly, we welcome the agreement reached in relation to the Declaration on the TRIPS Agreement and to Public Health, particularly due to the recognition of the right of Members to apply measures to solve the serious public health problems that afflict many developing countries, especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics.
16. We reiterate the need to work jointly to consolidate a broad economic space for trade and investment, and we encourage the reduction of obstacles to trade in the Greater Caribbean. In this respect, we will continue to promote integration and co-operation measures that would strengthen intra-regional trade and investment.
17. We consider the institutionalisation of the Business Forum of the Greater Caribbean as an essential mechanism to promote trade and investment in the region. As such, we congratulate Venezuela and Mexico for organising the 1<sup>st</sup> and 2<sup>nd</sup> Business Fora of the Greater Caribbean and we offer our support to the efforts of Costa Rica and Cuba to host the 3<sup>rd</sup> and 4<sup>th</sup> Fora in the years 2002 and 2003 respectively.
18. We endorse the implementation of the Integrated Information System of the Greater Caribbean and we instruct the integration and co-operation Secretariats and entities of the region to execute this project.



19. We recognise the Energy Co-operation Programme for Central American and Caribbean Countries, better known as the San José Agreement, as a unique instrument of collaboration, which over twenty years of operation, has meant significant support for economic and social development in the region.
20. In addition, we appreciate the efforts being made by Venezuela to co-operate with a group of countries of the region, through the Caracas Energy Agreement, in order to contribute to the economic and social progress of the beneficiary countries of this agreement.
21. We underline the importance of the International Conference on Financing for Development which, under the auspices of the United Nations, will take place in Monterrey, Mexico, on March 18-22, 2002. We recognize that this key multilateral forum represents an ideal opportunity to reach consensus in the international community, to respond to the urgent need to reactivate international financing to promote development and the reduction of inequalities among countries. We also reaffirm our commitment to promoting active participation in preparatory efforts and during the very development of the Conference, so as to foster qualitative and quantitative participation in it.
22. We welcome the recent support offered to the region by the member countries of the Caribbean Development Bank, with negotiations being held for the signing of a new Cycle of Replenishment of Resources for the Special Development Fund, through pledges to finance social projects and projects to combat poverty in its beneficiary countries. We also appreciate the efforts made by the Bank regarding negotiations to expedite Haiti's admission as a borrowing member country.
23. Taking into account the importance of tourism for the economic development of the Greater Caribbean, we urge the early ratification and implementation of the Convention for the Establishment of the Sustainable Tourism Zone of the Caribbean, signed at this Third Summit of Heads of State and/or Government of the ACS.

24. Recognising the Caribbean Sea as the common patrimony of the region, and an invaluable asset for which we give special priority to its preservation, we urge our countries to take fully into account the elements of the Resolution "Promoting an Integrated Management Approach to the Caribbean Sea Area in the context of Sustainable Development" (A/RES/55/203), approved by the 55<sup>th</sup> Session of the UN General Assembly, and to continue taking steps for the Caribbean Sea to be recognised by the international community as a Special Area in the context of Sustainable Development.
25. We support the conclusions of the Regional Preparatory Conference of Latin America and the Caribbean World Summit on Sustainable Development held on October 23 to 24, 2001, in Rio de Janeiro, Brazil, as contained in the Rio de Janeiro Platform for Action, and also take note of the Regional Roundtable for Latin America and the Caribbean held in Bridgetown, Barbados, on June 18 to 20, 2001, in the context of the preparations for the Earth Summit, "Rio + 10", to be held in Johannesburg, South Africa, in 2002.
26. We support the conclusions of the Ministers of the Environment of Central America and the Caribbean, meeting in Panama City, Panama, on October 26-27, 2001, who, in their final declaration, expressed the urgent necessity of forging a new culture of water in our societies, which, based on the best traditions of our peoples, incorporates new values and realities to guarantee the conservation, rational use, economic valuation and the understanding and acceptance by all the population that water is a finite and vulnerable resource, indispensable to all living beings and necessary for sustainable human development.
27. We recognise the need for urgent action to minimise the negative impacts of climate change, including sea level rise and the increase in the frequency and intensity of natural disasters. In this regard, we urge all countries which have not already done so, taking into consideration the principle of common but differentiated responsibilities, to sign and ratify the relevant international treaties, in particular the United Nations Framework Convention on Climate Change and the Kyoto Protocol of this Convention.

28. We urge those Member States and Associate Members that have not yet signed and/or ratified the Convention for the Protection of the Marine Environment of the Wider Caribbean Region, known as the Cartagena Convention, and its Protocols, to do so as soon as possible and to take all necessary steps to ensure national implementation of their provisions at the earliest opportunity.
29. We reiterate our strenuous and total rejection of the continued use of the Caribbean Sea for the shipment and trans-shipment of nuclear materials and toxic waste, given the threat that any accidental or deliberately induced spill of these materials would represent to the life and ecosystems of the region.
30. We reaffirm the importance of the Agreement between Member States and Associate Members of the Association of Caribbean States for Regional Co-operation on Natural Disasters, and we urge its early ratification and implementation. We also reaffirm the importance of international co-operation in Natural Disaster prevention, by promoting scientific and technical activities that would strengthen the capabilities of Member States and Associate Members to address the reasons for vulnerability, to confront disasters and reduce their negative impact, by means of continuous human resource training and instruction.
31. We are in favour of recognising the need, in those countries where the situation does not exist, for national Disaster Management Organizations (DMOs) to operate independently, and as such, to be assigned autonomous budgets, so that they might be responsible for emergency response and relief, as well as the implementation of plans and programmes for prevention, mitigation and reduction.
32. Taking into consideration the importance of risk management, which implies intensifying all actions towards risk as a process, we pledge to include it as a platform that would guide investment within the social and economic development programmes of our countries.

33. We recommend that Member States and Associate Members consider the possibility of creating National Post-Disaster Funds that would respond to financing needs in the areas of rehabilitation, reconstruction and mitigation of risk of disasters.
34. We recognise the importance of effective air and maritime transport, with a view to implementing the programme "Uniting the Caribbean by Air and Sea". These kinds of transportation are essential for the development of regional trade and tourism and the general self-sustainability of the region. In this context, we urge the continuation of negotiations leading to the conclusion of the Air Transport Agreement among the Member States and Associate Members of the ACS who so wish, as well as the development and implementation of a port and maritime database for the benefit of the public and private sectors.
35. We welcome the commencement programmes of academic activities, in the area of maritime transport, for the countries of the Greater Caribbean, by the Maritime University of the Caribbean, headquartered in Vargas State, Venezuela, whose academic fields and levels contribute to human resource development in the countries of the Greater Caribbean, as well as the creation of a Regional Coordinating Centre to utilise all existing potential in the different Member States and Associate Members.
36. We acknowledge the indisputable fact that the eradication of diseases is vital to our social well-being and economic prosperity and are concerned about the formidable threat posed by the HIV/AIDS pandemic to the sustainable economic development and social stability of our countries. We recall, moreover, the Declaration of Commitments emanating from the Special Session of the UN General Assembly on HIV/AIDS of June 2001, which highlights, inter alia, *"encouraging and supporting local and national organisations to expand and strengthen regional partnerships, coalitions and networks"* in the fight against HIV/AIDS. We therefore strengthen our collective commitment to the eradication of this pandemic.

37. In this context, we support a basic public education programme for the population in general; international co-operation to promote access by all, without discrimination, to pharmaceutical products, raw materials or fundamental medical technology, for prevention, cure or relief; and the promotion of programmes for the control of sexually transmitted diseases, applying treatments with a syndromic approach, particularly in countries with fewer economic resources.
38. Recalling that the first European Union/Latin America and the Caribbean Summit (EU/LAC), held in June 1999, defined a strategic association, aimed at developing political, economic and cultural relations between the two regions, we recognize that the Second EU/LAC Summit, to be held in Madrid, Spain, in May 2002, will be an opportune occasion to consolidate the aforementioned association and to promote participatory and equitable dialogue between the countries of the Greater Caribbean and the EU/LAC.
39. We express the need to increase the resources of the Special Fund of the ACS, as a mechanism for the implementation of projects in the priority areas of the Association. In this regard, we appreciate the efforts of Venezuela in conducting the negotiations leading to the creation of a Protocol of Co-operation, through which the ACS will have access to the resources of the OPEC Fund for International Development, as well as the initiation of negotiations with the United Nations Industrial Development Organization (UNIDO) for the signing of a co-operation agreement with the ACS. We also welcome the conclusion of the Co-operation Agreement with the International Organization of the Francophonie to strengthen the French language capabilities of the ACS Secretariat and of the Greater Caribbean.
40. We recognize the importance of making commitments to increase links and strengthen relations with other regional and international co-operation agencies, dedicated to financing resources and providing technical assistance, in accordance with the strategic needs of the region.

41. We recognise and value the significant contribution that civil society is making to the strengthening and development of the ACS and therefore we urge the continuation of its important contribution to the consolidation of the Greater Caribbean Zone of Co-operation.
42. We look forward to achieving universality of membership as provided for in the Convention Establishing the Association of Caribbean States and we urge those eligible Countries and Territories to take the necessary steps to become Associate Members.
43. We reiterate the importance of the political dialogue of the Heads of State and/or Government of the ACS in order to strengthen the ACS as an important forum for co-operation, consultation and concerted action.
44. We express our deep gratitude to the President of the Bolivarian Republic of Venezuela, His Excellency Hugo Chávez Frías, and to the Venezuelan Government and people, for their warm welcome and generous hospitality throughout this Third Summit.

In order to comply with the principles and objectives outlined in this Declaration, we agree to approve the attached Plan of Action and instruct the Ministerial Council, in accordance with Article VIII of the Convention Establishing the Association of Caribbean States, to follow up and evaluate its implementation at its next Ordinary Meeting and to formulate policies and guidelines to guarantee its execution in the shortest time possible.

## **PLAN OF ACTION**

The tasks contained in the following Plan of Action of the Association of Caribbean States (ACS) shall be completed within a two-year period and shall be the basis of the Work Programme and Programme Budget of the Association for the years 2002 and 2003. The Secretariat shall present regular reports and recommendations on the implementation of this Plan of Action to the Ministerial Council and its subsidiary organs, which will decide on action to be taken and possible modifications to be made, taking into account changes in circumstances.

Actions aimed at guaranteeing and mobilizing resources that would contribute to the implementation of projects in the areas of Sustainable Tourism, Trade, Transport and Natural Disasters, shall be articulated with the Council of National Representatives of the Special Fund, which, given its nature, is the body responsible for coordinating all these activities, in order to carry out necessary follow-up and control of projects, as well mobilizing the resources necessary to ensure the execution of said projects.

### **1. SUSTAINABLE TOURISM**

As a result of the process of rationalisation and prioritisation, the actions of the Special Committee on Sustainable Tourism will be aimed at accomplishing the following objectives:

1.1 Signing, ratification and implementation of the Convention Establishing the Sustainable Tourism Zone of the Caribbean (STZC) by all Member States and Associate Members.

1.2 Full establishment and operationalisation of the mechanism provided for in the guidelines governing the identification, approval, categorization and incorporation of the destinations that constitute the STZC, to guarantee and/or ensure that they satisfy the criteria of Sustainable Tourism.

1.3 Establishment of a mechanism for the provision of technical and other assistance to Member States and Associate Members for the

upgrading of standards, practices, and monitoring and regulatory instruments to meet the requirements of the established criterion for categorisation and incorporation of the STZC, such as the Certificate of Tourism Sustainability which emphasises the following aspects:

- **Economic Sustainability:** which will result in the profitability of enterprises and therefore the creation of new jobs;
- **Environmental Sustainability:** which will seek the protection of biological diversity and its valuation;
- **Social and Cultural Sustainability:** which will promote greater benefit for local communities with due respect for and preservation of traditional values, the respective identities and conservation of cultural resources.

1.4 Obtaining financing for and initiating the implementation of the projects on: Inventory of the existing legal framework in the regional sphere, with regard to the twelve strategies defined in the Immediate Plan of Action; Study of the potential demand for tourism activity; Inventory of potential suppliers; and Study on potential multi-destination routes in the Caribbean.

1.5 Encourage the establishment of a Regional Tourist Security Network in the countries of the Greater Caribbean. We therefore welcome the convening of the First Congress on Tourist Security, which will be organized by the Police General Command of Nueva Esparta State, Venezuela, during the last quarter of 2002.

1.6 Continuation of efforts and actions necessary to have the Caribbean Sea declared a Special Area in the context of Sustainable Development.

1.7 Obtaining financing for and initiating the implementation of the Coastal Ecosystems Project.

1.8 Obtaining financing for and initiating the implementation of a Language Training Project.

1.9 Development and initial implementation of an action plan for cooperation in air transport for Sustainable Tourism. The first step will



be the organization in 2002 of a forum for Senior Airline Executives and the Highest Level Civil Aviation and Tourism Authorities of Member States and Associate Members.

1.10 Co-ordination with the Caribbean Environmental Programme of the United Nations Environment Programme (CEP/UNEP) to encourage Member States and Associate Members of the ACS to sign and/or ratify the Convention for the Protection of the Marine Environment of the Wider Caribbean Region, known as the Cartagena Convention and its Protocols:

Regarding Protected Areas of Wild Fauna and Flora (SPAW)  
Regarding Land Based Sources of Marine Pollution. (LBS)

1.11 Co-ordination with the other regional fora, in particular the Ministers of the Environment of Latin America and the Caribbean, to promote further the integration of sustainable development into all activities.

1.12 Support for the marketing initiatives adopted by regional organizations, Member States and Associate Members in response to the terrorist acts of September 11, 2001 and their subsequent effects, with the objective of developing and diversifying non-traditional markets. As a result, it is recommended that service charges imposed by the tour operators and wholesalers not be adopted and that in their place, systems of co-operation and information be established to guarantee minimum price regimes that are in the best interests of the tourism industry.

1.13 Identification of mechanisms to involve Civil Society in the discussions and recommendations on the development of sustainable tourism in the Greater Caribbean region.

1.14 Encouraging Member States and Associate Members to maintain programmes of formal education, training and public awareness on sustainable tourism, which involve exchanges with universities and other academic institutions to permit the cultural development of the Greater Caribbean, while preserving the identity of the peoples.

1.15 Evaluation, if necessary, of the inclusion of other indicators of tourism sustainability in the STZC, such as those established by the human development and poverty indices of the United Nations.

1.16 Development of joint co-operation programmes for the creation of micro-enterprises, environmental management, transfer of technology, as well as other actions which contribute to the sustainability of tourism. Promotion of the implementation of special fiscal measures in favour of enterprises affected by natural disasters and other events that threaten the economic stability of the region.

1.17 Reinforcing the image of the Greater Caribbean as a peaceful, safe and tranquil destination in all spheres, by carrying out campaigns of institutional promotion to stimulate, among other things, the development of multi-destination and intra-Caribbean programmes, as well as to attract Caribbean immigrant communities in the developed countries of America and Europe, so that they can return home and consolidate their national identity.

## **2. DEVELOPMENT OF TRADE AND EXTERNAL ECONOMIC RELATIONS**

In the context of the Development of Trade and External Economic Relations, the following goals must be met:

2.1 Approval and execution of a programme for the gradual reduction and elimination of obstacles to trade, for the promotion of investment and to consolidate an enhanced economic space for trade and investment.

2.2 Development and implementation of the Integrated Information System of the Greater Caribbean, including the establishment of an Electronic Communication Network for Trade Information.

2.3 Annual convening of the Business Forum of the Greater Caribbean. The 3<sup>rd</sup> Business Forum of the Greater Caribbean will be held in Costa Rica in 2002, and the 4<sup>th</sup> Forum in Cuba in 2003.

2.4 Continuing to hold Forums of Trade Promotion Organisations. These may or may not take place concurrently with the Business Forums.

2.5 Convergence of positions of Member States and Associate Members in international negotiations with respect to the treatment of small economies in international agreements, particularly with respect to the World Trade Organisation (WTO) and the Free Trade Agreement of the Americas (FTAA), based on the principles set out in the Annex to the Declaration of Margarita.

2.6 Establishment and development of a Training Programme in Trade Negotiations, in coordination with and to complement those of other regional institutions.

### **3. TRANSPORT**

The programme "Uniting the Caribbean by Air and Sea" will be implemented through actions in air and maritime transport, which might contribute, in an effective manner, to the expansion of intra-Caribbean trade and investment, multi-destination tourism, as well as functional cooperation in general among the Member States and Associate Members of the ACS. To this end, the following actions will be undertaken:

3.1 Completion of the negotiation and initiation of the implementation of the Air Transport Agreement among Member States and Associate Members of the Association of Caribbean States who so wish.

3.2 Obtaining financing for and initiating the implementation of the project "Creation of an up-to-date, user friendly, Internet-based system for obtaining and disseminating a database on Maritime Transport and Port Activity".

3.3 Preparation of a project for the formation of a Coordinating Centre for Scientific and Technical Research, human resource training and consultancies for ACS Member States and Associate Members.

3.4 Signing and implementation, as the case may be, of the co-operation agreements between the ACS Secretariat and the Caribbean Shipping Association (CSA), TRAINMAR AMERICAS, the Maritime University of the Caribbean (UMC) of Venezuela, and the Caribbean Maritime Institute (CMI) of Jamaica.

#### **4. NATURAL DISASTERS**

Activities in the area of Natural Disasters will be based on the Agreement between Member States and Associate Members of the Association of Caribbean States for Regional Co-operation on Natural Disasters. In this respect, the following will be undertaken:

4.1 Ratification and implementation of the Agreement by all Member States and Associate Members.

4.2 Continuing with the implementation of the projects related to: "Strengthening of the response capability of the national disaster response systems"; "Use of the existing information centres for antecedents and information on the activities in the priority areas identified by the Special Committee on Natural Disasters"; "Development of technical co-operation exchanges for emergency relief to strengthen Disaster Management Organisations (DMOs)"; and obtaining the necessary financing, when required by the Special Committee on Natural Disasters.

4.3 Implementation of the project "Updating of Wind and Earthquake Codes of ACS countries and their placement on the Internet and/or CD-Rom".

4.4 Preparation and implementation of the project "Promotion of the Human Resource Training Programmes existing in the Greater Caribbean Region in order to strengthen national DMOs".

4.4 Preparation of regional programmes and projects, based on horizontal co-operation, aimed at strengthening national DMOs.

4.5 Preparation of a programme to promote and strengthen the exchange of information and experiences in the area of natural disasters, among the DMOs of Member States and Associate Members.

4.7 Development of a programme to promote and strengthen co-operation between existing sub-regional DMOs, such as CDERA and CEPREDENAC.

4.8 Realisation of a study on the possibility of creating mechanisms that identify sources of reimbursable and non-reimbursable financing, as well as the requirements for effective management vis-à-vis the international organisations, so that Member States and Associate Members of the ACS that are affected by disasters can direct the resources to the areas of rehabilitation and reconstruction.

## **5. SPECIAL FUND**

As the executing agency of the ACS for international co-operation, the Special Fund, with the support and co-operation of Member States and Associate Members, will continue to seek new international co-operation resources for the execution of the projects outlined in this Plan of Action.

In this context, the following actions will be carried out:

5.1 Strengthening of existing mechanisms of articulation and co-ordination, aimed at managing and fostering international co-operation in the ACS.

5.2 Establishment of a network of international co-operation focal points of Member States and Associate Members, with a view to strengthening co-ordination in the implementation of regional projects in the Greater Caribbean, through the use of new information technologies, as a mechanism of communication among these focal points.

5.3 Study, preparation and implementation of resource mobilization mechanisms of the private sector of the Greater Caribbean, in order to encourage and facilitate the participation of this sector in ACS projects.

5.4 Obtaining technical assistance aimed at the institutional strengthening of the Secretariat for managing co-operation projects.

5.5 Preparation of a matrix that would systematize all potential sources of co-operation for the ACS and the creation of a strategy so that, following a structured work plan and established priorities, the financing needed for the region might be sought.

In the execution of the present Plan of Action, the ACS Secretariat will continue to pay particular attention to:

- The identification of a wide range of sources for financing the co-operation activities which have been approved by the ACS;
- The development of political and co-operation relations with the Member States, Associate Members and Observers Countries of the ACS;
- The development of inter-institutional co-operation with special emphasis on inter-Secretariat co-operation with the Founding Observers of the ACS;
- The dissemination of information on the ACS to the general public; and
- The promotion of the region of the Greater Caribbean as a Zone of Co-operation.

**DECLARATION OF PANAMA.**  
**July 29, 2005**

***Fourth Summit of Heads of State and/or Government of the States,  
Countries and Territories of the Association of Caribbean States.  
Panama City, Panama.***

1. We, the Heads of State and/or Government of the Member States and Associate Members of the Association of Caribbean States (ACS), have gathered in Panama City, Republic of Panama on July 29, 2005, to reaffirm our full commitment and support for the ACS and the validity of its principles and objectives outlined in the Convention Establishing the ACS, through which we will continue to promote the sustainable development of our peoples in economic, environmental, social and cultural aspects.
2. We recognise that the Tenth Anniversary is an appropriate occasion to reflect upon the evolution of the ACS, its achievements and challenges, and to focus on the future of our organisation. In this respect, we are committed to giving new political impetus to the Association.
3. We recognise that in light of the experience gathered over the past ten years, our Association has achieved a level of maturity that requires a New Vision to inspire its activities in the years ahead, and in that sense, the time is ripe for our Association to move more rapidly to achieve our principal objectives through promoting greater consultation and co-operation among our Member States, taking into account the dynamic of the international agendas, and by playing a more profound and effective role in the international community, particularly at the regional and sub-regional levels.
4. We recall the Guadalajara Declaration of the Latin America and Caribbean-European Union Summit, held in Mexico in May 2004, which recognised the ACS as an important regional partner for strengthening co-operation between the Greater Caribbean Area

and the European Union. We will develop appropriate follow-up mechanisms to strengthen co-operation with the EU.

5. We reiterate our firm commitment to multilateralism and the fundamental principles of International Law. We recognise that in order to advance toward achieving peace and international security, sustainable development and social progress, it is necessary to effectively strengthen the multilateral system, with the United Nations organisation as the core. In that regard, we reiterate our willingness to contribute to the achievement of overall reform within the United Nations, which would strengthen the authority of the General Assembly, as the leading deliberative and representative body of the system, the coordinating role of the Economic and Social Council in activities for development, among others, and promote greater accountability, transparency, equitable representation and democratisation within the Security Council. In this regard, we underline the importance of ensuring that the developing countries have greater representation on a reformed Security Council.
6. We reaffirm our commitment to the objectives and principles enshrined in the United Nations Charter, in particular, respect for sovereignty and the legal equality of States, human rights, the principle of non-intervention, the prohibition of the threat or use of force against the territorial integrity or political independence of States and respect for the right to free determination of the peoples.
7. We reiterate respect for the principles of sovereignty, territorial integrity and non-intervention, as well as the right of every people to construct in peace, stability and justice, their own political system. In this regard, we recall the Margarita Declaration, which rejected any type of unilateral coercive economic measures applied by any State and the extraterritorial application of internal laws, such as the Helms-Burton Law, which undermine the principles of international law and the United Nations Charter. Consequently, we are deeply concerned over measures that strengthen and



expand the application of such legislation. We once again appeal to the Government of the United States of America to put an end to such measures, in accordance with the 13 resolutions (“Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba”) approved by the United Nations General Assembly. f

8. We reaffirm our condemnation of all acts of terrorism, in all their forms and manifestations, wherever they are committed and by whomever they are committed, and we pledge to continue strengthening co-operation among States so as to effectively prevent, suppress and eliminate this scourge.
9. We acknowledge the need to strengthen the fight against the global problem of drugs and its related offences. We reiterate the “Principle of Shared Responsibility” and the overall and balanced treatment of the problem, pursuant to International Law and in particular, with full respect for sovereignty, territorial integrity and legal equality of States. We are committed to the objective of arriving at a Caribbean that is free of the scourge of illicit drugs. We believe that the best way to address it is by way of international cooperation of a multilateral, regional and bilateral nature, based on the aforementioned principles.
10. We are committed to preserving the rich and diverse cultural identity of the Greater Caribbean, defined by our common assets and reinforced by the geographic space that unites us. Our association must be built on this unique foundation and must make optimum use of our collective capabilities so as to promote and protect our interests in the regional and international contexts.
11. We reiterate our commitment to democracy and recognise that governance must be based on democratic principles and institutions, social justice, equality and respect for the Rule of Law within the framework of a system that accepts and guarantees civic participation, satisfies social needs and strengthens sustainable development through governmental policies.

12. We reaffirm our commitment to work to promote democracy, economic development and social progress in Haiti.  
We recognise the efforts undertaken by the Republic of Haiti and the international community with the common objective of contributing to the institutional development and the promotion of the democratic process of the country within the framework of security, the Rule of Law, and full respect for human rights. In that respect, we stress the importance of generating extensive dialogue among all sectors of Haitian society in order to achieve political stability, economic growth, and national reconciliation. We further stress the need to create credible, inclusive, and transparent conditions necessary to ensure a free and fair electoral process.  
We urge the international community to place greater priority on the mobilization of resources to facilitate the economic and social development of Haiti.
13. We reaffirm that the fight against poverty and social exclusion is essential to promote and consolidate democracy. We reiterate that democracy and socioeconomic development are inter-dependent and mutually reinforcing. We therefore assign the highest priority to the social agenda and to the eradication of poverty, hunger, malnutrition, discrimination in any of its forms and economic, social and gender inequality. We fully support similar action in other regional and international forums and we will promote with these, the coordination of efforts so as to optimise resources and together fight poverty in all its dimensions. In this context, we underscore the importance of redoubling efforts toward achieving the Millennium Development Goals and other regional initiatives that are social in nature.
14. In this respect, we welcome the support given to this Summit by the Regional Office of the United Nations World Food Programme in the overall analysis of the issue of hunger, malnutrition and social development in the Greater Caribbean; we therefore invite the World Food Programme to promote, in coordination with the ACS, the organisation of a network involving governments, multilateral, bilateral and non-governmental organisations, the

private sector, communities and specialists and academics, toward gradually eliminating hunger and all forms of malnutrition during the coming decade, taking as one of its fundamental principles the feminisation of poverty.

15. We acknowledge that in our countries there is a significant social sector of persons with disabilities who, in order to ensure full exercise of their rights, require special attention in matters of promotion as well as protection against any form of discrimination. Consequently, state policies in all spheres should be aimed at eliminating the specific barriers faced by disabled persons in order to bring about a broad-based commitment with regard to access to and equal opportunities in the various activities that make up a way of life in our societies, as well as identifying the specific means or measures required to allow disabled persons the true exercise of the entire range of human rights. In this manner we will be contributing to the development of increasingly inclusive, fair, and dignified societies.

16. We agree on the need to ensure greater efficiency in public administration, through increased civic participation, since this constitutes a fundamental pillar on which the stability and transparency of democracy rest. We also reaffirm our resolute commitment to emphatically fight, individually and collectively, as the case may be, public and private corruption, which undermines the economic capability of States to address the priority problems of their peoples, associated with development and equity, and is one of the factors that weakens citizens' confidence in the democratic system and its institutions.

We underscore the need to adopt individual and joint measures toward preventing, detecting and penalising corruption. We appeal to the international community for those States who have not yet done so, to consider the possibility of signing or ratifying, as the case may be, the United Nations Convention against Corruption, so that it can enter into force as soon as possible. In addition, we the States who are parties to the Inter-American Convention against Corruption express our commitment and support for the strengthening of its follow-up mechanism (MESICIC).

17. We emphasise the important task of the United Nations Permanent Forum on Indigenous Issues to facilitate international recognition of the rights of indigenous peoples, including the elimination of all forms of discrimination, respect for their cultural identity and the improvement of their economic and social situation.
  
18. We note with great concern the grave threat posed by the HIV/AIDS pandemic for the human, social and economic development of the Greater Caribbean and we recognise that in order to fight it, greater efforts need to be undertaken in the areas of prevention and treatment within the region and co-operation efforts need to be increased at the international level to guarantee universal access to medications and adequate treatment, and we pledge to develop a cross-sectoral strategy to co-operate with other regional intergovernmental bodies in the fight against HIV/AIDS. We further express our concern over emerging and re-emerging diseases such as malaria, dengue, yellow fever, tuberculosis, leprosy, Chagas disease and others, considering the current economic, social and environmental health context, health problems associated with unplanned development in densely populated areas.
  
19. The Caribbean Sea is a common patrimony of the region and we, as its custodians, reiterate our decision to continue taking the steps necessary to ensure its recognition as a special area in the context of sustainable development by the United Nations General Assembly.
  19. a. We instruct the Ministerial Council to permanently include this topic on its agenda, with a view to ensuring the formulation and coordination of a negotiating strategy to be analysed and approved by the Ministers of Foreign Affairs.
  
  - 19.b. We also instruct the Ministerial Council to coordinate with other regional initiatives, when appropriate, actions necessary to conserve the natural resources of the Greater Caribbean region.

- 19.c. We propose to take into account the elements of the Resolution “Promoting an Integrated Management Approach to the Caribbean Sea Area in the Context of Sustainable Development” (A/RES/59/230), approved by the 59th Session of the United Nations General Assembly.
- 19.d. In that regard, we support the efforts of the Secretary General of the ACS to contribute to the deliberations held within the framework of the Latin American and Caribbean Group, the Group of 77 and with our partners from developed countries.
- 19.e. We welcome the Declaration of Mauritius adopted during the Conference to Review the Programme of Action of Barbados for Small Island Developing States, convened in Mauritius in January 2005, which reaffirms the need to work actively in favour of promoting the sustainable development of this group of especially vulnerable countries, for which international co-operation continues to be an essential factor.
- 19.f. We reaffirm our commitment to strengthen co-operation and coordination among the Party and Signatory States of treaties establishing denuclearised zones, particularly among Caribbean States. In this respect, we highlight the convening of the International Conference of Party and Signatory States of Treaties Establishing Nuclear Weapon Free Zones, convened in Mexico City, on April 26-28, 2005, which served as a valuable opportunity for accomplishing this objective.
19. g. We reaffirm the position adopted at the 3rd Summit in Margarita, where we reiterated our strenuous and forceful rejection of the continued use of the Caribbean Sea for the shipment and transshipment of nuclear material and toxic waste, given the threat that any accidental or deliberately induced spill of these materials would represent to the life and ecosystem of the region.

We call upon the countries that produce nuclear and toxic waste to implement urgently relevant measures to establish reprocessing facilities which would put an end to the need for transshipment of this nuclear and toxic waste.

Without prejudice to the foregoing we recognise the international obligations of ACS Members, particularly those that have obligations under the United Nations Convention on the Law of the Sea, and relevant Instruments of the International Maritime Organisation. We urge those countries currently involved in production or shipment of nuclear waste to adopt measures aimed at strengthening international cooperation in order to comply with security measures on transportation of radioactive material, especially those adopted at the 47th General Conference of the IAEA (Austria 2003).

20. We acknowledge the vulnerability of our countries and territories to natural disasters and their negative impact on our efforts to ensure sustainable development; we also share the idea that the best way to combat vulnerability to natural disasters is to integrate disaster management and risk reduction into development policies and plans at all levels of our governments. We further reaffirm the importance of international co-operation, particularly at the regional level, in order to strengthen the national and regional bodies dedicated to the prevention and mitigation of risks and natural disasters.

20 a. We urge the Member States and Associate Members who have not yet done so and who are in a position to do so, to consider the possibility of signing or ratifying, as the case may be, the ACS Agreement for Regional Co-operation in the area of Natural Disasters, so that it may enter into force as soon as possible.

20. b. We express our appreciation for the support and humanitarian relief provided by the international community, particularly ACS Members, to those countries in the region affected by hurricanes in 2004. In this regard, we welcome the establishment of the Hurricane Relief Fund, as proposed

by Venezuela within the framework of the Caribbean Development Bank in April 2004.

20. c. We welcome the Declaration of Kobe adopted during the Second World Conference for Disaster Reduction, held in Japan in January 2005, which reaffirms the importance of integrating disaster management and risk reduction into development policies and plans at all levels of our Governments, particularly the need to promote international financial assistance and the transfer of technology necessary to strengthen risk management capabilities in vulnerable countries.
20. d. We pledge to foster international co-operation and capacity-building in the area of natural disasters, in enhancing the provision of humanitarian assistance at all stages of a disaster and in promoting a culture of prevention and early warning systems.
21. We reaffirm our strong conviction that negotiations on trade and other economic issues within the framework of the World Trade Organisation (WTO) and the hemisphere must be geared toward achieving comprehensive and equitable agreements that would foster economic growth and regional integration. This would contribute to the fulfilment of the objectives of sustainable development, and allow the eradication of poverty. Therefore, our Association must play a more relevant role as an organisation that provides a political platform for discussion and concerted action, in order to make a more meaningful contribution to trade negotiations.
  - 21.a. We recognise the urgent need to strengthen the economic integration of the Greater Caribbean and are concerned over the fact that intra-ACS investments and trade still reflect a very low participation that does not correspond to the development expectations of the Members' integration process. In this regard we propose making efforts to strengthen the mechanisms that will make it possible to increase the levels of intra-regional investments and trade as an important instrument to attain the goal of greater integration.

21. b. We recognise the work undertaken by the ACS to support the progressive dismantling of barriers and obstacles to trade and the mobility of capital.
21. c. We recognise the importance of having a Framework Agreement for the Promotion and Reciprocal Protection of Investments among ACS Members, an instrument that will help to promote, protect and confer legal certainty on investments and we therefore pledge to carry out the necessary actions. We instruct the Ministerial Council to adopt the measures necessary to commence the negotiation of this instrument.
21. d. We support ACS efforts toward improving and expanding current export promotion mechanisms, applying new forms of collective participation and decision-making for their planning and scope.
21. e. We confirm our recognition of the differences in size and levels of development of the small economies of the ACS and we place great importance on reducing their vulnerability. We stress the need for the Association to continue devoting efforts toward achieving special and differential treatment that would promote and facilitate participation from small economies in the global economy.
21. f. We underscore the importance and significance of institutionalising the Business Forum of the Greater Caribbean as a tool for promoting trade and investment in the region and we urge those Member States and Associate Members who have not yet signed the Agreement on Reciprocal Co-operation among ACS Trade and Investment Promotion Organisations to do so.
21. g. We reaffirm our support for the actions undertaken toward the establishment of a Virtual Market and an Integrated Information System among the countries of the Greater Caribbean, which would help increase participation from the public and private business sectors of our countries in intra-regional trade.



22. We agree that the tourism sector is one of the most important sources of foreign direct investment and foreign exchange earnings, and a significant provider of employment in the region, and we therefore welcome initiatives within the ACS to establish tourism programmes and increase the number of visitors to the Zone, in accordance with the concept of sustainability.

22.a. We recognise that the Convention Establishing the Sustainable Tourism Zone of the Caribbean (STZC) creates the first sustainable tourism zone in the world. We appeal to the Member States and Associate Members who have not yet done so and who are in a position to do so, to consider the possibility of signing or ratifying, as the case may be, the Convention and its Protocol, so that they may enter into force as soon as possible.

22.b. We have decided that the Ministers or the highest tourism authorities of ACS Members, in the framework of the Special Committee on Sustainable Tourism and in conjunction with the specialised organisations in the Greater Caribbean, should convene a meeting during the first half of 2006, during which experiences would be exchanged and proposals and alternatives regarding public tourism policies would be examined, especially those associated with cruise ships, so that the possibilities of this type of tourism providing a greater contribution to the sustainable development of the sector in countries within the zone can be evaluated.

23. We recognise transport as an adequate channel for strengthening regional ties, especially in the areas of trade and tourism. In that respect, the ACS is a suitable instrument for addressing the main challenges of maritime and air transport within the framework of the programme: Uniting the Caribbean by Air and Sea.

23.a. We urge the Member States and Associate Members who have not yet done so and who are in a position to do so, to consider the possibility of signing or ratifying, as the case may

be, the Air Transport Agreement among the Member States and Associate Members of the ACS, so that it may enter into force as soon as possible.

24. We support the efforts of the Special Fund and the Secretary General to promote medium and long-term programmes beyond specific projects. In this respect, we propose a strengthening of their efforts toward the acquisition of resources. We instruct the Secretariat to develop a communication strategy to promote awareness of the work carried out by the ACS.
25. We recognise the growing success of the ACS in implementing a culture of co-operation among the integration and co-operation organisations in the Greater Caribbean, particularly among its Founding Observers, and we support joint efforts toward the four areas of interest of the ACS being backed by the commitment of the Members and Secretariats with continued functional collaboration. In this respect, we invite the Founding Observers and other regional and sub-regional organisations to promote the broadest participation possible on their part, in the building of bridges among the different groups of ACS Members and we support joint activities, current and future, toward the mobilisation of extra-budgetary resources.
26. We acknowledge the significant co-operation received by the ACS from those Member States, Associate Members, Observers, International Organisations and other co-operation agencies, without whose contributions the projects and activities undertaken thus far would not have been possible, in addition to which we appreciate their perseverance in the activities of the ACS.
27. We congratulate ourselves over the 24th renewal of the San Jose Agreement, signed on August 3, 2004, and which extended for one more year the commitment of Mexico and Venezuela to jointly supply up to 160,000 barrels of crude and/or refined petroleum per day to the participating countries of Central America and the Caribbean, as well as over the upcoming renewal that was the

topic of a meeting that the Bilateral Follow-up Committee held in Mexico City on 26 July.

We underscore the importance of the continuation of this Agreement and acknowledge the modifications made by the governments of Mexico and Venezuela to its financing system, which has been shored up by the recent signing by the Mexican Government of the Agreements for the Channelling of Resources Derived from the San Jose Agreement – by means of the Finance and Public Credit Secretariat with the Central American Bank of Economic Integration (CABEI) and the Banco Nacional de Comercio Exterior (BANCOMEXT) – which makes the financial terms and conditions more flexible. The formalization of these agreements reaffirms the Mexican Government's political will to strengthen the cooperative nature of the San Jose Agreement, speed up the use of resources, and facilitate the financing of projects.

We appreciate the efforts of the Government of the Republic of Trinidad and Tobago, through the establishment of the Petroleum Stabilization Fund in 2004 – a grant facility – and its renewed commitment in 2005, to extend solidarity and support to those CARICOM states which experience difficulty arising from the increase in oil prices.

We appreciate the efforts being made by the Bolivarian Republic of Venezuela to cooperate in solidarity with the countries of the Caribbean area, and note the holding of the 1st Energy Meeting of Heads of State and/or Government of the Caribbean on PETROCARIBE, which took place in the city of Puerto La Cruz-Venezuela on June 28-29, 2005, with the fundamental purpose of contributing to energy security, socioeconomic development, and the integration of the Caribbean countries by means of the sovereign use of their energy resources.

28. We celebrate the election of the Secretary General of the Association of Caribbean States, Dr. Rubén Silié Valdéz in February 2004.
29. We invite the territories eligible for ACS membership to take the necessary steps to become Associate Members, with a view to

achieving universality of membership as provided for in the Convention Establishing the Association of Caribbean States.

30. We express our deep gratitude to President Martin Torrijos Espino and to the People and Government of Panama, for the warm welcome and hospitality shown during the convening of the 4th ACS Summit.

## **2. AGREEMENT BETWEEN MEMBER STATES AND ASSOCIATE MEMBERS OF THE ASSOCIATION OF CARIBBEAN STATES FOR REGIONAL COOPERATION ON NATURAL DISASTERS. 1999**

The Contracting Parties,

Being Parties to the Convention Establishing the Association of Caribbean States, (hereinafter called the Convention), signed in Cartagena de Indias, Colombia, on July 24<sup>th</sup>, 1994,

Taking into account that clause 1, paragraph d, of Article III of the Convention, specifies that the Association is an organization for consultation, concerted action and co-operation, whose purpose is to identify and promote the implementation of policies and programmes aimed, among other things, at establishing co-operation agreements which respond to the diverse cultural identities, developmental needs and regulatory systems of the region,

Considering that the Ministerial Council of the Association, during its First Ordinary Meeting, held in Guatemala City, 1st December 1995, approved by Agreement No. 1/95, the Work Programme for the first phase of the Association, and decided that the initial activity should be to focus, inter alia, on accomplishing the priority actions in relation to natural disasters which affect the Member States and Associate Members of the Association,

Recalling, that the Ministerial Council of the Association, through Agreement No. 1/95, indicated that with the objective of increasing the ability of the Member States and Associate Members of the Association to cope with disasters and so mitigate their negative

effects, actions will be carried out with the aim of developing a Co-operation System in this area,

Willing to increase and strengthen regional co-operation and emphasizing the importance of it in the effective management of natural disasters, especially when oriented towards reducing the vulnerability of the population, the infrastructure and economic and social activities of the Parties,

Aware of the vulnerability of the Member States and Associate Members to a diversity of natural disasters,

Recognizing the adverse consequences of natural disasters on the health and well-being of the population, bio-diversity, the economy and infrastructure,

Aware that for the development of the region, it is necessary to establish a legal framework that promotes a Co-operation System for the prevention and management of natural disasters,

Have agreed to the following:

## **ARTICLE 1**

### **Definitions**

For the purpose of this Agreement the definitions outlined in Article I of the Convention shall apply.

Furthermore, the Agreement shall consider the following definitions:

- 1. Natural disaster:** damage caused by any natural phenomenon (hurricane, tornado, storm, tidal wave, flood, tsunami, earthquake, volcanic eruption, land slide, forest fire, epidemic, epizootics, agricultural plague and drought, among others), which affects people, infrastructure and the productive sectors of different economic activities with such severity and magnitude that it goes beyond the local response capacity and for which regional

assistance is required, upon request of one or more of the affected parties, in order to supplement the efforts and resources available to them, and to reduce damage and losses.

2. **Disaster planning:** this is part of the process of preparing to confront a future disaster. This planning includes activities aimed at prevention, mitigation, preparedness, response, rehabilitation and reconstruction.
3. **Disaster prevention:** this term defines all the activities and technical and legal measures that must be carried out during the planning process for socio-economic development, with a view to avoiding the loss of human lives and damage done to the economy, as a consequence of natural disasters.
4. **Mitigation:** an action aimed at reducing the impact of natural disasters on the population and the economy.
5. **Preparation:** Organizational activities which ensure that the systems, procedures and resources required to confront a natural disaster, are available in order to provide timely assistance to those affected, using existing mechanisms wherever possible.
6. **Disaster reduction and management:** all prevention, mitigation, preparation and response measures to guarantee adequate protection for the population and the economy, in the event of a natural disaster.
7. **Risk:** relationship between the frequency and the consequences of the occurrence of a particular event.
8. **Vulnerability:** susceptibility to loss or damage of elements exposed to the impact of a natural phenomenon.
9. **Secondary threat:** this is the result of a primary hazard, usually of greater severity than the previous one.
10. **Disaster response:** this involves the activities carried out immediately following the disaster, and includes, *inter alia*, rescue

and response activities, the provision of health services, food, shelter, water, sanitation facilities and other basic necessities for survival.

**11. Highly vulnerable areas:** zones, parts of the territory or territories where there are elements which are highly susceptible to suffering severe, large scale damage, caused by one or more natural or anthropogenous phenomena and that require special attention in the sphere of cooperation among the parties.

**12. Contracting Parties:** The Member States and Associate Members eligible to participate in the Association, in accordance with what is specified in Article IV of the Convention.

## **ARTICLE 2**

### **Objective**

The objective of this Agreement is to develop a network of legally binding mechanisms that promote co-operation for prevention, mitigation and management of natural disasters, through the collaboration of the contracting parties among themselves and with organizations which work in the field of natural disasters in the region.

## **ARTICLE 3**

### **Highly Vulnerable Areas**

The Contracting Parties may, when necessary, declare within their territory, their territories or specific zones, Highly Vulnerable Areas, with a view to developing plans for co-operation in the prevention and management of natural disasters.

In order to establish a Highly Vulnerable Area, the Contracting Parties must take the following procedure into account:

1. The Party that exercises sovereignty, or sovereign rights or jurisdiction over a Highly Vulnerable Area shall submit its nomination for inclusion in the registry of Highly Vulnerable Areas of the Association of Caribbean States, which will be created and updated by the Secretariat, on the basis of the nomination

approved by the Special Committee responsible for the subject of Natural Disasters.

2. The nominations shall be presented in accordance with the guidelines and criteria concerning the identification and selection of the Highly Vulnerable Areas, which are determined by the Contracting Parties, on the advice of the Special Committee responsible for the subject of Natural Disasters.
3. Each Party which submits a nomination shall make available to the Contracting Parties, through the ACS Secretariat, the following information on their Highly Vulnerable Areas:
  - a) name of the area;
  - b) bio-geography of the area (limits, physical characteristics, climate, social composition, etc.);
  - c) vulnerability of the area;
  - d) management programmes and plans;
  - e) research programmes;
  - f) characteristics of the status of disaster prevention and/or mitigation.

In order to develop fully co-operation among the Contracting Parties in the management of Highly Vulnerable Areas and to ensure effective fulfilment of the obligations outlined in this Agreement, it is recommended that each Party adopt and implement measures for planning, management, surveillance and control, which shall include at least the following:

- i. formulation and adoption of disaster management guidelines suited to the Highly Vulnerable Areas;
- ii. adoption of a management plan which outlines the legal and institutional framework and the protective measures suitable for the Highly Vulnerable Area or Areas;
- iii. development of awareness programmes, local organisation for emergencies and education of the population and decision-makers, to reinforce the prevention and/or mitigation measures;



- vi. active participation of local communities, whenever their direct presence is required, in planning, assistance, and training of the local population;
- v. adoption of mechanisms for financing the development and effective management of the Highly Vulnerable Areas and the promotion of programmes of mutual assistance;
- vi. establishment of procedures for regulating or authorizing activities compatible with the common guidelines and criteria established by the Contracting Parties;
- vii. development of adequate infrastructure and training of interdisciplinary technical staff competent in the management of disasters.

#### **ARTICLE 4**

#### **Mutual Co-operation and Assistance**

The Contracting Parties shall promote:

1. The formulation and implementation of standards and laws, policies and programmes for the management and prevention of natural disasters, in a gradual and progressive manner;
2. Joint actions, with a view to identifying, planning and undertaking programmes for the management of natural disasters, with the assistance of specialized natural disaster organizations operating in the region;
3. Co-operation in the formulation, funding and implementation of aid programmes for those Parties that request them, especially with regard to assistance from regional and international organizations. These programmes shall be oriented towards educating the population in the ways of preventing and coping with natural disasters, training of scientific, technical and administrative staff, as well as the acquisition, use, design and development of suitable equipment;
4. Periodic exchange of information, by diverse means, concerning their best experiences in the reduction of disasters;

5. The adoption of existing standards for the classification and management of humanitarian supplies and donations with the purpose of improved transparency and efficiency in humanitarian assistance.
6. The mobilization of the necessary resources for responding to natural disasters among the Contracting Parties shall always be done at the request of the affected Party and shall be done in accordance with the principles and norms of international law, and existing co-operation agreements, particularly with respect to sovereignty and self-determination of the affected Party;

## **ARTICLE 5**

### **Scientific and Technical Activities**

The Contracting Parties shall promote scientific and technical activities geared towards:

1. The creation of an inventory of experts to facilitate impact evaluation missions in collaboration with the sub-regional, regional and international agencies or teams that have already been established;
2. the inventory in the field of prevention and mitigation and other related aspects of natural disaster management;
3. the identification of opportunities to strengthen intra and inter-regional co-operation, including academic institutions and research centres;
4. the exchange of technical materials and reports concerning the management of natural disasters;
5. the preparation, circulation and continual updating of a register of persons qualified in different disciplines to assist the region in the event of disasters;
6. unification of the methodologies, lexicon and other aspects of the terminology of natural disasters, for use by the Contracting Parties.

## **ARTICLE 6**

### **Reports to the ACS Ministerial Council**

The Contracting Parties shall present to the ACS Ministerial Council, at every Ordinary Meeting, through the Special Committee responsible for Natural Disasters, a report on all the activities conducted for the management of disasters in the region, including basic statistics, the projected impact on regional and national development and the results obtained following the implementation of the present Agreement.

## **ARTICLE 7**

### **Establishment of Common Guidelines and Criteria**

The Parties shall evaluate and propose to the Ministerial Council, the adoption of common guidelines and criteria, particularly on the following aspects:

- a) identification and selection of Highly Vulnerable Areas with the aim of their being applied to the procedure for the establishment of these same Areas;
- b) provision of information on the Highly Vulnerable Areas, activities and priorities;
- c) national and regional initiatives aimed at reducing the vulnerability of the population;
- d) strengthening of national sub-regional and regional infrastructure;
- e) identification of common interests in order to ensure and adopt a position of consensus in various regional and international fora;
- f) urging of the Contracting Parties to include issues related to the prevention and mitigation of natural disasters in their co-operation projects and to give priority to such issues on their agenda of international negotiation;
- g) the establishment of a system of co-operation in education for the management of natural disasters supported by the development of

a common curriculum, the benefit of shared academic resources, the promotion of teacher exchanges and greater use of the Internet;

- h) promotion of action programmes for the incorporation of disaster management in urban and rural planning policies;
- i) recommending the Contracting Parties to initiate dialogue with insurance companies in order to promote the adoption of prevention and mitigation measures by means of incentives;
- j) promotion of the continuous training of personnel in the field of disaster management, in the areas of health, emergency response and telecommunications and for the development and improvement of early warning systems at the regional, sub-regional and national levels;
- k) promotion of the development of centres for documentation on disasters at the regional and sub-regional levels, taking into consideration existing capabilities and using a common methodology of indexation and standardization ;
- l) granting priority at the regional and sub-regional levels to:
  - i. carry out activities of co-operation and mutual aid which are dealt with in Article 4 above;
  - ii. complete scientific and technical activities particularly those specified in Article 5 above;
  - iii. design training programmes in the management of disasters;
  - iv design regional and sub-regional projects to be presented to the ACS Special Fund and to the international finance agencies.

## **ARTICLE 8**

### **Prevention and Mitigation**

1. The Contracting Parties shall adopt both individually and jointly, all the measures required to support intra-regional and inter-regional co-operation in the management of natural disasters.

2. Each Contracting Party shall periodically exchange with the others, updated information on the implementation of the present Agreement.
3. In the area of the transportation of material and equipment for natural disaster prevention and mitigation, the Contracting Parties shall take the necessary measures to obtain the co-operation of the private sector in air and maritime transportation.

## **ARTICLE 9**

### **Relation with other Regional and International Organizations/Conventions**

The Contracting Parties:

1. Recognize the Regional Disaster Information Centre (CRID) as a focal point for the diffusion and dissemination of information on the issue of natural disasters.
2. May invite to their meetings the authorities of regional, sub-regional and international organizations and institutions in order to encourage the exchange of experiences, data and human resources in the management of natural disasters in the Wider Caribbean.
3. Shall ensure the effective co-ordination of the technical assistance supplied, prior to a disaster, by a Contracting Party, third parties or international organizations.
4. Shall collaborate with existing sub-regional co-ordination mechanisms, such as CDERA and CEPREDENAC, in their disaster management activities.

## **ARTICLE 10**

### **Institutional Provisions**

1. Each Contracting Party shall designate a Focal Point which will act as liaison with the ACS with regard to the implementation of this Agreement.

2. The Contracting Parties designate the Special Committee responsible for Natural Disasters, in collaboration with the ACS Secretariat, to exercise the following functions, in accordance with their respective competence:
  - a) convene and lend assistance at meetings of the Parties;
  - b) prepare common formats for use by the Parties, which would serve as a basis for notices and reports to the Ministerial Council, according to the provisions of Article 6 above;
  - c) distribute among the Parties material containing scientific, technical and educational information, with the assistance of the CRID and in collaboration with the specialized natural disaster organizations operating in the region;
  - d) formulate recommendations containing common guidelines and criteria in accordance with the provisions of Article 7 of the present Agreement;
  - e) elaborate and maintain updated directories and reports on technical studies, in collaboration with the specialized natural disaster organizations operating in the region;
  - f) co-ordinate activities with regional organizations which have as one of their objectives the prevention and mitigation of natural disasters;
  - g) establish mechanisms for the reproduction of reports of agencies and experiences of countries in the official languages of the ACS.

## **ARTICLE 11**

### **Meetings of the Contracting Parties**

The ordinary meetings of the Contracting Parties shall be held six (6) months prior to each Ordinary Meeting of the Ministerial Council and shall preferably coincide with the meetings of the Special Committee responsible for Natural Disasters. The Parties may hold extraordinary meetings, at the request of any of the Parties. Meetings shall follow the

procedural norms of the Ministerial Council specified in Article XI of the Convention and Agreement No. 9/95 and any other regulations approved by the Ministerial Council.

## **ARTICLE 12**

### **Participants at Meetings of the Contracting Parties**

To attend meetings, each Contracting Party shall appoint a representative authorized to take decisions on the management of natural disasters, who may be accompanied by other experts and designated advisers. To this end, each Party must notify the ACS Secretariat of the composition of its Delegation.

## **ARTICLE 13**

### **Obligations**

The Contracting Parties of the present Agreement undertake to:

- a. implement the present Agreement, in accordance with the actions, policies and programmes approved by the Ministerial Council, with regard to natural disasters, according to the provisions of paragraph a) of Article IX of the Convention;
- b. evaluate the measures for co-operation to be undertaken within the framework of the present Agreement, its appendices and/or amendments, including their financial and institutional implications;
- c. in the event that the activities to be undertaken involve the organs established by the Convention or by the Ministerial Council, the respective recommendations shall be presented for the consideration of the Ministerial Council, except when specific mandates have been approved by the Ministerial Council, in relation to the issue treated by the Contracting Parties;
- d. assess the effectiveness of measures adopted for natural disaster management and protection, including Highly Vulnerable Areas, and examine the need for additional

measures, the aim of which would be to improve the level of co-operation in accordance with the present Agreement, in the form of Appendices to this Agreement;

- e. establish and revise, as required, the common guidelines and criteria, in accordance with the provisions of Article 7 above;
- f. approve by consensus the annual report that must be submitted to the Ministerial Council, in accordance with the provisions of Article 6 above;
- g. any other function related to the implementation of the present Agreement and those decided by the Ministerial Council;

#### **ARTICLE 14**

##### **Effective Implementation of the Agreement**

The Contracting Parties shall co-operate on the development and adoption of the measures required to facilitate the effective implementation of the present Agreement, in accordance with the rules of international law.

#### **ARTICLE 15**

##### **Signature**

This Agreement shall be open for signature as from the 17<sup>th</sup> day of the month of April, 1999, by any State, Country and Territory referred to in Article IV of the Convention, which has ratified or adhered to same.

#### **ARTICLE 16**

##### **Ratification and Adherence**

Ratification and adherence shall be conducted according to the procedure stipulated in Articles XXIII and XXVII of the Convention, respectively.



## **ARTICLE 17**

### **Depositary**

The instruments of ratification or adherence must be deposited with the Depositary Government for the Convention, the Government of the Republic of Colombia, and must comply with the procedure for notification stipulated in Article XXV of the Convention.

## **ARTICLE 18**

### **Entry into Force**

The present Agreement, once adopted by the Contracting Parties, shall come into effect in accordance with the procedure specified in Article XXVI of the Convention

## **ARTICLE 19**

### **Amendments**

The present Agreement may be amended by consensus at Meetings of the Heads of State and/or Government or Meetings of the Ministerial Council of the ACS. The amendments shall enter into force thirty days after ratification by two thirds of the Member States.

## **ARTICLE 20**

### **Interpretation and Resolution of Disputes**

Doubts or disputes that might arise among the Contracting Parties concerning the application or interpretation of this Agreement, and which cannot be resolved by the Parties involved, shall be resolved by the Ministerial Council. In any case, the Convention shall prevail over this Agreement.

## **ARTICLE 21**

### **Duration and Withdrawal**

1. This Agreement shall remain in effect for an indefinite time, or for as long as the Convention remains valid.

2. Each Contracting Party may withdraw from this Agreement in accordance with the procedure established in Article XXX of the Convention.

## **ARTICLE 22**

### **Reservations**

This Agreement admits no reservations.

Prepared in Santo Domingo de Guzmán, Dominican Republic on the 17th day of the month of April, 1999, in a single document in the English, Spanish and French languages, all three texts being equally valid and authentic.

IN WITNESS WHEREOF, the duly authorized representatives sign the present Agreement.

### **3. CONVENTION ESTABLISHING THE SUSTAINABLE TOURISM ZONE OF THE CARIBBEAN**

The Principal Contracting Parties,

Being Signatories to the Convention Establishing the Association of Caribbean States, signed in Cartagena de Indias, Colombia, July 24, 1994,

Taking into consideration the objectives that supported the creation of the Association of Caribbean States, in Cartagena de Indias, Colombia, July 24, 1994; in addition to the statements contained in the Declaration of Santo Domingo de Guzmán, resulting from the Second Summit of Heads of State and/or Government of the States, Countries and Territories of the Association of Caribbean States, held in the Dominican Republic on April 16-17, 1999, as well as the principles and objectives outlined in the Plan of Action on Tourism, Trade and Transport;

Recognizing the validity and importance of the Declaration Establishing the Sustainable Tourism Zone of the Caribbean, approved at the aforementioned Second Summit and the Caribbean Sea as the common patrimony of the region, its historic role, as well as its potential to serve as a unifying element in the development of the region;

Bearing in mind the need to mobilize the collective capacity of its people so as to develop tourism in a sustainable manner, rationally utilizing natural resources in order to enhance the quality of life of present and future generations of Caribbean people;

Reaffirming our conviction of the importance of the concept of sustainability as the basis for protecting biodiversity, culture and the environment, with the human being at the core of our actions, by virtue of favouring an improved distribution of the benefits derived from tourist development;

Taking into consideration that Tourism constitutes the main economic activity for most countries of the region referred to as the Greater

Caribbean, and that it represents in itself, a significant factor in foreign exchange earnings, economic and social development;

Convinced that the Sustainable Tourism Zone requires a perennial political will that would recognize the need to realize its potential as a means toward improving the living conditions of our people;

Considering what was agreed upon in the Memorandum of Understanding for the Establishment of the Sustainable Tourism Zone of the Caribbean, and appreciating that the quality, competitiveness and sustainability of this Sector are intrinsically linked to conserving the natural environment and culture of the Caribbean;

In accordance with what is expressed in the Declaration Establishing the Sustainable Tourism Zone of the Caribbean, paragraph 5 (b), which provides that the ACS shall evaluate the existing legal framework and monitor the progress of the Immediate Plan of Action in order to negotiate a legally binding instrument, which by being signed and ratified, would replace the Memorandum of Understanding approved in Santo Domingo de Guzmán, the Dominican Republic, on April 17, 1999;

Agree to the following:

## **Article 1**

### **Objective**

The objective of this Convention is to establish the Sustainable Tourism Zone of the Caribbean, from now on referred to as the Zone, as a geographically determined cultural, socio-economic and biologically rich and diverse unit, in which Tourism development will depend on sustainability and the principles of integration, co-operation and consensus, aimed at facilitating the integrated development of the Greater Caribbean.

## **Article 2**

### **Scope of application**

This Convention shall be applicable to the geographic area located within the basin of the Caribbean Sea, over which ACS Member States and Associate Members exercise sovereignty, or sovereign rights or jurisdiction, in accordance with what is stipulated in article 5 of this Convention.

## **Article 3**

### **Obligations of the Parties**

The following shall be the obligations of the Parties:

- A. Adopt, individually and/or collectively, the measures required for gradually and progressively implementing the Sustainable Tourism Zone of the Caribbean, as an instrument that would serve to exclusively foster tourism development and the development of the Greater Caribbean.
- B. Adopt, individually and/or collectively, the measures required for developing, coordinating and following up the Strategies listed below, by the relevant authorities of ACS Member States and Associate Members:
  1. Culture and Identity: Develop projects to research, disclose, preserve and disseminate Caribbean culture, as a means of contributing to consolidating the Caribbean identity and protecting cultural values, so as to strengthen the region's image as a tourist destination.
  2. Community Participation: Create mechanisms to promote community participation in decision-making, planning, development and the benefits derived from tourist activity, while simultaneously improving infrastructure and basic services in tourist receptive areas.
  3. Environment: Design research and development programmes and projects so as to promote the preservation, conservation and

sustainable use and management of natural spaces used for tourist development.

- 4 Technology for sustainability: Utilize the best technologies available for managing sewage, drainage and solid waste, in addition to using alternative energies and anti-pollution processes.
- 5 Economic policies and instruments: Encourage the creation of economic and financial policies and instruments that would facilitate the development of sustainable tourist enterprises.
- 6 Tourist Market: Encourage the realization of strategies and specific plans of action toward facilitating: the development of tourist products, an increase in the added value of the Caribbean tourist product, and greater demand for the region.
- 7 Education: Develop programmes on sustainable tourism education, training and awareness that would contribute to raising not only the quality of life of communities, but also the tourist services provided and the level of tourist awareness of both the service providers and the tourists.
- 8 Legal Framework: Draft, adjust, sign and ratify the legal and regulatory frameworks needed to give meaning to the Sustainable Tourism Zone of the Caribbean.
- 9 Indicators: Encourage the creation of sustainability indicators, in addition to a categorization system related to tourist enterprises and attractions, as well as tourist destinations that would grant consumers a medium and long term guarantee of environmental quality.
10. Air and Maritime Transport: Promote the development of interregional air and maritime transport systems that would facilitate the transfer of tourists.
11. Co-ordination with the private sector: Promote co-ordination activities with the private sector, in organizing and planning

development, for the purpose of consolidating sustainable tourist development in the Caribbean region.

12. Information centre: Promote the creation of an Information Centre on Sustainable Tourist Development that will be available to all ACS Member States and Associate Members. In this respect, governments are committed to providing information in order for the Centre's database to be established.
- C. Maintain minimal criteria and values for the sustainability indicators of the destinations, and gradually extend them in order to achieve a high level of quality for the Zone, as a tourist destination.
- D. Co-operate in the drafting and adoption of Protocols or other Agreements, in order to facilitate the effective application of this Convention.
- E. Cooperate in the implementation and harmonizing of the Programs and Projects prepared by the Regional and International Organizations regarding sustainable tourism to use the collective capacities of the Great Caribbean Region.
- F. Adopt the necessary measures, in accordance with international law, to effectively fulfill the obligations stipulated in this Convention and its Protocols, and seek to harmonize their policies in this respect.
- G. Provide the Secretariat of the Association of Caribbean States with information acquired from the application of the Sustainability Indicators approved by the Special Committee on Sustainable Tourism. Such information and any other that may be required, shall be provided within the timeframe established by the Special Committee on Sustainable Tourism and shall be duly guaranteed by the competent entities in the fields of tourism and environment.

## **Article 4**

### **Functions of the Special Committee on Sustainable Tourism**

The functions of the Special Committee on Sustainable Tourism shall be as follows:

- A. Periodically evaluate the status of the implementation or development of the Zone, as well as the advancement of the destinations that constitute it, in accordance with sub-paragraph C of article 3.
- B. Determine and establish regional and uniform minimal criteria and values so as to identify and register as Parts of the Zone, the destinations proposed for such purposes by ACS Member States or Associate Members.
- C. Analyze the proposals put forward by Member States or Associate Members of the ACS for destinations to be integrated and categorized in the Zone, as well as recommend their approval to the Ministerial Council.
- D. Suggest to the Ministerial Council that if periodic evaluations reveal that destinations have ceased to comply with the indicators, they should be recategorized.
- E. Recommend a mechanism for Parties to receive assistance in applying and executing bearing in mind regional initiatives.
- F. Urge the Member States and Associate Members of the ACS to develop national programs aimed at attaining regional sustainable tourism.
- G. Present recommendations to the Ministerial Council regarding the adoption of additional instruments to fulfill the objectives of the Sustainable Tourism Zone of the Caribbean.

In order to carry out the functions assigned, the Special Committee on Sustainable Tourism will be assisted by a panel of technicians and experts whose formation and duties will be defined in an additional instrument entitled "Guidelines Governing the Identification, Approval and Categorization of destinations that Constitute the Sustainable Tourism Zone of the Caribbean".



## **Article 5**

### **Identification, approval and categorization of the destinations that constitute the Sustainable Tourism Zone of the Caribbean**

- A. Each ACS Member State or Associate Member shall, in accordance with regional and uniform minimal criteria and values, identify the destinations proposed for integration into the Zone.
- B. The Special Committee on Sustainable Tourism shall analyze the integration proposals of one or several destinations put forward by an ACS Member State or Associate Member, and in the appropriate cases, recommend to the Ministerial Council its integration to the Zone, according to the procedure established in the instrument entitled "Guidelines Governing the Identification, Approval and Categorization of Destinations that Constitute the Sustainable Tourism Zone of the Caribbean".
- C. The Secretariat of the Association of Caribbean States shall register as parts of the Zone, those destinations approved by the Ministerial Council.

## **Article 6**

### **Signature**

This Convention shall be open for signature from December 12<sup>th</sup>, 2001, by any State, Country or Territory referred to in Article IV of the Convention Establishing the Association of Caribbean States, that has ratified or adhered to said Convention.

## **Article 7**

### **Ratification**

This Convention shall be subject to ratification by the signatory States, Countries and Territories mentioned in Article IV of the Convention Establishing the Association of Caribbean States, in accordance with their respective constitutional procedures.

## **Article 8**

### **Accession**

After the deposit of the fifteenth instrument of ratification, this Convention shall remain open to accession by any of the States, Countries and Territories referred to in Article IV of the Convention Establishing the Association of Caribbean States.

## **Article 9**

### **Entry into force**

This Convention shall enter into force on the thirtieth day counted from the date on which the fifteenth instrument of ratification is deposited.

For any State, Country and Territory acceding to the Convention after the fifteenth instrument of ratification has been deposited, the Convention shall enter into force for said State, Country and Territory, from the thirtieth day counted from the date on which the respective instrument has been deposited.

## **Article 10**

### **Duration and Denunciation**

This Convention shall have indefinite duration. Any Party may withdraw from it at any time. Withdrawal shall be effective one year after the date on which the Depositary receives the formal notification of denunciation. Denunciation shall not nullify the commitments made by the denouncing party by virtue of this Convention during the period preceding the withdrawal. The Convention shall continue to be in force for the other Parties.

## **Article 11**

### **Depositary**

The original instrument of this Agreement, whose texts in Spanish, French and English are identical and equally authentic, shall be deposited with the Republic of Colombia in its capacity as Depositary of the Convention Establishing the Association of Caribbean States.

Colombia shall transmit certified copies of the texts to each Member State and Associate Member of the ACS and shall notify them of signatures, deposits of instruments of ratification or accession, reservations and denunciations.

## **Article 12**

### **Amendments**

Amendments to this Convention may be made by consensus at the Meeting of Heads of State and/or Government or by the Meeting of the Ministerial Council of the Association. Such amendments shall enter into force thirty days after ratification by two-thirds of the Signatories to this Convention.

## **Article 13**

### **Interpretation and Dispute Settlement**

The Contracting Parties shall peacefully resolve any question or dispute relating to the interpretation or application of this Convention.

When any question or dispute cannot be settled by the Parties, they shall be resolved by the Ministerial Council. The Convention Establishing the ACS shall always take precedence over this Convention.

## **Article 14**

### **Reservations**

Any State, Country and Territory may make reservations to this Convention at the moment of its signature, ratification or accession; provided that the reservation pertains to one or more specific provisions or particular elements and are compatible with the aim and objective of this Convention. Reservations shall be made to the Depositary, who shall report on said reservations to the other Parties.

Done in Margarita Island, Bolivarian Republic of Venezuela. this 12<sup>th</sup> day of December, 2001.

In witness whereof, the duly authorized representatives have signed this Convention.

## **Rules Governing the Identification, Approval and Categorisation of Destinations that Constitute the STZC**

### **Introduction**

Today, tourism is influenced by a series of external instruments created within its field to govern the changing environmental, social, cultural and economic environment. In light of this, the ACS is proposing, within the regulatory framework of the Sustainable Tourism Zone of the Caribbean, that it's own models be established in support of sustainability.

At the 2<sup>nd</sup> Summit of Heads of State and/or Government held in Santo Domingo, the Dominican Republic in April 1999, the Foreign Ministers of ACS Member States and Associate Members signed the Memorandum of Understanding, which defined the principles, strategies and actions to be undertaken toward the Establishment of the Sustainable Tourism Zone of the Caribbean. These actions were outlined in the Immediate Plan of Action, which should be applied by National Tourism Authorities.

Similarly, the Foreign Ministers instructed the Special Committee on Tourism to work toward drafting a legally binding instrument to replace the Memorandum of Understanding, in addition to a document that would include the minimum criteria and values for shaping the Sustainable Tourism Zone.

In seeking to fulfill this mandate, the Special Committee on Tourism formed two working groups, one comprising Legal Experts to prepare the Legal Instrument, and another made up of Experts on Sustainability Indicators to define the criteria and values to be considered.

It is important to clarify that there is a difference between the general goals and objectives outlined in the 12 strategies provided in Article 3, paragraph B of the Convention Establishing the Sustainable Tourism Zone of the Caribbean. These aims are to be achieved through the individual or combined efforts of the ACS Member States and Associate Members and the Secretariat, with respect to the goals and objectives in order to achieve sustainability of the Tourism Destinations, which are expressed in Indicators that must be satisfied by these destinations.

As provided in Article 5, paragraph B of the Convention Establishing the Sustainable Tourism Zone of the Caribbean, the regulatory instrument for the identification, approval and categorisation of the destinations which constitute the Sustainable Tourism Zone of the Caribbean is presented below.

**Objectives:**

- To contribute to the achievement of sustainability in the tourist destinations identified by ACS Member States and Associate Members, through categorization<sup>9</sup>, which would include indicators that define the various stages of development. These would also serve as instructive and motivational mechanisms for attaining this objective.
- To determine Tourism Indicators which would bring about changes leading to the attainment of Sustainability in this field, as a means of generating awareness on the rational use of tourist resources in ACS Member States and Associate Members in the social, cultural, environmental and economic spheres.

**Considerations:**

- There are differences between the conditions existing in the different ACS Members and Associate Members. Given these differences, it is necessary to devise a set of specific indicators that would harmonize the criteria for the sustainable categorization of the destinations.
- There are economic, cultural, social and environmental elements that impact on the tourism sector and should be taken into consideration.

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<sup>9</sup> Categorization must include the identification of Sustainability Indicators and their evaluation criteria.

- There are local and regional institutions which have and apply systems of measurement, which can assist in the categorization of destinations. It would be useful and desirable to benefit from their experiences.

### **Basic Principles governing indicators**

Develop a system that is not only simple and practical, but that can also be applied and executed in ACS countries and destinations.

Measure the level of Tourism Sustainability in the Destinations of ACS Member States and Associate Members, by using environmental, social, cultural and economic instruments or models.

Create a system capable of shifting from simple to complex, as the case may be, that would be developed slowly and gradually, in the most homogenous manner possible among all countries of the region.

Create a minimum set of indicators that are comprehensive, representative, comparable among destinations and preferably quantitative.

### **Procedure to be followed to categorize and incorporate destinations into the Sustainable Tourism Zone of the Caribbean :**

- 1 Requests by ACS Member States and Associate Members for the inclusion of destinations shall be submitted to the Special Committee on Sustainable Tourism. ACS Member States and Associate Members shall provide the necessary information, based on the scheme of values of tourism sustainability indicators, in order to consider the incorporation of the destination into the Sustainable Tourism Zone of the Caribbean and its corresponding categorization.
- 2 The information required by the Special Committee on Sustainable Tourism, must be duly endorsed by the relevant tourism and environmental authorities in the respective country, in accordance with the provisions of Article 3, paragraph F of the Convention Establishing the Sustainable Tourism Zone of the Caribbean.

- 3 The Special Committee on Sustainable Tourism shall examine and evaluate the proposal submitted, and if the requirements have been fulfilled, shall recommend its approval by the Ministerial Council, so that the destination can be integrated and categorized within the Sustainable Tourism Zone of the Caribbean.
- 4 In the event that any inconsistencies are identified in the information contained in a proposal, to the Special Committee on Sustainable Tourism shall recommend that the ACS Member State or Associate Member make the necessary corrections, so that the analysis and evaluation process can commence once again.
- 5 The Secretariat of the Association of Caribbean States shall integrate into the zone destinations approved by the Ministerial Council and shall undertake to disseminate information on the zone and to promote these destinations.

**Panel of Experts:**

The Special Committee on Sustainable Tourism will be assisted by a panel of experts comprising highly qualified specialists attached to institutions and organizations from ACS Member States and Associate Members to which the destination in question does not belong. The Special Committee on Sustainable Tourism shall establish a verification mechanism for the indicators.

The functions of the Panel of Experts shall be as follows:

- a) To verify that indicators have been satisfied, and consequently, recommend the inclusion or exclusion of a destination at a specified degree of sustainability.
- b) To specify the measurement parameters for indicators, which they shall submit to the Special Committee on Sustainable Tourism for approval.
- c) To define a standardized methodology for the gathering of information in order to measure the indicators.

## **How to categorize destinations:**

In order to categorize tourist destinations, a constant development process subject to periodic evaluations must be followed, in accordance with the provisions of Article 4, paragraph A of the Convention Establishing the Sustainable Tourism Zone of the Caribbean. This would allow the proposed destinations to be placed in the following categories:

- **Committed Tourist Destination**

A destination striving toward or committed to achieving tourism sustainability. The destination performs a confidential assessment of the indicators and aims to meet the minimum tourism sustainability values within a period not exceeding five years.

- **Tourist Destination with a Minimum Degree of Sustainability**

The destination has met the minimum values of tourism sustainability indicators.

- **Tourist Destination with an Intermediate Degree of Sustainability**

The destination has met the intermediate values of tourism sustainability indicators.

- **Tourist Destination with a Superior Degree of Sustainability**

The destination has met the maximum values of tourism sustainability indicators.

This regulatory document will be amended by the Special Committee on Sustainable Tourism whenever deemed necessary, as tourism develops in the Sustainable Tourism Zone of the Caribbean.



## TOURISM SUSTAINABILITY INDICATORS FOR THE ACS

<i>Indicator</i>	<i>Measure</i>	<i>Environmental</i>	<i>Social</i>	<i>Cultural</i>	<i>Economic</i>
Security	Number of crimes reported by tourists in the destination / Total number of tourists per year.		■		
Identity and Culture	Assessment performed by the competent authority on the degree of participation, high, average or low, in cultural expressions within the tourist destination (gastronomy, design and adaptation, shows, entertainment, handicraft, among others)		■	■	
Child Prostitution	1) State activities to eradicate and combat child prostitution in tourist destinations. 2) Number of child prostitution cases detected/tourists				
Employment in Tourism	1) Number of national employees/Total number of employees (%). 2) Number of local employees/Total number of employees (%).		■		■
Quality of bodies of water (marine-land)	Colonies of coliforms/100 ml. Presence of heavy metals, pH (Acidity) and Turbidity <sup>2</sup>	■			
Quality of potable water	Nitrates 10 mg/l Phosphates 0.1 mg/l Sulfates 250 mg/l Chloride 200 mg/l Potassium 12 mg/l Pesticides 0.1 mg/l Faecal coliforms 0 colonies/100 ml <sup>3</sup>	■	■		

- 2 The Quantities and Units of Measurement are based on international standards  
Source: Sustainable Tourism Standards and Indicators, Caribbean Tourism Organization, November 2000.
- 3 The Quantities and Units of Measurement are based on international standards  
Source: Sustainable Tourism Standards and Indicators, Caribbean Tourism Organization, November 2000.

<i>Indicator</i>	<i>Measure</i>	<i>Environmental</i>	<i>Social</i>	<i>Cultural</i>	<i>Economic</i>
Energy consumption index	kWh/tourist/day kWh/m <sup>2</sup> /year, according to type and/or category of the tourist establishment	■			■
Water consumption index	m <sup>3</sup> /tourist/day according to type and/or category of the tourist establishment	■			■
Environmental management and use	Number of tourist enterprises authorized to responsibly utilize and manage the environment/Total number of tourist enterprises	■			
Environmental Management	Number of tourist enterprises equipped with programmes to monitor the environment/total number of enterprises	■			
Efficiency of the solid waste management system	Number of tourist establishments equipped with efficient classification systems/Total number of tourist establishments.	■			
Efficiency of the waste water management system	Number of tourist establishments connected to efficient treatment systems/Total tourist establishments.	■			
Tourist Satisfaction	Number of satisfied tourists/Total number of tourists				■
National and Local Product Consumption Index	Annual value of national goods consumed by the tourism sector/Total consumption by the sector.  Annual value of local goods consumed by the tourism sector/Total consumption by the sector.		■		■

#### **4. SPECIAL AND DIFFERENTIAL TREATMENT FOR SMALL ECONOMIES IN THE CONTEXT OF THE FREE TRADE AREA OF THE AMERICAS (FTAA)**

##### **I. Preamble**

The Presidents and Leaders of Government have recognized that the process of establishing the FTAA is a complex task, especially in light of the differences that exist in terms of size and development of the economies of the hemisphere.

It has also been acknowledged that participation from small economies is imperative for the success of the FTAA. A hemispheric economic space cannot exist without participation from small economies. Heads of State and Government, as well as Ministers responsible for trade negotiations have expressed the urgent need to ensure effective participation from small economies, for their own benefit and also for the success of the entire process. During the 6<sup>th</sup> Ministerial Meeting convened in Buenos Aires, Argentina, the Ministers indicated the following:

We reaffirm our commitment embodied in previous Ministerial Declarations to take into account, in designing the FTAA, the differences in the levels of development and size of the economies in our Hemisphere to create opportunities for the full participation of the SMALLER economies and to increase their level of development. We recognise the broad differences in the levels of development and size of the economies in our Hemisphere and will remain cognizant of these differences in our negotiations so as to ensure that they receive the treatment they require to ensure the full participation of all members in the construction and benefits of the FTAA.

In addition, the Trade Negotiations Committee was instructed to formulate by November 1, 2001, with support from the Consultation

Group on Small Economies and the Tripartite Committee, guidelines or directives on ways of applying the treatment of the differences in the levels of development and size of economies.

Special and differential treatment is a principle that has been incorporated into the framework of the World Trade Organization (WTO). WTO provisions on this issue constitute the basis for the establishment of the same provisions within the FTAA. The FTAA will be a more profound agreement with greater coverage. Consequently, special and differential treatment in the FTAA may extend what is included in the WTO, in coverage, range and character.

This document focuses on special and differential treatment that responds to differences brought about by the size of economies.

Defining those countries that may be considered as small economies is a decision of a political nature. Nevertheless, we understand that all CARICOM and Central American countries, in addition to several South American countries may be considered as small economies. The key question therefore is to determine the treatment that will be given to these small economies.

## **II. Principles of special and differential treatment for small economies**

Special and differential treatment can in no case be less than that contemplated in WTO rules.

These measures must be flexibly implemented in such a manner that countries can determine the rhythm and nature of the adjustment process in different topics and sectors.

The determination of special and differential treatment must be considered in each negotiating group.

For certain subjects, it could be necessary for differential treatment to be granted by productive sectors based on a case-by-case analysis.

Once differential treatment is defined, its duration will be determined, depending on the analysis done in each case.

In some negotiating groups, many categories of countries might be needed for applying special and differential treatment. These categories would be unique for all subjects.

The FTAA needs to have a Hemispheric Cooperation Plan. Sources of cooperation must therefore be identified, and there must be support from the Tripartite Committee.

Special and differential treatment must promote, among other things, the enhancement of competitiveness.

Special and differential treatment must be specific and enforceable and go beyond "best endeavours" measures.

### **III. Type of Measures**

The following list of measures is not exhaustive but one which is open to further additions:

1. Provisions aimed at increasing trade opportunities (access to technology, information networks, etc.).
2. Flexibility in the application of norms.
3. Lower levels of requirements in certain disciplines.
4. Longer implementation periods.
5. Exceptions to commitments in certain areas.
6. Enabling small economies to use dispute settlement access mechanisms.
7. Technical assistance and training before and during negotiations, and also during the implementation stage.

8. Mechanisms for dealing with balance of payments problems.
9. Special safeguards which address the peculiar needs of small economies.

#### **IV. Adjustment mechanism**

To explore the establishment of a financing fund to facilitate de adjustment of small economies.

#### **V. Defining small economies**

The Meeting agreed that there is a need to continue working on the definition of small economies, using as a reference quantitative and qualitative criteria.

#### **Selected Paragraphs on Special and Differential Treatment for Small Economies in the Context of the Free Trade Area of the Americas (FTAA)**

Sixth Meeting of Ministers of Trade of the Hemisphere Ministerial Declaration  
Buenos Aires, Argentina. April 7, 2001

6. We reiterate the importance of cooperation to enable the strengthening of the productive capacity and competitiveness of these economies. Similarly, in the light of general principles which we approved in the San Jose Ministerial Declaration, we reaffirm the need for technical assistance as well as specific provisions to meet the needs of those countries with different levels of development and size of economies, including the special needs of the SMALLER economies, to enhance their capacity to derive maximum benefits from their participation in the FTAA.
13. We also instruct the Trade Negotiations Committee to continue its consideration of the treatment of the differences in the levels of development and size of the economies in the Hemisphere,

including the SMALLER economies, and to provide, in this respect, ongoing guidance to the Negotiating Groups in their consideration of specific proposals submitted by the countries and groups of countries on each one of the substantive negotiating areas.

14. With the support of the Consultative Group on SMALLER economies and the Tripartite Committee, the Trade Negotiations Committee should formulate, no later than 1 November 2001, guidelines or directives on ways of applying the treatment of the differences in the levels of development and size of economies.
  
20. In this regard, we welcome the approval of the Multilateral Investment Fund (MIF) Technical Cooperation Project - which comes under the authority of the Inter-American development Bank – which will contribute towards facilitating the implementation of customs measures, taking into account the differences in the levels of development and the size of the economies, including the SMALLER economies.
  
26. In this connection, we instruct the Committee of Government Representatives on the Participation of Civil Society, to foster a process of increasing and sustained communication with civil society, to ensure that civil society has a clear perception of the development of the FTAA negotiating process. To this end, we instruct the Committee to establish a list of options for the consideration and decision of the Trade Negotiations Committee at its next meeting, which could include dissemination programmes in SMALLER economies, which could be funded by the Tripartite Committee or other international sources of funding.  
Consultative Group on SMALLER economies
  
32. We have received the report of the Consultative Group on SMALLER economies and are grateful for its recommendations on activities and work to be completed in the future work of the Group with the aim of successfully treating the differences in the level of development and size of the economies of the Hemisphere. We recall that considerations related to differences in the levels of development and size of the economies of the Hemisphere must be taken into account within the context of each Negotiating Group. We instruct the TNC to consider ways to improve the flow of

information between the Negotiating Groups and the CGSE on issues arising relevant to the interests and concerns of SMALLER economies so that the CGSE can adequately fulfil its mandate. We appreciate the considerable progress made in developing a database containing the technical assistance needs and sources of technical assistance for SMALLER economies, and are grateful for the further efforts made to enhance the system.

Instructions to the Negotiating Groups  
General Instructions

4. We reiterate to the Negotiating Groups the obligation to consider proposals, which ensure the treatment of the differences in the levels of development and size of the economies in the Hemisphere, in particular, the situation of the SMALLER economies, through consideration of the proposals submitted by the countries or groups of countries.

Third Summit of the Americas. Quebec City Declaration.  
April 20-22, 2001

We instruct our Ministers to ensure that the negotiations of the FTAA Agreement are concluded no later than January 2005, to ensure its entry into force as soon as possible, and no later than December 2005. \* This will be a key element for generating economic growth and prosperity in the Hemisphere, and will contribute to the achievement of the wider objectives of the Summit. The Agreement should be balanced, comprehensive, and in keeping with the rules and disciplines of the World Trade Organisation (WTO), and must constitute a single undertaking. We consider it of tremendous importance that in its design, the Agreement should take due consideration of the differences in size and the levels of development of the economies of the participating countries.



## **5. AIR TRANSPORT AGREEMENT AMONG THE MEMBER STATES AND ASSOCIATE MEMBERS OF THE ASSOCIATION OF CARIBBEAN STATES**

### **Preamble**

The States, Countries and Territories referred to in Article IV of the Convention Establishing the Association of Caribbean States (ACS), done at Cartagena de Indias, Republic of Colombia on July 24, 1994, considering the Plans of Action adopted by the Heads of State and/or Government of the States, Countries and Territories of the Association of Caribbean States at the 2<sup>nd</sup> Summit in Santo Domingo, Dominican Republic;

Bearing in mind the decision to promote the Programme adopted by the ACS and entitled "Uniting the Caribbean by Air and Sea";

Expressing the willingness to create the legal framework necessary for the establishment of the Sustainable Tourism Zone in the Caribbean region;

Conscious of the need for airlines of the Member States and Associate Members to offer the traveling and shipping public a variety of air service options;

Determined to ensure the highest degree of operational safety and security in international civil aviation;

Recognizing the need for a general aviation policy for the Association of Caribbean States by which Member States and Associate Member States may be guided in their aviation arrangements;

Recognizing the importance of the Convention on International Civil Aviation opened for signature in Chicago on December 7, 1944, as the principal regulatory instrument for the conduct of international civil aviation;

Have agreed as follows:

### **Article 1: Definitions**

A. For the purposes of this Agreement, unless otherwise stated, the term:

1. "Parties" means the Member States and Associate Members of the Association of Caribbean States or States that may conclude treaties on behalf of the Associate Members, which have signed and have deposited their instruments of ratification or accession with the Depository in accordance with Article 24 of this Agreement;
2. "Agreement" means this Agreement, its annexes, and any amendments thereto which have entered into force for the Parties, in accordance of the relevant provisions with this Agreement;
3. "Convention" means Convention on the International Civil Aviation, opened for signature in Chicago on December 7, 1944, and includes:
  - a. Any amendment that has entered into force under Article 94(a) of the Convention, which is in force among the Parties;
  - b. Any annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such annex or amendment is at any given time effective for the Parties;
4. "Territory" means the land areas, archipelagic waters and adjacent territorial waters under the sovereignty and jurisdiction of a Party in the ACS Region, according to the International Laws;
5. "Aeronautical Authorities" means the Civil Aviation Authorities of the Parties, or any other person or entity authorized to perform the functions of these Authorities;
6. "Designated airline(s)" means an airline authorized by the Aeronautical Authorities of one of the Parties, in accordance with Article 3 of this Agreement;

7. "International air transport" means air transport which passes through the airspace over the territory of more than one State;
  8. "Air transport" means the public carriage by aircraft of passengers, baggage, cargo, and mail, separately or in combination, for remuneration or hire;
  9. "Tariff" means any price charged for the carriage of passengers and their baggage and/or cargo excluding mail in air transport by airlines, including their agents, and the conditions governing the availability of such price;
  10. "Full cost" means the cost of providing service and may include a reasonable return on assets after depreciation;
  11. "Stop over" means a predetermined interruption in a journey, which is continued with the same airline and document;
  12. "Stop for non-traffic purposes" means a landing for any purpose other than taking on or disembarking of passengers, cargo or mail;
  13. "User fees" means any rate, tariff or tax charged for the use of airport, air navigation or security facilities or services including related services and installations.
- B. Other terms should have the meaning assigned to them by the Convention.

## **Article 2: Granting of Rights**

1. Each Party grants to the other Parties the following rights for the conduct of international air transport by the designated airlines of the other Parties:
  - a. The right to fly across its territory without landing;
  - b. The right to make stops for non-traffic purposes in its territory;
  - b. The right to operate third and fourth freedom traffic rights separately or in combination, on regular flights of passengers, cargo and mail;
  - d. In respect of the exercise of fifth freedom traffic rights on

scheduled flights for passengers, cargo and mail, separately or in combination, within the ACS region, each Party shall select one of the following options:

- i. The exercise of such rights among the Parties concerned;
  - ii. The exercise of such rights on the reciprocal and liberal exchange of rights among the Parties concerned.
2. Following consultations in accordance with Article 15, a Party shall have the right to temporarily suspend fifth freedom operations when considered detrimental to its national interest. Such suspension shall come into effect ninety (90) days after the other Party has been notified in writing.
3. At the time of signing, ratification or accession to the Agreement a Party shall indicate whether it elects to be bound by sub-paragraph 1.d.i or sub-paragraph 1.d.ii of this Article. This election is without prejudice to a Party that elects to be bound by sub-paragraph 1.d.ii subsequently indicating to the depositary its wish to be bound by sub-paragraph 1.d.i of this Article.
4. The Parties shall favourably consider requests by designated airlines to operate non-scheduled passenger and/or cargo flights whenever these do not affect nor constitute unfair competition for scheduled flights.
5. For the purpose of promoting multi destination tourism the Parties grant stop over rights and direct transit traffic between their territories to the designated airlines.  
Nothing in this Article shall be understood to mean that a Party grants to an airline of another Party the right of cabotage.

### **Article 3:**

#### **A. Designation and Authorization**

1. Each Party shall have the right to designate up to two airlines to conduct the services agreed to in this Agreement and to withdraw or alter such designation. The designation shall be transmitted to the other Party in writing indicating whether the airline is authorized to conduct scheduled or non-scheduled air transport services, or both.

2. Upon receipt of such designation and application from the designated airline, in the form and manner prescribed for operating authorizations, the Aeronautical Authorities of the other Party shall grant appropriate authorization with minimum procedural delay, provided that:
  - a. Substantial ownership and effective control of that airline are vested in one or more Parties, its or their nationals or both; and
  - b. The headquarters of the designated airline are located in the territory of the Party designating the airline; and
  - c. The designated airline is qualified to meet the conditions prescribed under the laws and regulations normally applied to the operation of international air transport by the Party considering the application or applications; and
  - d. The Party that designates the airline is maintaining and administering the standards set forth in Article 6 and Article 7 of the Agreement.

## **B. Community of Interest**

The right of each Party to designate an airline or airlines shall include designation in accordance with the Principle of Community of Interest as established by the International Civil Aviation Organization (ICAO). On receipt of such designation and application from the designated airline in the form and manner prescribed for operating authorization the Aeronautical Authorities shall, without undue delay, grant the appropriate authorization provided the designated airline complies with the provisions of paragraph 2 c of the present Article. -. Once the designation is received, the responsibility for compliance with Articles 6 and 7 of the Agreement remains with the Party issuing the air operator's certificate to the designated airline.

**Article 4:  
Revocation, Suspension and Limitation of Authorization**

1. A Party may revoke, suspend or limit the operating authorizations or technical permits of a designated airline where:
  - a. The airline no longer complies with the requirements set forth in Article 3 Paragraph 2. a, b and c;
  - b. The airline has failed to comply with the laws and regulations referred to in Article 5 of the Agreement;
  - c. The other Party is not maintaining and administering the standards as set forth in Article 6 of the Agreement.
2. Unless immediate action, is essential to prevent further non-compliance with paragraph 1 b or c of this Article, the rights established by this Article shall be exercised only after consultation with the Party concerned.
3. This Article does not limit the rights of a Party to withhold, revoke, limit or impose conditions for the operating authorizations of an airline or airlines of another Party in accordance with the provisions of Article 7 of the Agreement.

**Article 5: Enforcement of Laws**

1. While entering, remaining in or leaving the territory of a Party, its laws and regulations relating to the operation and navigation of aircraft shall be complied with by the designated airlines.
2. While entering, remaining in or leaving the territory of a Party, its laws and regulations relating to the admission to or departure from its territory of passengers, crew or cargo on aircraft (including regulations relating to entry, clearance, aviation security, immigration, passports, customs and quarantine or, in the case of mail, postal regulations) shall be complied with by, or on behalf of such passengers, crew or cargo of the designated airlines, or their representatives.

## **Article 6: Safety**

1. The Parties shall adhere to the ICAO universal operational safety oversight programme, and will therefore promote reciprocal cooperation and assistance among Member States and Associate Members, particularly with regard to developing the plan of action adopted in each case after periodic evaluation carried out by ICAO.
2. If, upon publication of the ICAO report on the safety standards of any Party, that Party does not, (within a reasonable time frame, agreed upon between the Party and ICAO), apply corrective measures to guarantee that safety standards are met, (and the deadlines provided for in the plan of action expires), any Party can request consultation to urge that Party to observe the respective standards.

If after consultation no corrective measures are taken (and there has been at least one month's prior notice in writing), either Party can suspend, revoke or limit authorization granted to an airline or airlines designated by the Party which has not taken appropriate corrective measures within a reasonable period of time agreed upon by the Parties.

3. A Party which for economic or technical reasons, finds difficulty in complying with the provisions of paragraph 1 and 2, may request assistance from any other Party, in meeting its safety obligations under this Article.

## **Article 7: Security**

1. In accordance with their rights and obligations under international law, the Parties reaffirm their obligation to each other to protect the security of civil aviation against acts of unlawful interference. Without prejudice to their rights and obligations under international law, the Parties shall act particularly in accordance with the terms of the Convention on Offences and Certain Other Acts Committed on Board Aircraft signed in Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of

Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation signed at Montreal on 24 February 1988, supplementary to the Montreal Convention of 1971.

2. The Parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, of their passengers and crew, and of airports and air navigation facilities, and to address any other threat to aviation security.
3. The Parties shall, in their mutual relations, act in conformity with the aviation security provisions established by the International Civil Aviation Organization and designated as Annexes to the Convention provided these security provisions are applicable to the Parties; they shall require that operators of aircraft of their registry, operators of aircraft who have their principal place of business or permanent residence in their territory, and the operators of airports in their territory act in conformity with such aviation security provisions.
4. Each Party agrees that these operators of aircraft can be requested by the other Party to observe the security provisions mentioned in paragraph 3 of this Article for entry into, for departure from, and while within the territory of the other Party and to take adequate measures to protect aircraft and to inspect passengers, crew, and their baggage and carry-on items, as well as cargo and aircraft stores, prior to and during boarding or loading. A Party shall also give positive consideration to any request from another Party for special security measures to meet a particular security threat.
5. When an incident or threat of an incident of unlawful seizure of aircraft or other unlawful acts against the security of passengers, crew, aircraft, airports or air navigation facilities occurs, the Parties shall assist each other by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat.



6. When a Party has reasonable grounds to believe that another Party has departed from the civil aviation security provisions of this Article, the Aeronautical Authorities of that Party may request immediate actions by the Aeronautical Authorities of the other Party. Failure to reach a satisfactory agreement within 14 days from the date of such request and if required by an emergency a Party may withhold, revoke, limit or impose conditions on the operating authorization and technical permits of an airline or airlines of that Party. The specific security concerns shall be subsequently subjected to the procedures of Article 15 of the Agreement.

### **Article 8: Commercial Opportunities**

1. The designated airlines of a Party shall have the right to establish offices in the territory of another Party for the promotion and sale of air transport.
2. The designated airlines of a Party shall be entitled, in accordance with the laws and regulations of other Parties relating to entry, residence, and employment, to maintain in the territory of the other Parties managerial, sales, technical, operational, and other specialist staff required for the provision of air transport.
3. Air carriers can choose freely from among the different ground handling services available, and any charge must be reasonable, based on costs and on fair, uniform and non-discriminatory treatment.
4. A designated airline shall have the right to convert and transfer on demand net revenues obtained from the sale of the air transport services. Conversion and transference shall be permitted promptly without restrictions or taxation in respect thereof at the rate of exchange applicable to current transactions on the date the carrier makes the initial application for remittance, according to the legislation in force in each country.

### **Article 9: Code Sharing**

In operating international air services authorized under this Agreement,

any designated airline of a Party may, with prior approval by the Aeronautical Authorities concerned, enter into cooperative marketing arrangements such as blocked-space, code-sharing or leasing agreements, with an airline of another Party.

### **Article 10: Computerized Reservation Systems**

1. The Parties agree that:
  - a. The interests of the users of the air transport services will be protected from any misuse of information;
  - b. A designated airline and its agents will have unrestricted and non-discriminatory access to and use of Computer Reservation Systems (CRS) in the territory of the Parties.
2. The regulations and operation of CRS shall be governed by the Code of Conduct established by ICAO.

### **Article 11: Customs Duties and Charges**

1. Aircraft on a flight to, from, or across the territory of a Party shall be admitted temporarily free of duty, subject to the customs regulations of that Party. Fuel, lubricating oils, spare parts, standard equipment and aircraft stores on board such aircraft, on arrival in the territory of another Party and retained on board on departure shall be exempted from customs duty, inspection fees or similar national or local duties and charges. This exemption will not be applicable to quantities of items unloaded, except where the contrary is provided for in accordance with the customs regulations of the relevant Party which can demand that said quantities of items remain under customs supervision.
2. Spare parts and equipment imported into the territory of a Party for incorporation in or use on an aircraft of another Party engaged in international air navigation shall be admitted free of customs duty, subject to compliance with the regulations of the Party concerned, which may provide that the articles shall be kept under customs supervision and control.

## **Article 12: User Fees**

1. User fees shall be fair, reasonable, non-discriminatory and equitably distributed among the categories of users.
2. User fees must reflect the full cost of providing and administrating services, installations and facilities at airports, air navigation services and security. Installations and services provided must be efficiently and economically operated.
3. Each Party shall promote the exchange of information necessary for a reasonable revision of the fees, in accordance with paragraphs 1 and 2 of this Article. Each Party shall urge the competent authorities to inform users of any proposed change in fees, so as to allow them to express their views before such fees become effective.

## **Article 13: Fair Competition**

1. Each Party shall allow a fair and equal opportunity to the designated airlines of all Parties to compete in providing the international air transport governed by this Agreement.
2. Each Party shall take all appropriate actions within their respective jurisdictions to avoid and eliminate all forms of unfair competitive practices.
3. Each Party shall allow a designated airline to determine the frequency and capacity of the international air transport it offers based upon commercial considerations in the marketplace. Consistent with this right, no Party shall unilaterally limit the volume of traffic, frequency or regularity of service, or the aircraft type or types operated by the designated airlines of another Party, except for reasons of airport constraints, safety or security.
4. The airlines shall submit their flight-schedules they consider convenient according to the needs of the market, to the respective Aeronautical Authorities for approval.

## **Article 14: Tariffs**

1. The tariffs applicable by the designated airlines of each of the Parties shall be established at reasonable levels, taking into account all relevant factors including the cost of providing service, a reasonable profit and the technical and economic characteristics of the different routes.
2. Without prejudice to the provisions of national legislation, the tariffs to be applied by the designated airline or airlines of any Party for services covered by this Agreement shall be subject to the principle of Country of Origin tariff approval.

## **Article 15: Consultations**

A Party may, at any time, request consultations relating to this Agreement with one or more Parties concerned. Such consultations shall begin at the earliest possible date, but within 45 days from the date the other Party (or Parties) concerned receives the request, unless otherwise agreed.

## **Article 16: Disputes Settlement**

Any dispute between the Parties concerning the interpretation and/or application of this Agreement shall be referred to an arbitral tribunal for consideration and decision where it has not been resolved by other dispute resolution mechanism, among others negotiation, consultation or mediation. The process of dispute settlement shall take account of the relevant ICAO policy guidance. The arbitral tribunal shall be governed by the procedure provided in Article 85 of the Convention and the decisions of the arbitral tribunal shall be binding upon the Parties.

## **Article 17: Existing Agreements**

Bearing in mind the provisions in Article 2, this Agreement shall not affect any memorandum of understanding, bilateral or multilateral agreement showing similar authorizations that are already in force among the Parties or among the Parties and a non- Party nor the renewal thereof.

### **Article 18: Duration and Withdrawal**

This Agreement shall have an indefinite duration. Any Party may at any time denounce this Agreement. The consequent withdrawal shall take effect one year after the date of the receipt by the Depositary of the formal notification of denunciation. The denunciation shall be without prejudice to any obligation incurred by the denouncing Party under this Agreement prior to such denunciation. This Agreement shall continue to be in force thereafter with respect to the other Parties.

### **Article 19: Signature**

This Agreement shall be open for signature by any State, Country and Territory referred to in Article IV of the Convention Establishing the Association of the Caribbean States that has ratified or adhered to said Convention.

### **Article 20: Ratification**

This Agreement shall be subject to ratification, acceptance or approval by the States, Countries and Territories mentioned in Article IV of the Convention Establishing the Association of Caribbean States, in accordance with the respective Constitutional procedures.

### **Article 21: Accession**

After its entry into force, this Agreement shall remain open to accession by the States, Countries and Territories mentioned in Article IV of the Convention Establishing the Association of Caribbean States, in accordance with the respective constitutional procedures.

### **Article 22: Amendments**

This Agreement may be amended by consensus among the Parties. Amendments shall enter into force when one third of the Parties have deposited their instruments of ratification, acceptance or approval and shall have effect only as among Parties which have ratified, accepted or approved such amendments.

### **Article 23: Reservations**

A Party may enter reservations at the time of signing, ratifying, accepting, approving or acceding to this Agreement, which will be notified to the Depository, in accordance with the legislation of each Party.

Such reservations shall not modify the provisions of the Agreement with respect to the other Parties.

### **Article 24: Depository**

Instruments of Ratification, acceptance or approval or accession shall be deposited with the Government of the Republic of Colombia in its capacity as the Depository, which shall transmit certified copies to the Member States and Associate Members.

### **Article 25: Registration with ICAO**

The Government of the Republic of Colombia shall register this Agreement and all amendments thereto with the International Civil Aviation Organization.

### **Article 26: Entry into Force**

This Agreement shall enter into force on the 60<sup>th</sup> day after the deposit of the instrument of ratification, acceptance, approval or accession, when one third (nine) of the States, Countries and Territories mentioned in Article IV of the Convention Establishing the Association of Caribbean States have deposited their instruments of ratification, acceptance, approval or accession.

Done in Panama City, Panama on the 12<sup>th</sup> day of the month of February 2004, in a single copy in the English, French and Spanish languages, each text being equally authentic. The original text and any amendments shall be deposited with the Government of the Republic of Colombia in its capacity as the Depository.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed this Agreement.

