# PROTOCOL CONCERNING CO-OPERATION IN COMBATING OIL SPILLS IN THE WIDER CARIBBEAN REGION

Cartagena de Indias, 24 March 1983

The Contracting Parties to this Protocol,

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

Conscious that oil exploration, production and refining activities, as well as related marine transport, pose a threat of significant oil spills in the wider Caribbean region,

Aware that the islands of the region are particularly vulnerable, owing to the fragility of their ecosystems and the economic reliance of certain of them on the continuous utilization of their coastal areas, to damage resulting from significant oil pollution,

Recognizing that, in the event of an oil spill or the threat thereof, prompt and effective action should be taken initially at the national level, to organize and co-ordinate prevention, mitigation and clean-up activities,

Recognizing further the importance of sound preparation, co-operation and mutual assistance in responding effectively to oil spills or the threat thereof,

Determined to avert, through the adoption of measures to prevent and combat pollution resulting from oil spills, damage to the marine environment, including coastal areas, of the wider Caribbean region,

Have agreed as follows:

## Article 1
## DEFINITIONS

For the purposes of this Protocol:

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

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

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

(a) Maritime, coastal, port or estuarine activities;

(b) The historical and tourist appeal of the area in question, including water sports and recreation;

(c) The health of the coastal population; and

(d) Fishing activities and the conservation of natural resources.

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

5. "Organization" means the institution referred to in paragraph

2 of article 2 of the Convention.

6. "Regional Co-ordinating Unit" means the unit referred to in the Action Plan for the Caribbean Environment Programme.

Article 2
APPLICATION

This Protocol applies to oil spill incidents which have resulted in, or which pose a significant threat of, pollution to the marine and coastal environment of the wider Caribbean region or which adversely affect the related interests of one or more of the Contracting Parties.

Article 3
GENERAL PROVISIONS

1. The Contracting Parties shall, within their capabilities, co-operate in taking all necessary measures, both preventive and remedial, for the protection of the marine and coastal environment of the wider Caribbean region, particularly the coastal areas of the islands of the region, from oil spill incidents.

2. The Contracting Parties shall, within their capabilities, establish and maintain, or ensure the establishment and maintenance of, the means of responding to oil spill incidents and shall endeavour to reduce the risk thereof. Such means shall include the enactment, as necessary, of relevant legislation, the preparation of contingency plans, the identification and development of the capability to respond to an oil spill incident and the designation of an authority responsible for the implementation of this Protocol.

Article 4
EXCHANGE OF INFORMATION

Each Contracting Party shall periodically exchange with the other Contracting Parties up-to-date information relating to its implementation of this Protocol, including the identity of the authorities responsible for such implementation, and information on their laws, regulations, institutions and operational procedures relating to the prevention of oil spill incidents and to the means of reducing and combating the harmful effects of oil spills.

Article 5
COMMUNICATION OF INFORMATION CONCERNING, AND REPORTING OF, OIL SPILL INCIDENTS

1. Each Contracting Party shall establish appropriate procedures to ensure that information regarding oil spill incidents is reported as rapidly as possible, and shall, inter alia:

(a) Require its appropriate officials, masters of ships flying its flag and persons in charge of offshore facilities operating under its jurisdiction to report to it any oil spill incident involving their ships or facilities;

(b) Request masters of all ships and pilots of all aircraft operating in the vicinity of its coasts to report to it any oil spill incident of which they are aware.

2. In the event of receiving a report regarding an oil spill incident, a Contracting Party shall immediately notify all other

Contracting Parties whose interests are likely to be affected by such incident, as well as the flag State of any ship involved in it. The Contracting Party shall also inform the competent international organizations. Furthermore, as soon as feasible, it shall inform such Contracting Parties and competent international organizations of measures it has taken to minimize or reduce pollution or the threat thereof.

Article 6
MUTUAL ASSISTANCE

1. Each Contracting Party shall render assistance, within its capabilities, to other Contracting Parties which request assistance in responding to an oil spill incident within the framework of joint response action agreed between or among the requesting and assisting Contracting Parties.

2. Each Contracting Party shall, subject to its laws and regulations, facilitate the movement into, through and out of its territory of technical personnel, equipment and material necessary for responding to an oil spill incident.

Article 7
OPERATIONAL MEASURES

Each Contracting Party shall, within its capabilities, take steps including those outlined below in responding to an oil spill incident:

(a) Make a preliminary assessment of the incident, including the type and extent of existing or likely pollution effects;

(b) Promptly communicate information concerning the incident pursuant to article 5;

(c) Promptly determine its ability to take effective measures to respond to the incident and the assistance that might be required;

(d) Consult as appropriate with other Contracting Parties concerned in the process of determining the necessary response to the incident;

(e) Take the measures necessary to prevent, reduce or eliminate the effects of the incident, including monitoring of the situation.

Article 8
SUBREGIONAL ARRANGEMENTS

1. With a view to facilitating the implementation of the provisions of this Protocol, and in particular articles 6 and 7, the Contracting Parties should conclude appropriate bilateral or multilateral subregional arrangements.

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

Article 9
INSTITUTIONAL ARRANGEMENTS

The Contracting Parties designate the Organization to carry out, through the Regional Coordinating Unit when established and in

close cooperation with the International Maritime Organization, the following functions:

(a) Assisting Contracting Parties, upon request, in the following areas:

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

(b) Assisting Contracting Parties upon request, on a regional basis, in the following areas:

(i) The co-ordination of regional emergency response activities, and
(ii) The provision of a forum for discussion of such activities and related topics;

(c) Establishing and maintaining liaison with:

(i) Competent regional and international organizations, and
(ii) Appropriate private entities conducting activities in the wider Caribbean region, including major oil producers, refiners, oil spill clean-up contractors and co-operatives, and oil transporters;

(d) Maintaining a current inventory of emergency response equipment, materials and expertise available in the wider Caribbean region;

(e) Disseminating information on the prevention and combating of oil spills;

(f) Identifying or maintaining means for emergency response communications;

(g) Encouraging research by the Contracting Parties, competent international organizations and appropriate private entities on oil spill-related matters, including the environmental impacts of oil spills and of oil spill control materials and techniques;

(h) Assisting the Contracting Parties in the exchange of information pursuant to article 4; and

(i) Preparing reports and carrying out other duties assigned to it by the Contracting Parties.

Article 10
MEETINGS OF THE CONTRACTING PARTIES

1. Ordinary meetings of the Contracting Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 16 of the Convention. The Contracting Parties to this Protocol may also hold extraordinary meetings as provided for in article 16 of the Convention.

2. It shall be the function of the meetings of the Contracting Parties:

(a) To review the operation of this Protocol and to consider special technical arrangements and other measures to improve its effectiveness;

(b) To consider means whereby regional cooperation could be extended to incidents involving hazardous substances other than

oil; and

(c) To consider measures to improve co-operation under this Protocol including, in accordance with paragraph 2(d) of article 16 of the Convention, possible amendments to this Protocol.

Article 11
RELATIONSHIP BETWEEN THIS PROTOCOL AND THE CONVENTION

1. The provisions of the Convention relating to its protocols shall apply to this Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 20 of the Convention shall apply to this Protocol, unless the Contracting Parties to this Protocol agree otherwise.

In witness whereof the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

Done at Cartagena de Indias this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

Annex

On the basis of paragraph 2 (b) of Article 10 of this Protocol, the Contracting Parties at their first meeting are committed to preparing, through an annex, the changes necessary to extend this Protocol to regional co-operation to combat spills of hazardous substances other than oil. Pending the preparation and entry into force of such annex, the Protocol shall be provisionally applied upon its entry into force to hazardous substances other than oil.

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